

SPECIAL SESSION-WEDNESDAY, FEBRUARY 22, 2023

The Yates County Legislature convened in special session Wednesday, February 22, 2023 at 1:00 p.m. with Chairwoman Church presiding, Mr. Holgate on Zoom, Mr. Banach absent, and Mr. Killen absent.

RESOLUTION NO. 127-23

Mr. Paddock offered the following resolution and moved its adoption, seconded by Dr. Cutler.

DISCUSSION:

Mr. Paddock stated that this is the same resolution as what was discussed in Finance, and then withdrawn at last Monday's meeting, because they did not have an amount. The amount has been added of \$125,076.04.

Chairwoman Church stated that comes out of the grant funding.

Ms. Chilson asked if these are special built? It's a lot of money for a limited amount of huts. She asked if special material is needed. She asked for a little detail, so that they can explain it to people in their community.

Ms. Flynn asked Jeff Ayers to explain the huts. They are very specialized, and there's requirements for them.

Mr. Paddock stated that this is for the material inside the huts.

Mr. Ayers stated that they spoke about the Nokia contract that they got all set up, that was for equipment to go in this hut. Having the building and having the Nokia equipment, there's still a bunch of materials they have to get. They have to have racking for the equipment, when they go to hook up the electric, there's a special requirement for the grounding. It's not like grounding at their house, where they just put a ground rod in. The electrical equipment is so sensitive that it's possible they will have to install a grounding network to get the readings that are required. There's certain things that have to be procured that are sole source objects that they are hoping Empire can leverage their buying ability to get for them at the best price. Which is part of why they went this route also. It's important that this hut is what all their other network huts are. The hook up for the emergency generator should be the same, the layout inside should be familiar to those technicians, and this is all part of making sure that it works well for Empire and the County.

Mr. Button asked who required that it had to be sole source material, how did they get to that.

Mr. Ayers stated that they have a list of what was required and he thought Marian and himself would be able to track down and obtain the right materials to start with. Some of the materials that he is talking about is so specific and so technical, that it's just beyond what he and Marian can guarantee that they ordered the right thing. A company in Syracuse is one of the only other people that sell those materials and if they are buying it from someone else it's used second hand market stuff. That's a really easy way to determine that there's only one place to buy this stuff.

Mr. Button asked if Empire had all along made Jeff and Marion aware that they were going to go down the road to this sole source that way. He was hoping that they would not put them in the position to only use sole source stuff.

Mr. Ayers stated that the things that the legislature is concerned about, cost and functionality, and now what they want their network to look like. They are sort of stuck with some of the decisions that they've made in the past, but he doesn't know that their decisions would have been different.

Mr. Button asked if they made Jeff aware of it.

Mr. Ayers stated that he will also say, the relationship between Yates County and Empire is that Marian and Jeff have come to them and asked them to help Yates County. They did not try and shoe horn them into something that they're selling or anything like that.

Ms. Chilson asked if they will only need 4 of the huts.

Mr. Ayers replied that there are 4 hut locations; 2 of them are brand new, one is in the basement of the COB, and one is in Italy. There is a fifth location that is like an Empire location. There are actually 5 places that that this contract will be applicable for, but 4 of them are really the major huts. Those ones are called point of networks presence that they will be trying to fund and get all the equipment for.

Ms. Chilson asked if they are about \$31,000 a piece roughly.

Mr. Ayers stated that the math works out that way, but the 2 brand new huts requirements are a bit different than the existing huts, so the price is not distributed evenly.

Ms. Chilson asked if the fifth one would be a new hut, or one that's existing.

Ms. Walrath replied that the 4 points of presence are all physically in Yates County, and they do the traffic, the network traffic sort of within Yates County, the location that's at the Empire Access Facility in Prattsburg is called an uplink node. It's where the traffic within Yates County gets uplinked to the World Wide Web, it's really not a hut. This is covered by grant monies.

Ms. Chilson asked if Yates County would be maintaining the huts.

Ms. Walrath replied that no, that comes under the Empire Access Service agreement. So Empire Access maintains and operates all of this. The County is, with the grant monies, doing the design and construction, and the County will own all of these assets, but Empire Access will do all the operations, maintenance, and customer service.

Mr. Ayers stated that cameras are a part of what's included in this, so that Empire can remotely look inside these huts and see what's going on inside.

Mr. Button stated that he is trying to remember the length of their contract with Empire.

Ms. Walrath replied that the length of their contract with Empire is for the term of the contract they have with the USDA, which is 19 years. At the time, the USDA contract would be completed, they have a choice to sort of continue, or they would have the choice of discussing Empire acquiring the assets.

**AUTHORIZE CHAIRWOMAN TO SIGN HUT BUILD-OUT AGREEMENTS WITH
EMPIRE ACCESS FOR THE RECONNECT 1 BROADBAND PROJECT**

WHEREAS, Yates County (the “County”) is currently undertaking the design and construction of a fiber optic broadband network (hereinafter referred to as the “project”) via a USDA Rural Utility Services (hereinafter referred to as “RUS”) grant; and

WHEREAS, part of the network build are locations containing electronics and other miscellaneous materials to power the network including 4 Points of Presence (hereinafter referred to as POPs), – an existing Empire POP in the County Office building, an existing Empire hut in Italy and two new huts in Middlesex and Dundee -- and 1 Uplink Node at the Empire facility in Prattsburgh; and

WHEREAS, the major items needed for the POPs and Uplink Node are under contract including Nokia Equipment, two new huts from Modular Connections or in process including concrete pads and fiber conduits by the Yates County Highway Department and power supply from Avangrid for the two new huts; and

WHEREAS, additional materials are needed to outfit the 4 POPs and Uplink Node like racking, batteries, splitters, rectifiers, cameras etc. - a number of which are sole-sourced items; and

WHEREAS, Empire will be doing the operations and maintenance of the network, the preferred path forward is to contract with Empire to procure the needed materials and provide the labor to build-out the POPs and Uplink Node assuring that these are built to optimize Empire’s performance and leverage their pricing and fulfillment relationships; and

WHEREAS, RUS Contract Form 773 Miscellaneous Construction Work and Maintenance Services Contract (hereinafter referred to as “RUS 773”) is intended for this type of work using a separate RUS 773 for each location;

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the County Attorney, the Chairwoman of the Legislature is authorized to execute on behalf of the County five (5) RUS 773 contracts with Empire to procure the materials and build out the POPs and Uplink Node for a total cumulative price not to exceed \$125,076.04; and be it further

RESOLVED, that copies of this resolution be given to Empire, the County Administrator, the County Planner and the Broadband Project Manager.

Mr. Paddock moved to enter into executive session to discuss:

1. The employment history of a particular individual with Legislators Present, Department Heads, and the County Administrator.

Seconded by Mrs. Percy.
VOTE: Unanimous

Meeting adjourned at 3:21 p.m.