

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: JOINT MEETING - LEGISLATIVE & RULES AND ECONOMIC GROWTH & DEVELOPMENT

DATE: JUNE 28, 2012

LEGISLATIVE & RULES COMMITTEE MEMBERS

PRESENT:

SUPERVISORS MONROE
BENTLEY
THOMAS
SOKOL
WOOD
FRASIER

OTHERS PRESENT:

PAUL DUSEK, COUNTY ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS KENNY
MCDEVITT
MERLINO
STRAINER
WESTCOTT

LEGISLATIVE & RULES COMMITTEE MEMBER

ABSENT:

SUPERVISOR GIRARD

WAYNE LAMOTHE, COUNTY PLANNER
VICTORIA PRATT GERBINO, PRESIDENT, WARREN COUNTY
ECONOMIC DEVELOPMENT CORPORATION
AVA ASHENDORFF, RAINMAKER NETWORK SERVICES
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
CHARLENE DIRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

ECONOMIC GROWTH & DEVELOPMENT

COMMITTEE MEMBERS PRESENT:

SUPERVISORS TAYLOR
CONOVER
MASON

Mr. Monroe called the Legislative & Rules Committee meeting to order and Mr. Taylor called the Economic Growth & Development Committee meeting to order at 10:25 a.m.

Motion was made by Mr. Bentley, seconded by Mr. Thomas and carried unanimously to approve the minutes of the previous Legislative & Rules Committee meeting, subject to correction by the Clerk of the Board.

Motion was made by Mrs. Wood, seconded by Mr. Mason and carried unanimously to approve the minutes of the previous Economic Growth & Development Committee meeting, subject to correction by the Clerk of the Board.

Copies of the agenda packet were distributed to the Committee members; *a copy of the agenda packet is on file with the minutes.*

Mr. Monroe said the first item on the agenda was to discuss the broadband service options for the areas of the County that currently were not able to receive service. He stated there was a proposal from DANC (Development Authority of the North Country), as well as a proposal from Rainmaker Network Services. He explained that DANC was expanding broadband services into the North Country Regional Economic Development area which included Essex and Hamilton Counties. He apprised one benefit of an agreement with DANC was that there was a significant amount of Federal grant funding already received for their existing project which involved bringing in the "middle mile" pipeline to the communities. He said a meeting was scheduled for June 27, 2012 with Ed Bartholomew, of the Adirondack Gateway Council. He added Mr. Bartholomew believed he could assist the process by funding a study and analysis of the most feasible way for Warren County to proceed in order to extend broadband services to the un-served and under-served areas of both Warren and Washington Counties. He added that Mr. Bartholomew had indicated funding was available through the Federal Government, as well as through the Regional Economic Development Councils.

Mr. Monroe advised of a proposal from Fred Engelmann, of Rainmaker Network Services, who was a Network Engineer from the Town of Chester. He stated that Victoria Pratt Gerbino, President of the Warren County Economic Development Corporation (EDC) was interested in becoming involved in the process of extending broadband services in the area and would be able to provide further information.

Mr. Monroe noted Mr. Engelmann had been unable to attend today's meeting and he introduced Ava Ashendorff, of Rainmaker Network Services. Ms. Ashendorff explained the technology in question was called White Space Technology which worked off from unused television frequency signals. She noted the unused television frequency signals were capable of traveling through vegetation and around the mountains of rural areas. She expressed a large problem with expanding broadband services was that the major carriers in the area were reluctant to expand their services as the areas were not densely populated enough to justify their expense. She stated the necessary fiber and copper were already in place so the construction of infrastructure would not be necessary. She explained that utilizing White Space Technology was essentially establishing a relay system for the signals. She noted relay grids with a 25 mile radius could be established utilizing radios to carry the signal between radios. Ms. Ashendorff apprised that a White Space broadband system had been established in North Carolina and was successful. She commented that the necessary funding for establishing a White Space relay system was significantly less than constructing new infrastructure with fiber and copper cables. She announced that Rainmaker Network Services would conduct a propagation study for the Town of Thurman and estimated that completion of the project would cost between \$80,000 and \$100,000. She said Mr. Engelmann had studied the technology and at this time Rainmaker Network Services was the only company in the area that provided this service.

Ms. Ashendorff stated that expanding broadband services in the area would be beneficial to economic development. She mentioned that there had been instances where prospective home buyers had shown interest in a particular home until it was determined that there was no high speed internet service available. She apprised that New York State was conducting an experiment which could lead to all Regents Tests being taken online and the children in under-served areas of Warren County would be unable to take such classes due to lack of internet service. She noted that currently school children in the Town of Thurman utilized the Warrensburg Town Library in order to obtain internet service for completion of their homework. She noted the goal of Rainmaker Network Services was to extend broadband services to the un-served and under-served areas and to attract companies to the area for economic development.

Ms. Ashendorff commented on the simplicity of White Space Technology, saying it involved plugging into the existing fiber or copper cables. She noted the rate charged by Rainmaker Network Services would be based on the amount charged by the carrier, such as Time Warner Cable or Verizon, for plugging into their existing network. She added the remainder of the costs included the radios to transmit the signal and receiver boxes in each customer's home. She said a propagation study would need to be completed but the Town of Thurman had already ordered the necessary equipment. She said the study would determine where the radios should be placed and how many households could be served by each radio. She commented that the customers would be able to purchase a device that when plugged into their router would boost their cell phone signal in their homes.

Mr. Monroe stated he had met with Mr. Engelmann recently and he distributed a handout to the Committee members; *a copy of the handout is on file with the minutes*. Mr. Monroe explained the handout contained diagrams detailing how the radios would be set up in order to serve 25 mile radius sections. He further explained that each radio would carry the signal for one mile or a radius of two miles assuming there were no obstructions. He added that seven radios would be utilized to

cover a 25 mile radius. Mr. Monroe advised that Mr. Engelmann had proposed that the communities become involved in supporting broadband services via White Space Technology.

Mr. Taylor apprised he had also met with Mr. Engelmann and he would like to see Warren County expand broadband services with a technology which would be adaptable to future technologies. He added he believed strongly that the future technology would include satellite transmissions and he felt White Space Technology would fit nicely with that technology. Ms. Ashendorff pointed out that most of the current carriers imposed data caps which affected the download speeds at certain times of the day. She said White Space Technology did not impose data caps and would allow all users to operate at full speed at all times.

Mr. Taylor asked the effect on the radios and services in the event of a storm and Ms. Ashendorff replied there were special boxes which would be placed over the radios to protect them from the elements. Mr. Taylor asked if Rainmaker Network Services had a service department and Ms. Ashendorff replied affirmatively. Ms. Ashendorff noted the goal was for each Town to have a self maintained system and if the Towns wanted the ability to handle repairs by themselves, then Rainmaker Network Services would provide the necessary training. Mr. Thomas asked if the other carriers were open to the concept of cooperation and Ms. Ashendorff replied in the negative. Mr. Thomas said the fiber and copper cables were already in place but if the carriers were unwilling to cooperate then they would be unwilling to sell space. Ms. Ashendorff replied the carriers would be more than willing to sell the White Space.

Mr. Monroe asked if the Town of Thurman had ordered the necessary testing equipment and Ms. Ashendorff responded the equipment would arrive in approximately six weeks. Mr. Monroe asked if the Town of Thurman was paying for the test equipment and Mrs. Wood replied affirmatively. Mrs. Wood explained that there had been no movement on the possibility of a propagation study on the County level, so the Thurman Town Board had decided to move ahead with the process. Mr. Monroe suggested that other areas of Warren County could make arrangements with the Town of Thurman to rent the necessary testing equipment and Mrs. Wood responded the Town of Thurman would be amenable to that discussion.

Ms. Pratt Gerbino said the goal was to extend broadband services and access to cell phone services. She stated it was important to determine the cost to cover the square mileage which was currently not served. She noted there were businesses in northern Warren County who were functioning with dial-up services. She stated the Capital District Regional Economic Development Council had distributed a Priority Projects Worksheet and she was working on including cost estimates for White Space Technology to be submitted by the July 2, 2012 deadline. She noted the poles and radios required for White Space Technology were under 40 feet tall and did not require permits for installation and no EPA (Environmental Protection Agency) issues should be triggered.

Mr. Monroe stated that he had asked Mr. Engelmann about the anticipated speeds for White Space Technology and Mr. Engelmann had informed the standards were for 4 megabytes per second for downloads and 1 megabyte per second for uploads. Mrs. Wood stated that Verizon services were available in the Town of Thurman but not for all residents. She added the White Space Technology was an option for residents who currently did not have any options.

Mr. Monroe stated that he thought Ms. Ashendorff would be asking Warren and Washington Counties for funding to cover the cost of testing equipment for a propagation study but he was unsure if that was necessary since the Town of Thurman had purchased the equipment. Ms. Pratt Gerbino said she was unsure of the next step or who the proper applicant should be for the New York State

Consolidated Funding Application (NYS CFA). She said she had drafted cost estimates based on information obtained from Rainmaker Network Services. She noted there was a problem with the Town of Thurman being the applicant if they had already issued a purchase order for the test equipment. Mr. Bentley suggested the County could apply for grant funding in order to buy the equipment from the Town of Thurman. Mr. Monroe pointed out a study had been completed two years prior pertaining to feasible areas for installation of cell towers and Wayne LaMothe, County Planner, stated the Planning & Community Development Department had the information on file. Ms. Pratt Gerbino informed that the Adirondack Gateway Council had already received funding for a broadband feasibility study. Mr. Monroe said he had spoken with Mr. Bartholomew to determine how Warren County could be of assistance and Mr. Bartholomew had requested a resolution of support.

Mr. LaMothe informed of a procedural issue which had been brought to his attention by the County Attorney's Office. He said it would be necessary to amend Resolution No. 396 of 2012, which authorized submission of a grant application to New York State Consolidated Funding Application for local waterfront programs, public facilities, parks, transportation or economic development, to include multiple applications as opposed to a single application. He noted that the way the resolution was worded, only one application had been approved.

Motion was made by Mr. Bentley, seconded by Mrs. Wood and carried unanimously to amend Resolution No. 396 of 2012 as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the July 20, 2012 Board meeting.*

Mr. Monroe reiterated the need for a resolution supporting the Adirondack Gateway Council's application for a broader study of broadband needs in Warren County. Mr. LaMothe suggested a generic resolution supporting the extension of broadband services. Ms. Pratt Gerbino said she had a cost estimate of approximately \$140,000 for completion of a propagation study for a 25 mile radius anywhere in Warren County. Mr. Taylor asked how many 25 mile radius modules would be required in order to provide services to all of Warren County and Ms. Pratt Gerbino responded the EDC had begun working on the answer to that question. Mr. Monroe noted a lot of the un-served portion of Warren County was State Land.

Mr. Conover asked if the grant funding required a local match and Mr. Monroe responded that Mr. Bartholomew indicated he was not looking for any local matching funds from Warren County. Ms. Pratt Gerbino stated the NYS CFA had many funding streams and it was unknown which funding stream would be likely to award funding to the broadband study. A brief discussion ensued.

Mr. Monroe suggested submitting the NYS CFA grant application for the propagation study and the source of funding for a local match could be determined if the funding was awarded. He requested a motion from the Economic Growth & Development Committee to authorize submission of the grant application as outlined above.

Motion was made by Mrs. Wood, seconded by Mr. Mason and carried unanimously to authorize the submission of a New York State Consolidated Funding Application for a propagation study to be performed by Rainmaker Network Services. *The necessary resolution was authorized for the July 20, 2012 Board meeting. (Subsequent to the meeting it was determined that this resolution was not necessary as the previously approved amendment to Resolution No. 396 of 2012 would authorize same.)*

Ms. Pratt Gerbino stated that the grant application she had drafted was to complete the propagation study in the Town of Thurman but since a purchase order had already been issued for the testing

equipment, the Town of Thurman would no longer be eligible. Mrs. Wood clarified the Town of Thurman had placed a deposit on the equipment but had not actually received anything yet. She noted that the Town of Thurman and Rainmaker Network Services had not yet entered into a contract. Mr. Conover asked the dollar amount of the grant application and Ms. Pratt Gerbino replied approximately \$500,000 depending on the funding source. She explained the \$500,000 included the cost of 400 households receiving \$700 worth of equipment for their homes. A brief discussion ensued.

Mr. LaMothe asked if a Public Utility would need to be created in order to move forward with White Space Technology and Paul Dusek, County Administrator, responded that a Public Utility would need to be created and it would need to be determined which format was best. Ms. Pratt Gerbino pointed out that a Public Utility did not need to be set up in order to complete the propagation study.

Mr. Monroe called for a motion from the Legislative & Rules Committee to authorize the submission of a New York State Consolidated Funding Application for a propagation study to be performed by Rainmaker Network Services.

Motion was made by Mr. Bentley, seconded by Mr. Thomas and carried unanimously to authorize the submission of a New York State Consolidated Funding Application for a propagation study to be performed by Rainmaker Network Services. *The necessary resolution was authorized for the July 20, 2012 Board meeting. (Subsequent to the meeting it was determined that this resolution was not necessary as the previously approved amendment to Resolution No. 396 of 2012 would authorize same.)*

Mr. Taylor called for a motion from the Economic Growth & Development Committee to authorize a resolution supporting the Adirondack Gateway Council's application for a broader study of broadband needs in Warren County.

Motion was made by Mrs. Wood, seconded by Mr. Conover and carried unanimously to authorize a resolution supporting the Adirondack Gateway Council's application for a broader study of broadband needs in Warren County. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the July 20, 2012 Board meeting.*

Mr. Monroe called for a motion from the Legislative & Rules Committee to authorize a resolution supporting the Adirondack Gateway Council's application for a broader study of broadband needs in Warren County.

Motion was made by Mr. Bentley, seconded by Mr. Thomas and carried unanimously to authorize a resolution supporting the Adirondack Gateway Council's application for a broader study of broadband needs in Warren County. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the July 20, 2012 Board meeting.*

Discussion ensued.

Returning to the agenda review, Mr. Monroe said the next item pertained to a resolution from Fulton County urging Congress to repeal a portion of the Universal Service Fund Surcharge which provided free cell phone service to "income eligible" individuals through Federal subsidies. He added a copy of the resolution was included in the agenda packet; *a copy of same is on file with the minutes.*

Motion was made by Mr. Thomas, seconded by Mrs. Wood and carried unanimously to authorize a resolution urging Congress to repeal a portion of the Universal Service Fund Surcharge which

provided free cell phone service to "income eligible" individuals through Federal subsidies. *The necessary resolution was authorized for the July 20, 2012 Board meeting.*

Mr. Monroe said the next item on the agenda concerned a resolution from Fulton County supporting S.5509B/A.9489A to revise the sharing formula for Wireless E911 surcharge monies. He added a copy of the resolution was included in the agenda packet; *a copy of same is on file with the minutes.*

Motion was made by Mr. Bentley, seconded by Mr. Thomas and carried unanimously to authorize a resolution supporting S.5509B/A.9489A to revise the sharing formula for Wireless E911 surcharge monies. *The necessary resolution was authorized for the July 20, 2012 Board meeting.*

Mr. Monroe mentioned the first pending item pertained to the County Administrator obtaining information from the individual Towns concerning areas where beaver dams had created problems, such as flooding. Mr. Dusek stated that he had compiled the information but due to the lateness of the hour he felt it would be best to table the review of the information until the next Committee meeting. Mr. Dusek distributed copies of the compiled information to the Committee members; *a copy of same is on file with the minutes.*

Mr. Monroe noted a referral from the Social Services Committee requesting that State Legislators require anyone receiving public assistance to be subject to drug and alcohol testing and that their benefits be suspended if they test positive.

Motion was made by Mr. Sokol, seconded by Mrs. Wood and carried unanimously to authorize a resolution requesting the State Legislature to require anyone receiving public assistance to be subject to drug and alcohol testing and that their benefits be suspended if they test positive. *The necessary resolution was authorized for the July 20, 2012 Board meeting.*

Lastly, Mr. Monroe said there was a second pending item pertaining to the suggestion that the State offer an exchange for land previously acquired for forest preserve but not used for such. Mr. Dusek stated he was unfamiliar with the issue and would complete further research for discussion at the next Committee meeting.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Sokol and seconded by Mrs. Frasier, Mr. Monroe adjourned the meeting at 11:30 a.m.

As there was no further business to come before the Economic Growth & Development Committee, on motion made by Mr. Mason and seconded by Mrs. Wood, Mr. Taylor adjourned the meeting at 11:30 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist