

**MINUTES**  
**FINGER LAKES REGIONAL TELECOMMUNICATIONS DEVELOPMENT CORPORATION**  
**dba AXCESS ONTARIO**  
**BOARD OF DIRECTORS MEETING**  
**NOVEMBER 5, 2010**

Members Present:

Geoff Astles, Ontario County Administrator  
Edward Hemminger, Chief Information Officer, Ontario County  
Michael Manikowski, Ontario County Economic Developer  
Doug Mossbrook, Eagle Mountain, Inc.  
David R. Smith, Ontario County Citizen  
Robert Seem, Cornell Ag & Food Tech Park  
John Sheppard, Supervisor, Town of Seneca  
Steve Von Berg, Pervasive Solutions  
Mike Ward, Vice President Information Technology, Ultralife

Members Absent:

Camille Sorensen, Wayne Finger Lakes BOCES

Others Present:

Megan Connor Murphy, Dixon Schwabl  
Andy Lukasiewicz, ECC Technologies  
Terry Phillips, Bonadio & Co.  
Joe Starks, ECC Technologies  
James Townsend, Esq., Remington, Gifford, Williams & Colicchio  
Linda Wiener, on behalf of Bonadio & Co.  
Marty Curran and Gary Meadows, Southern Tier Central Regional Planning & Development Board

The meeting of the Board of Directors of the Finger Lakes Regional Telecommunications Development Corporation, dba Axcess Ontario was called to order by Geoff Astles at 10:00 a.m. in the conference room of the Ontario County Economic Development Office. Minutes from the previous meeting were unavailable for approval.

**LEGAL UPDATE**

Jim Townsend reported that the IRU with FLTG was in final form and out for signatures, which would complete the 18 miles of back bone infrastructure.

The Board was advised that as of December 31, 2010, the whole ring with the possible exception of segments 14 and 15 in the Gorham/Stanley/Flint area is expected to be 100% complete. Jim advised that the next formal report is due December 31.

Jim spoke of the documents he forwarded to Board members as a result of the Public Authority Reform Act requiring a Board self-evaluation. Jim advised that the form should be completed and returned to him for his report, and if anyone had any questions they should contact him. If items arise that need to be addressed, they will be referred to the Governance Committee.

Jim spoke of his contract proposal for 2011, with an \$18,000 retainage fee plus additional fees for special projects. Ed Hemminger spoke of the phenomenal job Jim has done for the FLRTDC and endorsed extending his service contract. Action was delayed on Jim's contract until the December meeting.

### **EXECUTIVE SESSION**

Doug Mossbrook made a motion to enter into executive session for the purpose of discussing contract negotiations which should not be made public as it could provide an unfair advantage to outsiders. The motion was seconded by John Sheppard, and carried. Mr. Curran and Mr. Meadows were excused from the meeting during the Executive Session. John Sheppard made a motion to resume regular session at 10:28 a.m., seconded by Bob Seem, and carried. No action was taken during executive session.

### **FINANCIAL REPORT**

Linda Wiener referred to the financial reports in the agenda packet.

- FLRTDC Profit & Loss YTD Comparison – September 2010
- FLRTDC Balance Sheet as of September 30, 2010
- FLRTDC Profit & Loss – January through September 2010
- FLRTDC Profit & Loss – September 2010

Linda advised of coding and category changes; some for ECC Technologies and Syracuse Utilities. She also noted that there weren't too many things in fixed assets. She referred to notes written in the report's far column. Board was advised of shortfalls for the next few years, following which projections were showing a profit going forth on a cash basis.

Terry Phillips presented the audit proposal from Mengel Metzger Barr & Co. amounting to \$12,500 which represented a 34% increase over the previous year. He stated that the audit for 2010 would be conducted during February, which is prime season, but necessary because of the amount of activity with ECC and Syracuse Utilities which are unable to close by 1/5/11. Mike Bell felt the price was high and would speak to the appropriate party about a reduction.

Terry Phillips advised that Bonadio would be transitioning to an internal staff person, and the new contract proposal would be based on 236 hours, plus 40 hours for him. Ed Hemminger spoke of the phenomenal job Linda has done for the corporation.

### **ECC UPDATE**

Board received a monthly operational report dated November 4, 2010 from Andy Lukasiewicz. Highlights from the report follow:

- There were two property damage events on the ring which have been repaired; one due to a vehicle accident, and the other from a shotgun blast. In total, there were four incidents year-to-date with an average repair time of 2 hrs. 45 min. which is within the 4 hour requirement.
- Bank disbursement of approximately \$268,934 for segments 3, 4, 5, 7, 8, 9 is in progress.
- The final version of the IRU for Ontario Telephone has been approved. Upon execution of the contract, 157 miles (86.7%) of fiber will have been built allowing for the release of the backbone loan funds.
- Segment 13, an 8 mile stretch between Canandaigua to Rushville will begin the week of November 8. When completed, Marcus Whitman School will have more telephone access opportunities.
- Segments 14, 15, and 20 are in various stages of make ready.
- A contract has been executed with Verizon Wireless for adding cell sites Canandaigua DT and 701 High Street and East Side Diversity for a 10-yr. \$381,469 value.
- To date, ECC has processed 102 requests for fiber service resulting in 14 sales valued at \$518,461.

**DIXON-SCHWABL UPDATE**

Megan Connor Murphy addressed the Dixon Schwabl proposal for services for the year 2011 at the same rate as 2010, \$18,000. Megan spoke of the high opportunity to promote and market the smart grid in 2011. Ed Hemminger advised that one of his goals was to get the website up by the end of the year. Action was delayed on the Dixon-Schwabl contract until the December meeting.

**ANNUAL REPORT**

Ed Hemminger referenced the 2009 Annual Report in the packet dated March 26, 2010. He advised that the report was still in the draft stages, and he hoped to have it completed by the next meeting.

**OTHER BUSINESS**

Bob Seem inquired if anyone was interested in serving as the Chairman of the Governance Committee. If so, please make contact with him.

Board was advised of the upcoming annual report which would be coordinated with the Annual Meeting sometime in January, probably the 17<sup>th</sup>. Ed Hemminger will confirm.

Board inquired about the status of the new County Administrator, and if he would be a member of the Board noting that the bylaws reflect that he could designate someone to act on this behalf.

At present the schedule for 2011 will be to hold meetings on the fourth Friday of each month at 10:00 a.m. Ed Hemminger will distribute a schedule to all.

Being no further business to come before the Board, the meeting was adjourned at 11:12 a.m. following a motion by David R. Smith, and seconded by Doug Mossbrook. The next Board Meeting is scheduled for 10:00 a.m. on December 17, 2010 in the Economic Development Conference Room.

Respectfully submitted,

*Margaret Cooper*

*Secretary to the County Administrator*

**Distribution:**

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

John Garvey, Successor to Geoff Astles  
John Park, County Attorney  
Cathy Bentzoni, County Finance Officer  
Mary Gates, Economic Development