

ErieNet Local Development Corporation

Board Meeting

Tuesday, March 19, 2024

Meeting Minutes

The Board of Directors meeting was held on March 19, 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
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
Courtney Italia, ErieNet Administrative Coordinator
Robert Murray, Harris Beach
Matt Crider, ECC Technologies (via Teams)
Mark Meyerhoffer, ECC Technologies
Mac Zukoff, ECC Technologies
Greg Houppert, ECC Technologies
Martha Buyer
Elizabeth Freas

1. Open Board Meeting, Roll Call, and declaration of Quorum – The meeting was called to order by the Chair of the Board at 2:51 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. Meyers the Draft Board Minutes were unanimously approved.

3. Report of the Chair – Mr. Baines briefly thanked and acknowledged the submissions of everyone’s Board of Directors survey.

4. Executive Director’s Report –
 - i. ECC Technologies Update – Attached

5. Committee Reports –
 - i. Audit & Finance Committee - Mr. Cornell briefed the board on the recent Committee meeting's activities preceding the board meeting. During this session, there was a detailed review of the 2023 Audit by Dresher & Malecki. Additionally, Mr. Cornell provided a brief overview of the new guidelines regarding the spending of ARPA funds, emphasizing that there's no immediate concern about obligation deadlines; the only significant deadline to remember is the December 2026 expenditure deadline. Both Mr. Cornell and the committee recommend full approval of the Audited Financial Statements to the Board.
 - ii. Governance Committee - Mr. Toth gave a concise update to the board, mentioning that over the last three Governance Committee meetings, the Committee thoroughly examined ErieNet’s By-Laws and Policies in consultation with legal counsel. Some minor adjustments were made to these documents. Notably, one change involved revising the membership of ex officio to specify the Budget Director rather than the Deputy Budget Director. Mr. Toth and the Governance Committee recommend full approval of the By-Laws and Policies to the Board.

6. Unfinished Business

7. Resolutions

2024-04	RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING (i) THE ENGAGEMENT OF THE DDS COMPANIES TO PROVIDE PROFESSIONAL SURVEYING SERVICES TO ENLDC; AND (ii) THE NEGOTIATION AND EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH DDS COMPANIES TO ENCOMPASS THE PROVISION OF SUCH PROFESSIONAL SURVEYING SERVICES TO ENLDC IN AN AMOUNT NOT TO EXCEED \$40,000
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Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Keding, Resolution 2024-04 was unanimously approved.

2024-05

RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING (i) THE NEGOTIATION AND EXECUTION OF A CERTAIN POLE ATTACHMENT AGREEMENT BY AND BETWEEN ENLDC AND THE VILLAGE OF SPRINGVILLE (“VILLAGE”); AND (ii) THE EXPENDITURE OF FUNDS (A) NOT TO EXCEED \$27,750 IN FURTHERANCE OF THE COMPLETION OF CERTAIN “MAKE-READY” SURVEYS FOR THE ATTACHMENT OF CERTAIN FIBER OPTIC CABLE AND SUPPORTING EQUIPMENT UPON AND WITHIN THE VILLAGE INFRASTRUCTURE, AND (B) NOT TO EXCEED \$3,663 ON AN ANNUAL BASIS IN FURTHERANCE OF THE PAYMENT OF THE ANNUAL POLE OCCUPANCY FEE AS PROVIDED FOR IN THE POLE ATTACHMENT AGREEMENT

Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Meyers, Resolution 2024-05 was unanimously approved.

2024-06

RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) (i) RATIFYING A CERTAIN INCENTIVE PROPOSAL BY AND BETWEEN ENLDC AND THE NEW YORK STATE ECONOMIC DEVELOPMENT CORPORATION D/B/A EMPIRE STATE DEVELOPMENT, BY AND THROUGH THE CONNECTALL OFFICE (“CONNECTALL”); (ii) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A GRANT DISBURSEMENT AGREEMENT BY AND BETWEEN ENLDC AND CONNECTALL RELATIVE TO THE DISBURSEMENT OF CERTAIN GRANT FUNDS NOT TO EXCEED \$25,000 (THE “GRANT”); AND (iii) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CERTAIN AMENDMENT TO AN AGREEMENT BY AND BETWEEN ENLDC AND ECC TECHNOLOGIES, INC. (“ECC”) FOR THE PROVISION OF ADDITIONAL SERVICES ANICLLARY TO THE GRANT IN AN AMOUNT NOT TO EXCEED \$21,000

Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Meyers, Resolution 2024-06 was unanimously approved.

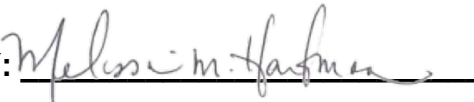
2024-07

RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) (i) ADOPTING CERTAIN POLICIES, STANDARDS AND PROCEDURES, INCLUDING

CERTAIN AMENDED AND RESTATED POLICIES, STANDARDS AND PROCEDURES RELATING TO ITS ORGANIZATION AND IN CONNECTION WITH THE PUBLIC AUTHORITIES ACCOUNTABILITY ACT OF 2005, AS AMENDED BY CHAPTER 506 OF THE LAWS OF 2009 OF THE STATE OF NEW YORK, (ii) APPOINTING DIRECTORS AND OFFICERS OF ENLDC; AND (iii) APPOINTING MEMBERS OF THE FINANCE & AUDIT COMMITTEE AND GOVERNANCE COMMITTEE

Discussion ensued, and upon motion by Mr. Toth and seconded by Mr. Castle, Resolution 2024-07 was unanimously approved.

8. Adjournment - Upon motion made by Mr. Keding and seconded by Mr. Meyer the meeting adjourned at 3:56 p.m.

BY: 

Melissa Hartman
Executive Director