

ErieNet Local Development Corporation

Board Meeting

Tuesday, July 18, 2023

Meeting Minutes

The Board of Directors meeting was held on July 18, 2023, in the Board Room on the fourth floor of the ECIDA office located at 95 Perry 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
Jason Keding, Town of Boston
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 (via WebEx)
Matt Crider, ECC Technologies
Mac Zukoff, ECC Technologies
Francis McNamara (via WebEx)

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 June 20, 2023 Board Meeting – Upon motion by Mr. Cornell 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. Melissa Hartman provided a financial report, produced by Lumsden McCormick for the Board Members review and also spoke about the \$28 million-dollar investment made into Treasury-Bills.
- ii. ECC Update – Attached
- iii. Ms. Hartman gave a brief update on ErieNet's schedule to start meeting with Municipalities such as the Town of Amherst & Grand Island along with the City of Buffalo scheduled for June 21st.
- iv. Administrative Coordinator Position – Melissa Hartman informed the Board that they are currently undergoing the hiring process and anticipates having a selected candidate for the Board to approve in the August Board Meeting.
- v. ErieNet Office Space – Ms. Hartman gave a brief update that ENLDC has been looking at both shared space and traditional office space and anticipates having a Contract prepared for the board to review at the August Meeting.
- vi. Real Property Tax – Ms. Hartman encouraged the Board to all be in attendance for the next Board Meeting, August 15th as she is arranging for ENLDC's Legal Team to be present as well to have a discussion on Real Property Tax.

5. Committee Reports-

- i. Audit & Finance Committee – Meeting was held on June 28th, to discuss the options that Melissa Hartman put together in related to the investment strategies. The Committee agreed upon having a specific threshold amount that would require Audit & Finance Committee authority, along with a threshold where the Executive Director can direct investments moving forward. The Committee, Chair and Executive Director all determined and agreed upon set policies for ENLDC to follow moving forward.

6. Unfinished Business - No unfinished business.

7. Resolutions

2023-14 - RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION ("ENLDC") TO (i) RATIFY AND APPROVE A CERTAIN POLE ATTACHMENT AGREEMENT BY AND BETWEEN ENLDC AND THE NEW YORK STATE ELECTRIC & GAS CORPORATION ("NYSEG") AND (ii) AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS NOT TO EXCEED \$1,000,000 IN FURTHERANCE

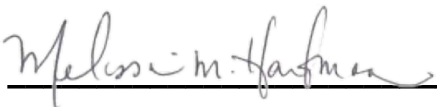
OF THE COMPLETION OF CERTAIN "MAKE-READY"
INSPECTION SERVICES FOR THE ATTACHMENT OF
BROADBAND ASSETS UPON AND WITHIN THE NYSEG
INFRASTRUCTURE AS PROVIDED FOR IN THE POLE
ATTACHMENT AGREEMENT FIBER OPTIC
INFRASTRUCTURE CONSTRUCTION SERVICES

Discussion ensued, and upon motion by Mr. Toth and seconded by Mr. Castle, Resolution 2023-14 was unanimously approved.

2023-15 - RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION ("ENLDC") TO (i) APPROVE A CERTAIN USER AGREEMENT FOR INNERDUCT BY AND BETWEEN ENLDC AND THE NEW YORK STATE THRUWAY AUTHORITY ("NYSTA") AND (ii) AUTHORIZING THE EXPENDITURE OF FUNDS NOT TO EXCEED \$21,380 AS A ONE-TIME USER FEE, AND NOT TO EXCEED \$4,000 PER YEAR FOR A PERIOD OF 20 YEARS FOR THE PRE-PAID ANNUAL USER MAINTENANCE FEE AS PROVIDED FOR IN THE INDEFEASIBLE RIGHT OF USE AGREEMENT

Discussion ensued, and upon motion by Mr. Keding and seconded by Mr. Cornell, Resolution 2023-15 was unanimously approved.

8. Adjournment - Upon motion made by Mr. Breeden and seconded by Mr. Keding the meeting adjourned at 1:58 p.m.

BY: 

Melissa Hartman
Executive Director