

ErieNet Local Development Corporation

Board Meeting

Tuesday, August 15, 2023

Meeting Minutes

The Board of Directors meeting was held on August 15, 2023, in the Conference Room on the twenty ninth floor of the Seneca One Tower located at 1 Seneca Street, Buffalo, New York 14203 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
Timothy Meyers, Erie County Legislature Majority Leader (**Timothy Meyers took no formal action since he attended via Webex).
John Mills, Erie County Legislature Minority Leader
John Spears, Director of Buffalo & Erie County Library
Jeremy Toth, Erie County Attorney

Other Attendees:

Melissa Hartman, ErieNet Executive Director
Courtney Italia, Erie County Environment & Planning
Matt Crider, ECC Technologies
Andy Lukasiewicz, ECC Technologies
Mark Meyerhofer, ECC Technologies
Francis MacNamara, ECC Technologies
Robert G. Murray, Harris Beach
Pietra G. Zaffram, Harris Beach

Absent:

Jason Keding, Town of Boston

1. Open Board Meeting, Roll Call, and declaration of Quorum – The meeting was called to order by the Chair of the Board at 1:03 p.m., roll call was taken by Mr. Baines and a quorum was declared present.

2. Approval of the Draft Minutes from July 18, 2023 Board Meeting – Upon motion by Mr. Spears and seconded by Mr. Mills 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. Administrative Coordinator Position – Melissa Hartman informed the Board that Courtney Italia has been selected for the Administrative Coordinator position.
- iii. City of Buffalo – ErieNet has been moving forward with the City of Buffalo agreement and will be preparing a submittal to propose waiving the Telecommunications License. Ms. Hartman is hopeful to be on the Agenda for the City of Buffalo’s September Common Council Meeting.
- iv. Fiber Delivery – Ms. Hartman informed the board about the recent delivery of 13 spools of fiber. Erie County has accepted and stored them in one of the County facilities.
- v. Real Property Tax – Mr. Murray & Ms. Zaffram of Harris Beach explained the Real Property Tax implications and potential options for ErieNet moving forward. Melissa Hartman will continue to work with Harris Beach to find an appropriate course of action to further discuss with the Board in the coming months.

5. Committee Reports- No committees met.

6. Unfinished Business - 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”)

Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Mills, Resolution 2023-16 was unanimously approved.

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

Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Spears, Resolution 2023-17 was unanimously approved.

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

Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Mills, Resolution 2023-18 was unanimously approved.

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

Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Mills, Resolution 2023-19 was unanimously approved.

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 RATIFICATION 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 \$3,155 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

Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Castle, Resolution 2023-20 was unanimously approved.

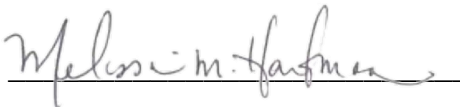
2023-21 RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION ("ENLDC") AUTHORIZING AND APPROVING THE DEVELOPMENT AND CONSTRUCTION OF OPEN ACCESS DARK FIBER-OPTIC NETWORK IN ERIE COUNTY FOR IN THE INDEFEASIBLE RIGHT OF USE AGREEMENT

Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Mills, Resolution 2023-21 was unanimously approved.

2023-22 RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION ("ENLDC") ADOPTING A CERTAIN CUSTOMER PROPOSAL POLICY AND RELATED PROCEDURES TO BE UTILIZED IN NEGOTIATIONS FOR END-USER ACCESS TO ENLDC'S FIBER OPTIC NETWORK.

Discussion ensued, and upon motion by Mr. Breeden and seconded by Mr. Mills, Resolution 2023-22 was unanimously approved.

8. Adjournment - Upon motion made by Mr. Breeden and seconded by Mr. Cornell the meeting adjourned at 2:49 p.m.

BY: 
Melissa M. Hartman
Executive Director