

**MINUTES  
BOARD OF DIRECTORS  
FINGER LAKES REGIONAL  
TELECOMMUNICATIONS DEVELOPMENT CORPORATION  
DECEMBER 8, 2006**

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 County's Economic Development Conference Room.

In attendance were:

Members:

Geoffrey Astles, Ontario County Administrator  
Mike Bell, Director of Tech Services, Canandaigua Brands  
Dan Fessenden, Executive Director, Cornell Ag & Food Tech Park  
Edward Hemminger, Chief Information Officer, Ontario County  
Wayne Houseman, Vice Chairman, Ontario County Board of Supervisors  
Mike Manikowski, Ontario County Economic Developer  
Doug Mossbrook, Eagle Mountain, Inc.

New Members:

David Morrow, Consultant  
Robert Seem, Acting Executive Director, Cornell Ag & Food Tech Park

Guests:

Bonnie Drake, Town Supervisor for Canadice  
Joe Starks, ECC Technologies  
James Townsend, Esq., Remington, Gifford, Williams & Colicchio

Absent:

Jack McCabe, Associate Superintendent, BOCES  
David R. Smith, CEO, Infotonics

**APPROVAL OF MINUTES –October 27, 2006**

A motion was made to approve the minutes of the October 27, 2006 meeting by Wayne Houseman, seconded by Doug Mossbrook, and carried.

**OPEN POSITION ON BOARD**

Wayne Houseman made a motion to approve the appointments of David Morrow and Robert Seem to the Board of Directors, seconded by Mike Bell and carried.

The Board accepted the resignation of Dan Fessenden, and Geoff Astles thanked Dan for his time and efforts in serving to help organize and define the fiber optic project.

**UPDATE FOR NEW MEMBERS**

The TDC is a not-for-profit organization initially funded with \$1 million as prepayment from Ontario County for 12 fiber strands for the County and municipal governments. Ontario County also provided a \$1.5 million no-interest 25-year loan. Ed Hemminger is the CEO.

The TDC will build and lease darks fiber to provide conductivity throughout Ontario County; a concept unlike any other in the country, as most others focus only on metropolitan areas. Geoff Astles advised that much like government built roads in the past, now there is a need to build a new 21<sup>st</sup> century way of communications. The TDC will not be a service provider, and as such does not compete with the private sector.

## **INSURANCE**

Ed Hemminger advised that the necessary insurance should be in place very shortly, and at that time, the County will transfer the \$2.5 million reserved, per Board resolution, for the TDC. Payments can then be issued to ECC Technologies and James Townsend, as previously approved. Ed Hemminger advised that insurance requirements could change in the future if infrastructure changes. The TDC will not have the primary liability for insurance purposes as it is classified much like a phone company. Primary liability will be the responsibility of the contractors.

## **FINANCIAL MATTERS**

Ed Hemminger advised that the Bonadio Group indicated that the TDC should wait until after January 1, 2007 to accept the funds from Ontario County, thereby eliminating filing requirements for the 2006-year.

The Board was advised that before the next meeting, Bonadio is expected to submit a proposal for the financial management aspects of meeting all requirements for a public authority.

## **FIBER-RFP**

Discussion was held on having Joe Starks prepare a request for proposal for construction of the fiber optic ring from Geneva to the County line in Victor. With regard to the cost of the RFP, Joe estimated it would be around \$20,000, but he advised that he would confirm the cost. Ed Hemminger stated that that section of the ring would be considered the backbone and construction costs are figured to be under \$2 million. Once constructed, it will give the TDC the ability to get loans and grant funding.

Mike Bell made a motion authorizing Joe Starks to draft an RFP for the Board so that responses could be received in January. Bob Seem seconded the motion. Motion carried. Upon receipt of the RFP, Ed Hemminger will email to the Board to allow for comments prior to distribution to contractors. Construction could begin in the second quarter of 2007 if the Board selects a contractor at the February meeting.

In discussing purchasing methods, Jim Townsend advised that it would be prepared in accordance with the County's policy, but in the future, he felt it would be wise to spell out the policy of the TDC without referencing a secondary policy.

## **CPCN**

Joe Starks advised that the CPCN is all on file and no final word has been received.

## **MARKETING/CUSTOMER CONTACTS**

Joe Starks distributed updated spreadsheets showing interested carriers, marketing efforts, and customer contacts. He spoke of commitment letters from those who plan to use the ring, and how the letters will evolve into signed contracts, which will help for future loans.

With regard to educational users, FLCC has committed, and BOCES is interested. Jim Townsend is to determine if an intermunicipal agreement is a viable option for the schools, or if the project would need to be bid. Ed Hemminger advised that BOCES would build their own network, and would then use the fiber.

With regard to health care, the fiber ring project has been embraced by FF Thompson Hospital, Clifton Springs Hospital, the Canandaigua Medical Group, and the Finger Lakes Health Systems Agency. Also mentioned was the Health New York grant, which aims to consolidated services. Potential grant money might be available if qualifications were met.

**NEW BUSINESS**

Ed Hemminger advised that after the first of the year, he would like to begin discussions again with the Thruway Authority for fiber along the Thruway.

**GENERAL**

Ed Hemminger advised that he would be out on disability until after the first of the year.

Members were advised that the next scheduled meeting was January 26<sup>th</sup> (4<sup>th</sup> Friday), and future dates for 2007 would be determined at that meeting.

Being no further business, the meeting adjourned at 11:45 a.m.

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

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