

**MINUTES
BOARD OF DIRECTORS
FINGER LAKES REGIONAL TELECOMMUNICATIONS
LOCAL DEVELOPMENT CORPORATION
JUNE 23, 2006**

The meeting of the Finger Lakes Telecommunications Local Development Corporation (LDC) was called to order by Chief Executive Officer Edward Hemminger at 10:30 a.m. on June 23, 2006 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
Jack McCabe, Associate Superintendent, BOCES
Doug Mossbrook, Eagle Mountain, Inc.
Roberta Hutchinson, Representing Mike Manikowski, Ontario County Economic Developer

Guests:

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

Necessarily Absent:

David R. Smith, CEO, Infotonics

APPROVAL OF MINUTES – APRIL 28, 2006

A motion was made by Wayne Houseman to approve the minutes of the April 28, 2006 meeting, seconded by Geoff Astles, and carried.

UPDATE/OPEN DISCUSSION

MEMBERSHIP - Discussion was held on filling the vacant position on the Board and interest was shown in having a candidate who wasn't affiliated with the public sector. Roberta Hutchinson mentioned the name of David Zorn, who could possibly be a source for linking Ontario County with other regions. It was hoped that a candidate could be voted on at the next meeting, and persons of interest should be referred to Geoff Astles.

CONTRACTS – Board members received samples of typical contracts, and Joe Starks advised that the term of the contracts would normally be for 10-20 years (most likely 20 years). The Board was advised that the sample contracts were outdated and were for informational purposes only. Board was informed that IRU stood for indefeasible right of use.

ETHICS POLICY – Board members received a copy of the Ethics Policy and Wayne Houseman advised that clarification was required under Section 3, letter (d), as something appeared to be missing. Jim Townsend stated that the wording should indicate that someone who felt conflicted by serving on the Board should take reasonable steps to insulate himself from the process. Wayne Houseman also questioned Section 4 as to whether people should sign an annual agreement, and was advised that requiring an agreement would be 100% binding regardless of whether someone had anything to report or not. Conflict issues would require that the Board member reclude himself from voting on particular issue.

Geoff Astles made a motion to adopt the Ethics Policy with changes indicated above to be made by Jim Townsend. Dan Fessenden seconded the motion. Motion carried.

LDC CONTRACT - Jim Townsend reviewed the draft contract and asked everyone to review it individually prior to the next meeting so that it could be acted upon in July. Joe Starks spoke of vendors not being responsible for downtime due to acts of nature beyond their control, and of the need for a vendor who would have the right technology to maintain and manage the “ring”. Terms related to the bond payments could be determined in the future. Discussion was held on breach of contract and how that would be determined, and Jim Townsend advised that he would make it very clear in the contract what constituted a breach. Ed Hemminger clarified that the LDC would only own the fiber not the electronics and/or equipment.

With regard to official notifications, it was suggested that the Ontario County Attorney and the LDC attorney be added to page 8 of the contract language.

The Board was advised that a meeting may be necessary with the Insurance Committee to ensure that all insurance issues are appropriately addressed in the contract.

Jim Townsend will update the contract based upon everyone’s comments, and it will be ready for Ed Hemminger’s authorized signature upon approval by the Board.

GRANTS - Geoff Astles advise that grant monies would be pursued continuously.

CPCN FILING

Joe Starks advised that no complaints have been filed from the retail section against the CPCN, and it is currently open to comments by wholesaler. Ed Hemminger stated that when approved, Ontario County would be designated as a telecom company, able to negotiate with vendors on rights of ways, etc. Further details are expected early next week.

PUBLICITY

WEB SITE – Joe Starks talked about having a simple web site costing between \$1,000-\$1,500, and he distributed sample pages. He advised that he is currently talking with web developers about the site which would provide information to the community, such as how the ring would impact them, list of Board members, thumbnails of questions and answers, etc. There could also be a link to the County’s website where information could be available rather than on the LDC website, which wouldn’t have the storage capacity that the County’s website does.

Geoff Astles advised that interest was shown at a recent conference to have a presentation on the “ring” in the New York City area.

A motion was made by Dan Fessenden to enter into Executive Session to discuss potential customers and contractors of the organization. The motion was seconded by Geoff Astles, and carried. At 12:01 p.m., Geoff Astles made a motion to move out of Executive Session, seconded by Doug Mossbrook, and carried.

Being no further business, Wayne Houseman made a motion to adjourn at 12:02 p.m., seconded by Geoff Astles, and carried.

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