

ErieNet Local Development Corporation

Board Meeting

Tuesday, February 20, 2024

Meeting Minutes

The Board of Directors meeting was held on February 20, 2024 at 1 Seneca Street, Buffalo, NY 14203, Statler Room and by videoconference, in accordance with the Corporation's Bylaws and Chapter 1 of the Laws of 2022. A quorum was present as indicated:

Members:

Thomas E. Baines, Erie County Deputy Commissioner of Planning & Economic Development
Michael Breeden, Erie County Chief Information Officer
Daniel Castle, Erie County Commissioner of Environment and Planning
John Spears, Director of Buffalo & Erie County Library
Jeremy Toth, Erie County Attorney
Timothy Meyers, Erie County Legislature Majority Leader (via Teams)

Absent:

Mark Cornell, Erie County Deputy Budget Director
Jason Keding, Town of Boston
John Mills, Erie County Legislature Minority Leader

Other Attendees:

Melissa Hartman, ErieNet Executive Director (via Teams)
Courtney Italia, ErieNet Administrative Coordinator
Matt Crider, ECC Technologies
Mark Meyerhoffer, ECC Technologies

1. Open Board Meeting, Roll Call, and declaration of Quorum – The meeting was called to order by the Chair of the Board at 2:04 p.m., roll call was taken by Mr. Baines and a quorum was declared present.
2. Approval of the Draft Minutes from January 16, 2024 Board Meeting – Upon motion by Mr. Breeden and seconded by Mr. Castle the Draft Board Minutes were unanimously approved.
3. Report of the Chair – Mr. Baines raised a concern to the Board regarding site surveys for poles owned by Erie County. He is actively working with ECC, Erie

County's Attorney's Office, and Erie County DPW to resolve these issues. The County's requirement for a survey for every pole slated for replacement has prompted discussions within the team. They are exploring whether it is possible to waive the survey requirement for poles situated within a certain distance from the County Right-of-Way. This consideration stems from the substantial time and financial investment involved, with each survey costing \$800 per pole. Discussion ensued.

4. Executive Director's Report –

- i. Melissa Hartman provided a summary of the monthly financials and investment reports.
- ii. City of Buffalo Update – Ms. Hartman provided the board with an update on the meeting involving Daryl Springer, Matt Crider, and herself. She highlighted that ErieNet is making strides in collaboration with the City of Buffalo, indicating positive progress.
- iii. ConnectAll Grant – Ms. Hartman informed the board that the application for the ConnectAll Grant is now open, and the ErieNet Team is actively engaging with Municipalities and gathering Letters of Support. Regional elected officials will soon receive letters requesting their support. An update on this application will be provided by the ECC Team at the upcoming Board Meeting.
- iv. BEAD Challenge – Ms. Hartman updated the Board that ErieNet formally submitted for the BEAD Challenge Grant and received the grant.
- v. Real Property Tax Update – Ms. Hartman gave a brief update on Vic Martucci's work lobbying the proposed legislation Real Property Tax legislation.
- vi. ECC Technologies Update – Attached

5. Committee Reports – Mr. Toth provided a brief update to the board, stating that during the Governance Committee meeting, the Committee reviewed the By-Laws and Policies with ErieNet's Legal Counsel. The committee offered suggestions for revisions, that will be prepared for presentation to the Board at the Annual Meeting scheduled for March 19, 2024.

6. Unfinished Business

7. Resolutions

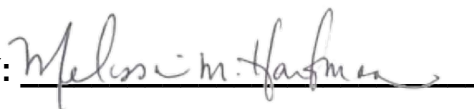
2024-02 RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING (i) THE NEGOTIATION AND EXECUTION OF A MASTER SERVICES AGREEMENT TO ENGAGE H. RICHARDSON & SONS, LLC (“RICHARDSON”) TO PROVIDE MAKE-READY FIBER OPTIC INFRASTRUCTURE CONSTRUCTION SERVICES RELATED TO NEW YORK STATE GAS AND ELECTRIC CORPORATION (“NSYEG”) INFRASTRUCTURE

Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Spears, Resolution 2024-02 was unanimously approved.

2024-03 RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING (i) THE NEGOTIATION AND EXECUTION OF AN AGREEMENT TO ENGAGE MANCHSTER CS, INC FOR CONSTRUCTION SERVICES IN RELATION TO THE BUILD OUT OF AN OPEN ACCESS NETWORK POINT OF PRESENCE IN AN AMOUNT NOT TO EXCEED \$125,000; AND (ii) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CERTAIN LICENSE AGREEMENT (THE “POP AGREEMENT”) BY AND BETWEEN ENLDC AND THE COUNTY OF ERIE (THE “COUNTY”) FOR THE USE OF CERTAIN SPACE IN THE COUNTY RATH BUILDING AS AN OPEN ACCESS NETWORK POINT OF PRESENCE

Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Toth, Resolution 2024-03 was unanimously approved.

8. Executive Session – City of Buffalo Contract Proposal Discussion - Upon motion by Mr. Toth and seconded by Mr. Breeden the Board went into Executive Session.
9. Adjournment - Upon motion made by Mr. Toth and seconded by Mr. Castle the meeting adjourned at 3:30 p.m.

BY: 
Melissa Hartman
Executive Director