

**ERIENET LOCAL DEVELOPMENT CORPORATION
RESOLUTION 23-02**

A regular meeting of the ErieNet Local Development Corporation was convened on February 21, 2023 at 1:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING (i) THE NEGOTIATION AND EXECUTION OF AN AGREEMENT TO ENGAGE BRISBANE CONSULTING GROUP, LLC TO PROVIDE FUND ACCOUNTING SOFTWARE SERVICES

WHEREAS, the ENLDC is an affiliate of the County of Erie (the “County”) and is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County and to lessen the burdens of government and act in the public interest; and

WHEREAS, ENLDC was specifically created and empowered by the County to study, design, and engineer an Open Access Network and to ultimately install internet services within and throughout the County to ensure growth, equity and prosperity for the County (the “Project”), and

WHEREAS, it is necessary for the accounting functions and internal controls of the Corporation to acquire software to record and report the financials of the Corporation; and

WHEREAS, the Chair and Lumsden & McCormick obtained three quotes via email, in a manner consistent with the ENLDC Procurement Policy; and

WHEREAS, the Chair and Lumsden & McCormick reviewed the three quotes and based on a cost differential of approximately \$2,211, recommend that ENLDC engage Brisbane Consulting Group, LLC (“Brisbane”) to provide fund accounting software services.

NOW, THEREFORE, BE IT RESOLVED BY THE ERIENET LOCAL DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. Based upon the foregoing, and in compliance with ENLDC’s Procurement Policy, the ENLDC hereby selects Brisbane to provide fund accounting software services, and hereby authorizes the Chair to negotiate and execute a contract with Brisbane, in consultation with the ENLDC’s general

counsel, to provide fund accounting software services, in an amount not to exceed \$36,076 (\$16,196 for the initial year, and \$9,940 for each subsequent year) and any appropriate change orders or scope additions as approved by the Chair.

Section 2. The officers, employees and agents of the ENLDC are hereby authorized and directed for and in the name and on behalf of the ENLDC to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the ENLDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ENLDC as related thereto and hereto.

Section 3. Any and all actions heretofore taken or authorized by the ILDC and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 4. This resolution shall take effect immediately.

Dated: February 21, 2023

**ERIENET LOCAL DEVELOPMENT CORPORATION
RESOLUTION 23-03**

A regular meeting of the ErieNet Local Development Corporation was convened on February 21, 2023 at 1:00, p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGREEMENT TO ENGAGE LABELLA ASSOCIATES TO PROVIDE ENGINEERING AND DESIGN SERVICES FOR ATTACHMENT OF BROADBAND ASSETS UPON AND WITHIN NEW YORK STATE ELECTRIC & GAS CORP INFRASTRUCTURE

WHEREAS, the ENLDC is an affiliate of the County of Erie (the “County”) and is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County and to lessen the burdens of government and act in the public interest; and

WHEREAS, ENLDC was specifically created and empowered by the County to study, design, and engineer an Open Access Network and to ultimately install internet services within and throughout the County to ensure growth, equity and prosperity for the County (the “Project”), and

WHEREAS, it is contemplated that certain portions of the Project, including but not limited to certain fiber optic cable and supporting equipment (collectively, the “Broadband Assets”) will necessarily need to be installed upon and/or located within existing distribution poles, ducts and rights-of-ways owned and under the jurisdiction of New York State Electric & Gas Corp., (hereinafter, “NYSEG” and the related poles, ducts, and rights-of-ways to be referred to as the “NYSEG Infrastructure”); and

WHEREAS, prior to installing Broadband Assets upon/within the NYSEG Infrastructure, NYSEG requires that ENLDC undertakes certain required pre-construction survey and engineering design and make ready work analysis and studies of the NYSEG Infrastructure (the “Infrastructure Analysis”) for purposes of ensuring that Broadband Assets installation and operations can utilize and not otherwise adversely impact NYSEG Infrastructure; and

WHEREAS, NYSEG has only authorized, and thus only permits, one engineering firm, being LaBella Associates, to undertake the required Infrastructure Analysis; and

WHEREAS, in order to undertake the analysis of the NYSEG Infrastructure, ENLDC is required by NYSEG to, and thus desires to, engage LaBella Associates, as LaBella Associates is the sole source provider as so related to the NYSEG Infrastructure Analysis.

NOW, THEREFORE, BE IT RESOLVED BY THE ERIENET LOCAL DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. In accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Infrastructure Analysis is a Type II action exempt from review pursuant to Section 617.5(c)(27) of the SEQRA regulations.

Section 2. Based upon the foregoing, the ENLDC hereby authorizes LaBella Associates to be engaged for purposes of undertaking the NYSEG Infrastructure Analysis, and hereby authorizes the Chair to negotiate and execute a contract with LaBella Associates, in consultation with the ENLDC's general counsel, to undertake the Infrastructure Analysis, in an amount not to exceed \$107,350 and any appropriate change orders or scope additions as approved by the Chair.

Section 3. The officers, employees and agents of the ENLDC are hereby authorized and directed for and in the name and on behalf of the ENLDC to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the ENLDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ENLDC as related thereto and hereto.

Section 4. Any and all actions heretofore taken or authorized by the ILDC and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 5. This resolution shall take effect immediately.

Dated: February 21, 2023