

**SPECIAL SESSION – TUESDAY, JUNE 7, 2016**

The Yates County Legislature convened in special session Tuesday, June 7, 2016 at 1:00 p.m. with Chairman Dennis presiding. Legislators Church, Multer, and Gleason were absent.

**RESOLUTION NO. 213-16 (FAILED)**

Mr. Paddock offered the following resolution and moved its adoption, seconded by Mrs. Percy.  
DISCUSSION:

A lengthy discussion took place on this resolution, several legislators asked for clarification on various issues others spoke in opposition.

**AUTHORIZE CHAIRMAN TO ENTER INTO AN AMENDMENT TO DARK FIBER IRU AGREEMENT WITH SOUTHERN TIER NETWORK, INC. CONCERNING THE YATES COUNTY OPEN ACCESS FIBER NETWORK**

WHEREAS, Yates County (the “County”) desires to establish an Open Access Model backbone network consisting of strands of fiber optic cable within the geographical area of Yates County and portions of Ontario and Schuyler Counties; for the purposes of broadband expansion, enhancement of economic development opportunities, improvement of healthcare and education, as well as general improvement of quality of life for its residents and interconnection with other telecommunications networks (the “Network”); and

WHEREAS, the County entered into an agreement with Southern Tier Network, Inc. (“STN”) dated May 14, 2015, wherein STN would construct, own, operate, manage and market the Network using Rights-of-Way, facilities, aerial attachments, underground conduit, poles and towers of various utilities, railroads and governmental entities and the County would receive an Indefeasible Right of Use to use 12 strands of said Network’s dark fiber for the County’s exclusive internal use (the “Dark Fiber IRU Agreement”); and

WHEREAS, the parties wish to amend the Dark Fiber IRU Agreement to address certain professional services and related fees relating to the Network incurred by STN prior to the commencement of the Operational Period set forth in said Dark Fiber IRU Agreement; and

WHEREAS, to this end, a proposed Amendment No. 1 to Dark Fiber IRU Agreement between the County and STN, and all referenced attachments therein, (the “Amendment”) has been duly submitted and presented to the Yates County Legislature at its special meeting held this 7th day of June, 2016;

NOW, THEREFORE, BE IT RESOLVED, that the County is authorized to enter into a written amendment to the Dark Fiber IRU Agreement with STN addressing such pre-Operational Period professional services and related fees, and be it further

RESOLVED, that to this end, the form and substance of the Amendment No. 1 to Dark Fiber IRU Agreement between the County and STN, and all referenced attachments therein, presented at this meeting of the Yates County Legislature on June 13, 2016, is hereby approved and the Chairman of the Legislature is hereby authorized on behalf of the County to sign said Amendment; and be it further

RESOLVED, that copies of this resolution be given to the County Planner, County Treasurer and County Attorney.

VOTE: Roll Call – Paddock, Bronson, Percy, Holgate, Banach, Dennis voting “Yes”  
Montgomery, Morrison, Morris, Smith voting “No” Button abstained. Note: it takes 8 “yes”  
votes to pass a resolution.

### **RESOLUTION NO. 214-16**

Mr. Holgate offered the following resolution and moved its adoption, seconded by Mrs. Percy.

#### **AUTHORIZE PAYMENT STID TOWER TRANSITION PROJECT**

WHEREAS, the county via the Sheriff’s administration has a proprietary contract in place for radio communications and microwave network systems at tower sites with Mid-State Communications, Oriskany, NY especially the Stid SBA site, and that additional one-time work is required with this contracted equipment’s transition from the before mentioned tower site to the Shay and South Hill sites causing a decommission and uninstal of LMR antenna systems, and then a reinstallation and new service, etc. with ancillary tower work, assisting contracting and radio performance calibrations involved to complete the transition events, and to restart continued communications operations and maintenance consistent to agreed terms, and

WHEREAS, the Sheriff has caused a review by the county attorney, and received his approval to proceed sole source consistent with contracts already in place and authorized assisting contractors to Mid-State Communications all having to be and were acceptable to the lessor SBA Towers, Inc. and that prevailing wage rates are applicable, now

THEREFORE, BE IT RESOLVED, that the proposal for this additional maintenance, service and material for the relocation work for this transitional tower project with the contracted maintenance provider of record Mid-State in the amount of \$47,965 is accepted and contractors assisting Mid-State of Wilcox Crane and Brady Electric providing additional costs budgeted for that the Sheriff is to proceed accordingly as this effort will achieve long term savings, and

RESOLVED, that a copy of this resolution be provided the Sheriff and Treasurer.  
VOTE: Unanimous

Mrs. Percy moved to enter executive session to discuss collective negotiations with CSEA with the legislators and Scott Falvey present, seconded by Mr. Bronson.

Meeting adjourned at 2.25 p.m.