

**MINUTES**  
**FINGER LAKES REGIONAL TELECOMMUNICATIONS DEVELOPMENT CORPORATION**  
**dba AXCESS ONTARIO**  
**BOARD OF DIRECTORS MEETING**  
**November 18, 2011**

Members Present:

Geoff Astles, Ontario County Administrator (ret.)  
Ed Hemminger, SMS  
Michael Manikowski, Ontario County Economic Developer  
Robert Seem, Cornell Ag & Food Tech Park  
John Sheppard, Supervisor, Town of Seneca  
Camille Sorensen, Wayne Finger Lakes BOCES  
Mike Ward, Vice President Information Technology, Ultralife - on conference call  
Steve Von Berg, Pervasive Solutions

Members Absent:

John Garvey, County Administrator  
Doug Mossbrook, Eagle Mountain, Inc.  
David R. Smith, Ontario County Citizen

Others Present:

Megan Connor Murphy, Dixon Schwabl  
Sean Barry, Ontario County CIO  
Reliefia Kramer, Recording Secretary  
Andy Lukasiewicz, ECC Technologies  
Terry Phillips, Bonadio & Co.  
Linda Wiener, Martin and Wiener, LLP  
Joe Starks, ECC Technologies  
James Townsend, Esq., Remington, Gifford, Williams & Colicchio

The meeting of the Board of Directors of the Finger Lakes Regional Telecommunications Development Corporation, dba AxcCESS Ontario was called to order in the conference room of the Ontario County Economic Development Office by Chair Michael Ward at 10:02 a.m.

**APPROVAL OF MINUTES**

John Sheppard made the motion to approve the minutes for the September 23, 2011 which was seconded by Ed Hemminger. Motion carried.

**CHAIRMAN'S COMMENTS**

Chairman Mike Ward is not feeling well. He is on conference call and has no comments.

## **FINANCIAL UPDATE**

Terry Phillips discussed the agreement with Citizens Bank to change their debt service ratio covenant to a minimum cash balance which agrees with the financial projections. We should have the paperwork for this by after the holidays.

Mr. Phillips further discussed financials regarding the East Diversity Project and the Board still supports this.

Mr. Phillips explained that the status of the Auditor RFP will be done by November 21, 2011. Mr. Phillips asks if anyone needs to have an RFP sent out.

Mr. Phillips reviews the financials with the Board.

## **SALES AND OPERATIONS PLAN**

Andy Lukasiewicz told the board that there are not any new laterals or builds. He distributed an operational update. He told the board that we have a contract for \$21,000 for splicing the Clark Street Laterals. We have been negotiating with them and they have given a deal number of \$27,000 to build small laterals. That will be completed by the end of the year.

Mr. Lukasiewicz informed the committee that they have sold 4 spans of fiber, with a contract value of \$157,987. One span is one year long, one span that is 3 years long and 2 that are 5 years long. They go from Geneva to Canandaigua, from Canandaigua up to our Beaver Creek splice point, and then to over to High Street and then up Paper Hill Road.

**Executive Session** – At 10:15 a.m., a motion was offered by Geoff Astles and was seconded by Supervisor John Sheppard to go into Executive to discuss contractual information of a sensitive and proprietary nature to a vendor which if discussed in public session would impair the ability to continue the contractual negotiations. Motion carried.

**Executive Session Ends** - At 10:41 a.m.

**Action taken in executive session** – discussion contractual relations with Iberdola and the action approved an amendment to the existing IRU with Iberdola to add 2 new routes at the locations and pricing agreed upon with Iberdola. A team of representatives of the Board was selected to meet with representatives of southern tier network to review proposals to be made to Verizon Wireless for a common point of purchase.

## **B2B Initiative**

Mr. Manikowski discusses the Sales and Marketing Plan for the business parks and the strategic industries that ECC has been looking at in terms of deploying laterals to those particular areas. Mr. Manikowski would like to have Economic Development prepare a sell sheet. Mr. Manikowski would like to do a report for the Board of Supervisor and to the IDA. To show the impact of the Fiber Ring has had and will have. He would like to commission Dixon Schwabl to do a mid-term report on Access Ontario. Access Ontario would have final review of the draft report before it is finalized.

**Geoff Astles makes a motion to solicit a proposal from Dixon Schwabl which was seconded by Ed Hemminger. Motion carried.**

Mr. Barry reports the Daily Messenger has contacted him to do an update article of the status of the Fiber Ring.

**OPEN DISCUSSION**

Ed Hemminger reports that he went to Florida and presented on the Fiber Ring to the American Society of Competiveness Convention just outside of Orlando.

Mr. Hemminger mentions the philosophy of the lease back with the IDA to mitigate our property tax. It was decided to put it on the agenda for discussion after the first of 2012.

A brief discussion took place regarding developing on a model for the percentage mark up of cost and the length of the agreements.

Robert Seem updated the Board on the two additional members for the Governance Committee. The plan is to interview nominees early next month and have a motion ready for the December meeting and bring the two new members to the January meeting.

**NEXT MEETING** – December 16, 2011 at 10:00 a.m.

**ADJOURNMENT**

At 11:40 a.m., a motion to adjourn was made by Robert Seem and was seconded by Supervisor John Sheppard to allow the Board to meet with counsel. Motion carried.

**Distribution:**

All attendees, present and absent  
Ontario County Board of Supervisors  
Clerk's Office, Board of Supervisors  
Darlys McDonough, Deputy County Administrator

John Garvey, County Administrator  
John Park, County Attorney  
Cathy Bentzoni, County Finance Officer  
Michael Wojcik, Economic Development