

ERIENET LOCAL DEVELOPMENT CORPORATION

**Meeting of the Board of Directors
Serendipity Labs – Seneca One
29th Floor
1 Seneca Street, Buffalo, NY 14203
Tuesday, August 15, 2023, 1:00 p.m.**

Agenda

1. Roll call and declaration of quorum
2. Approval of the Draft Minutes from the Tuesday, July 18, 2023 Board Meeting
3. Report of the Chair
4. Executive Director's Report
5. Committee Reports
 - Personnel Committee – August 1, 2023 (Interviews)
6. Unfinished Business – there is no unfinished business
7. Resolutions

2023-16 - RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION ("ENLDC") AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT FOR OFFICE SPACE AT SERENDIPITY LABS LOCATED AT SENECA ONE TOWER, CITY OF BUFFALO, NEW YORK ("LEASE")

2023-17 – RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION ("ENLDC") AUTHORIZING THE HIRING OF AN ADMINISTRATIVE COORDINATOR

2023-18 – RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION ("ENLDC") AUTHORIZING (i) THE NEGOTIATION AND EXECUTION OF MASTER SERVICES AGREEMENTS TO ENGAGE NORTHLINE UTILITIES, LLC ("NORTHLINE"), THAYER POWER AND COMMUNICATION LLC ("THAYER"), HAUGLAND GROUP LLC ("HAUGLAND"), HENKELS AND MCCOY, INC. ("HENKELS") AND HARLAN ELECTRIC COMPANY ("HARLAN") TO PROVIDE MAKE-READY FIBER OPTIC INFRASTRUCTURE CONSTRUCTION SERVICES RELATED TO NEW YORK STATE GAS AND ELECTRIC CORPORATION ("NSYEG") INFRASTRUCTURE IN A TOTAL AMOUNT NOT TO EXCEED \$2,700,000

2023-19 - RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION ("ENLDC") AUTHORIZING (i) THE RATIFICATION AND APPROVAL OF A CERTAIN POLE ATTACHMENT AGREEMENT (THE "POLE ATTACHMENT AGREEMENT") BY AND BETWEEN ENLDC AND VERIZON NEW YORK INC. ("VERIZON"); (ii) THE NEGOTIATION AND EXECUTION OF A CERTAIN CONDUIT LICENSE AGREEMENT BY AND BETWEEN ENLDC AND VERIZON (THE "CONDUIT AGREEMENT"); AND (iii) AUTHORIZE THE EXPENDITURE OF FUNDS (A) NOT TO EXCEED \$960,000 IN

FURTHERANCE OF THE COMPLETION OF CERTAIN "MAKE-READY" SERVICES, AND NOT TO EXCEED \$89,700 IN FURTHERANCE OF THE PAYMENT OF THE ANNUAL POLE OCCUPANCY FEE AS PROVIDED FOR IN THE POLE ATTACHMENT AGREEMENT, (B) NOT TO EXCEED \$10,000 IN FURTHERANCE OF CERTAIN "MAKE-READY" SERVICES, AND NOT TO EXCEED \$5,280 IN FURTHERANCE OF THE PAYMENT OF THE ANNUAL CONDUIT OCCUPANCY FEE AS PROVIDED FOR IN THE CONDUIT AGREEMENT, RESPECTIVELY

2023-20 - RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION ("ENLDC") AUTHORIZING (i) THE NEGOTIATION AND EXECUTION OF A CERTAIN AGREEMENT AUTHORIZING ATTACHMENT OF COMMUNICATION CABLE AND FACILITIES ON CERTAIN NIAGARA MOHAWK POWER CORPORATION ELECTRIC TRANSMISSION POLES BY AND BETWEEN ENLDC AND THE NIAGARA MOHAWK POWER CORPORATION ("NATIONAL GRID" AND THE AGREEMENT SO REFERENCED BEING HEREINAFTER REFERRED TO AS THE "TRANSMISSION POLE ATTACHMENT AGREEMENT"); (ii) THE NEGOTIATION AND EXECUTION OF A CERTAIN CONDUIT OCCUPANCY AGREEMENT BY AND BETWEEN ENLDC AND NATIONAL GRID (THE "CONDUIT AGREEMENT"); (iii) THE RATIFIATION AND APPROVAL OF A CERTAIN CLEC POLE ATTACHMENT AGREEMENT BY AND BETWEEN ENLDC AND NATIONAL GRID (THE "CLEC AGREEMENT"); AND (iv) AUTHORIZE THE EXPENDITURE OF FUNDS (A) NOT TO EXCEED \$67,200 IN FURTHERANCE OF MAKE READY CHARGES, AND NOT TO EXCEED \$3,135 IN FURTHERANCE OF THE PAYMENT OF THE ANNUAL POLE OCCUPANCY FEE AS PROVIDED FOR IN THE TRANSMISSION POLE ATTACHMENT AGREEMENT, (B) NOT TO EXCEED \$10,000 IN FURTHERANCE OF MAKE READY CHARGES, AND NOT TO EXCEED \$5,280 IN FURTHERANCE OF THE PAYMENT OF THE ANNUAL CONDUIT OCCUPANCY FEE AS PROVIDED FOR IN THE CONDUIT AGREEMENT, AND (C) NOT TO EXCEED \$2,655,000 IN FURTHERANCE OF MAKE READY CHARGES, AND NOT TO EXCEED \$80,358 IN FURTHERANCE OF THE PAYMENT OF THE ANNUAL CLEC POLE OCCUPANCY FEE AS PROVIDED FOR IN THE CLEC AGREEMENT, RESPECTIVELY

2023-21 RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION ("ENLDC") AUTHORIZING AND APPROVING THE DEVELOPMENT AND CONSTRUCTION OF OPEN ACCESS DARK FIBER-OPTIC NETWORK IN ERIE COUNTY

2023-22 –

8. Adjournment – (Next board meeting: September 19, 2023)