

**MINUTES
BOARD OF DIRECTORS
FINGER LAKES REGIONAL
TELECOMMUNICATIONS DEVELOPMENT CORPORATION
JANUARY 26, 2007**

The meeting of the Finger Lakes Regional Telecommunications Development Corporation (TDC) was called to order by Geoffrey Astles at 10:30 a.m. in the 3rd floor Conference Room of the County Municipal Building.

In attendance were:

Members:

Geoffrey Astles, Ontario County Administrator
Edward Hemminger, Chief Information Officer, Ontario County
Wayne Houseman, Vice Chairman, Ontario County Board of Supervisors
Mike Manikowski, Ontario County Economic Developer
Jack McCabe, Associate Superintendent, BOCES
David Morrow, Consultant
Robert Seem, Acting Executive Director, Cornell Ag & Food Tech Park
David R. Smith, CEO, Infotonics

Guests:

Joe Starks, ECC Technologies
James Townsend, Esq., Remington, Gifford, Williams & Colicchio

Absent:

Mike Bell, Director of Tech Services, Canandaigua Brands
Doug Mossbrook, Eagle Mountain, Inc.

APPROVAL OF MINUTES –December 8, 2006

A motion was made to approve the minutes of the December 8, 2006 meeting by Wayne Houseman, seconded by David Morrow, and carried.

INSURANCE

Ed Hemminger spoke of the insurance proposal received from John Costello of First Niagara Risk Management, Inc., which totaled \$20,409. He advised that the insurance quote was based on the TDC being fully operational, and since it was not, and probably won't be until after August or September after the fiber is scheduled to be laid, he will ask for a requote on the Commercial General Liability policy. Both he and Mr. Astles felt the balance of the quote was fine, and the general liability should be phased in. Mr. Astles advised that since the Corporation will be accepting public money, it is necessary to ensure that the TDC has the level of insurance necessary to protect the County.

A motion was made by Jack McCabe for Ed Hemminger to prepare a resolution to purchase the Directors and Officers insurance as per the annual quote of \$4,200 and the Commercial Automobile Policy for \$298. The Commercial General Liability and the Umbrella policies would be phased in, with the total cost of all combined not to exceed the original estimate of \$20,409 annually. The motion was seconded by David Smith, and carried.

Geoff Astles and Ed Hemminger advised that as soon as the insurance is in place, the money reserved for the TDC by the County would be transferred, and payment, as previously approved, would be made to ECC Technologies and James Townsend after the bank account is established. Ed Hemminger advised that the Board authorized payments of \$143,750 to ECC Technologies, and \$12,305 to James Townsend for the 2006 year. Payment to James Townsend in January 2007 will amount to \$3,000, per Ed Hemminger.

Geoff Astles asked Ed Hemminger to prepare an overview of the results of final negotiations with the insurance company.

Jim Townsend advised that his firm would not charge for work on the agreement with the County, which was presented as a separate quote in the original proposal. There will be a charge for the 305 and 501C3 filings.

FIBER-RFP

Joe Starks presented the two proposals prepared by ECC Technologies, one for \$104,500, which included design work, and the other for \$14,000. He advised that the \$14,000 proposal was limited in scope and unit priced. The unit pricing model was favored by Mr. Starks for its flexibility since there would be many unknown factors, and designs could be created on an "as needed" basis.

In designing the project, Joe Starks said there were many factors to be considered, such as location, availability of conduit, pole availability and placement, measurements of fiber required, etc., all to be resolved before wire goes up. Also, there would be hundreds of pages of auto cad drawings, right-of-way permits, etc.

It was agreed to move forward with the \$14,000 proposal under the motion approved at a previous meeting, and Ed Hemminger, Joe Starks, and Jim Townsend will work on the boiler plate document to be included in the RFP. Prior to distribution, Ed Hemminger was instructed to send copies to the Board for commenting within 5-7 days of receipt. Comments should be returned to Ed or Joe.

Geoff Astles advised that he would prepare an article for distribution about the status of the RFP.

CPCN

Joe Starks advised that the Certificate of Public Convenience and Necessity for the Finger Lakes Regional Telecommunications Development Corporation to operate in New York State as a facilities based provider and reseller of telephone service was approved by the Public Service Commission. Ed Hemminger advised that the TDC is now a legal authority in NY and can string fiber and offer services to vendors, school districts, and the public. He also advised that the CPCN gives protection against catastrophic events, and limits liability.

MARKETING/CUSTOMER CONTACTS

Joe Starks updated the Board by providing spreadsheets showing interested carriers, marketing efforts, and customer contacts.

With regard to school districts, it was mentioned that school districts have capital for construction, and after they place fiber, the TDC can partner with the schools and share revenue. Chairman Astles stated that further investigation would be necessary.

BONADIO

Chairman Astles advised that he had contacted the Bonadio Group to obtain a proposal on accounting services for the TDC as a not-for-profit public authority. He advised that other firms could be contacted for a proposal as well, if the Board so desired. With regard to the fee proposed, Chairman Astles stated that it should be considered with a cap instead of leaving it open ended. He noted the importance of hiring an accounting firm to assure that the TDC is in compliance with all requirements, especially since public funds are seeding the project. Also mentioned was the firm of Eldredge Fox & Porretti. Issue deferred until the next meeting.

TIMETABLE

Jack McCabe asked for an update on the timeframe and Ed Hemminger advised that he hoped to begin connecting customers by the end of the year. Chairman Astles advised that the timetable information would be sent to the Board.

CONFLICT OF INTEREST

Jim Townsend advised that in accordance with the Conflict of Interest Policy adopted in 2006, the Board should now complete the annual disclosure form and return to Ed Hemminger.

2007 MEETING SCHEDULE

With regard to the meeting schedule for 2007, it was agreed to continue meeting on the 4th Friday of each month at the County’s Economic Development Conference Room. Time of meetings will be 10:00 a.m. (new time). The 2007 schedule is as follows:

February 23 - cancelled	August 24
March 23	September 28
April 27	October 26
May 25	November 23
June 22	December 28
July 27	

PROMOTION/PUBLICITY/PUBLIC EDUCATION

Discussion was held on promoting the activities of the Board, and the status of the ring. Promotion ideas related to the Chamber of Commerce, FLCC, educational seminars, and forums were all mentioned as a method for distributing information. Mention was made that information is now available through the County’s website at co.ontario.ny.us by clicking on “Fiber Ring Project”. CPCN information should also be available there.

Discussed issuing a status report to the Board of Supervisors and having a forum in the near future. The report can be distributed to the press and put on the website.

Future discussion will be held on the Board’s responsibilities, possibly assigning deliverables for members and setting demands.

Ed Hemminger spoke of the Governor’s Office being intimately aware of the County’s fiber-ring project, and David Smith advised that a team from the Governor’s Office and various state officials were expected to visit Infotonics in the spring.

Being no further business to come before the Board, the meeting adjourned following a motion made by Jack McCabe, seconded by David Smith, and carried. At the next meeting, it will be necessary to elect the 2007 officers. A list of Board member terms will be prepared and distributed by Ed Hemminger.

Respectfully submitted,
Margaret Cooper
Secretary to the County Administrator

Distribution:

All attendees, present and absent
Ontario County Board of Supervisors
Darlys McDonough, Deputy County Administrator
Roberta Hutchinson, Asst. Economic Developer
Mary Gates, Economic Development Office

John Park, County Attorney
Board of Supervisors Office
Cathy Bentzoni, County Finance Officer
Kristen Thorness, Esq.