

## ErieNet Local Development Corporation

Board Meeting

Tuesday, November 21, 2023

### Meeting Minutes

The Board of Directors meeting was held on November 21, 2023, at 1 Seneca Street, Buffalo, NY 14203, Statler Room on Mezzanine Level 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  
Mark Cornell, Erie County Deputy Budget Director  
Jason Keding, Town of Boston  
Timothy Meyers, Erie County Legislature Majority Leader (via Teams)  
John Mills, Erie County Legislature Minority Leader  
John Spears, Director of Buffalo & Erie County Library (via Teams)  
Jeremy Toth, Erie County Attorney

#### Other Attendees:

Melissa Hartman, ErieNet Executive Director  
Courtney Italia, ErieNet Administrative Coordinator  
Bob Murray, Harris Beach  
Matt Crider, ECC Technologies (via Teams)  
Andy Lukasiewicz, ECC Technologies (via Teams)

1. Open Board Meeting, Roll Call, and declaration of Quorum – The meeting was called to order by the Chair of the Board at 1:05 p.m., roll call was taken by Mr. Baines and a quorum was declared present.
2. Approval of the Draft Minutes from October 17, 2023 Board Meeting – Upon motion by Mr. Castle and seconded by Mr. Breeden the Draft Board Minutes were unanimously approved.
3. Report of the Chair – No report from the Chair

4. Executive Director's Report –

- i. ECC Update – Attached
- ii. City of Buffalo – Ms. Hartman has shared the latest developments in the ongoing communication between ErieNet and the City of Buffalo. In a comprehensive meeting held in September, various proposals were presented, highlighting the potential exchange of the services agreement for both connectivity and financial support to facilitate the connection of their respective buildings. The City of Buffalo experienced a considerable delay before responding to ErieNet. Upon reestablishing communication, the City of Buffalo provided a legal revision to the proposed agreement submitted by ErieNet.

Ms. Hartman and the ErieNet team have determined that a thorough review and explanation of the benefits ErieNet can offer not only to the City of Buffalo but also to their community are essential. ErieNet intends to provide the City with supplementary information, involving all team members in evaluating the significant impact and benefits that could arise from this collaboration. Discussion ensued.

- iii. ConnectAll – Ms. Hartman presented the board update on her participation in the Southern Tier World Broadband conference held in Binghamton, NY. Notably, ConnectAll and the ErieNet Team actively participated in discussions focusing on potential ConnectAll grant opportunities in the near future. Following these conversations, it became apparent that ErieNet stands as a strong contender for these forthcoming grants. Ms. Hartman emphasized securing these grants could significantly contribute to the expansion of ErieNet's initial build and ErieNet footprint. The conference proved to be a valuable platform for networking and positioned ErieNet strategically for potential growth with the prospect of impactful grant support. Discussion ensued.
- iv. Fiber Arrival – ErieNet's fiber has been delivered, order 3 of 4. The last order is set to be delivered in the first week of December.
- v. 2024 Board Meeting Schedule – (Attached)
- vi. Real Property Tax Update - Mr. Murray, ErieNet's Legal Counsel, provided the board with an update on the Real Property Tax. He clarified that all assets, whether on poles or underground, are taxable for real property tax purposes. Currently, these costs are transferred to ErieNet's end-users through our Agreements and IRU proposals, although the aim is to minimize or eliminate this passing of costs. Notably, improvements made by ErieNet fall under a different tax category. Despite the organization's 501c3 and non-profit status, Mr. Murray emphasized that ErieNet is not exempt from New York State

Real Property Taxes for infrastructure placed in the ground. The team has the opportunity to discuss and strategize on several options before the Real Property Tax bill is anticipated in 2025. Discussion ensued.

5. Committee Reports-

- i. Audit & Finance Selection Committee – Mr. Cornell gave an overview of the importance of engaging an external auditor to meet necessary requirements, especially with the April timeframe for Authorities Budget Office (ABO) compliance and audit. Following the issuance of a Request for Proposals (RFP), two firms, Dresher & Malecki and EFRP Group, responded. The primary determinant between the two proposals was the cost difference. Considering this factor, the selection committee recommended Dresher & Malecki to serve as ErieNet's independent auditors, emphasizing their ability to fulfill the essential auditing needs in a cost-effective manner. Discussion ensued.

6. Unfinished Business - No unfinished business.

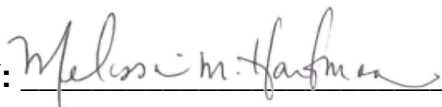
7. Resolutions

2023-25

RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION ("ENLDC") AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGREEMENT TO ENGAGE DRESCHER & MALECKI LLP ("D&M") FOR AUDITING SERVICES

Discussion ensued, and upon motion by Mr. Cornell and seconded by Mr. Keding, Resolution 2023-25 was unanimously approved.

8. Adjournment - Upon motion made by Mr. Breeden and seconded by Mr. Mills the meeting adjourned at 2:06 p.m.

BY: 

**Melissa Hartman**  
**Executive Director**