

ErieNet Local Development Corporation

Board Meeting

Wednesday, November 9, 2022

DRAFT Meeting Minutes

The Board of Directors meeting was held on November 9, 2022 in the Board Room on the fourth floor of the ECIDA office located at 95 Perry Street, Buffalo, New York 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:

Mark Cornell, Erie County Deputy Budget Director
Michael Breeden, Erie County Chief Information Officer
Jeremy Toth, Erie County Attorney
Daniel Castle, Erie County Commissioner of Environment and Planning
John Spears, Director of the Buffalo and Erie County Public Library
Thomas E. Baines, Erie County Deputy Commissioner of Planning & Economic Development

Absent:

Joseph Lorigo, Erie County Legislature Minority Leader
Timothy Meyers, Erie County Legislature Majority Leader

Other Attendees:

William Geary, Erie County Commissioner of Public Works
Benjamin Swanekamp, Erie County Chief of Staff
Matthew Crider, ECC Technologies

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 also taken by the Chair and a quorum was declared present.
2. Approval of the Draft Minutes from September 12, 2022 Initial Board Meeting – Upon motion by Mr. Cornell and seconded by Mr. Castle, the Draft Board Minutes were unanimously approved.
3. Report of the Chair
 - i. Procurement for Administrative Services
 - a. Accounting and Legal RFP – Chairman Baines presented the two RFP recommendations as evaluated by the Selection Committees for Legal and Accounting services. The Selection Committee recommended Harris Beach & Lumsden McCormick.
 - b. Banking Services – Chairman Baines recommended M&T Bank as the bank of choice for ErieNet.
 - c. Insurance – Chairman Baines recommended Lawley Insurance as they are currently contracted through Erie County's procurement process.

- ii. Executive Director Search – Mr. Baines stated the local recruitment is underway for the Executive Director.
 - iii. Authorities Budget Office (ABO) Update – Mr. Cornell informed the Board that ErieNet LDC is now recognized as an authority under the jurisdiction under the ABO. Mr. Cornell also stated that the LDC is showing up under all various searches that can be found under the Paris System for various reports.
 - iv. ECC Technologies Update – See Attachment
4. Committee Reports – No Committees met
5. Unfinished Business – No unfinished business
6. Resolutions
- 22-01 A RESOLUTION OF ERIENET LOCAL DEVELOPMENT CORPORATION AUTHORIZING THE CHAIRPERSON OF THE CORPORATION TO ENTER INTO A CONTRACT WITH LUMSDEN MCCORMICK, FOR ACCOUNTING SERVICES
- Upon motion by Mr. Spears and seconded by Mr. Cornell, Resolution 22-01 was unanimously approved.
- 22-02 A RESOLUTION OF ERIENET LOCAL DEVELOPMENT CORPORATION AUTHORIZING THE CHAIRPERSON OF THE CORPORATION TO ENTER INTO A CONTRACT WITH HARRIS BEACH, FOR LEGAL SERVICES
- Upon motion by Mr. Toth and seconded by Mr. Breeden, the Resolution 22-02 was unanimously approved.
- 22-03 A RESOLUTION OF ERIENET LOCAL DEVELOPMENT CORPORATION AUTHORIZING THE CHAIRPERSON OF THE CORPORATION TO ENTER INTO A CONTRACT WITH LAWLEY INSURANCE FOR GENERAL LIABILITY INSURANCE
- Upon motion by Mr. Cornell and seconded by Mr. Castle, the Resolution 22-03 was unanimously approved.
- 22-04 A RESOLUTION OF ERIENET LOCAL DEVELOPMENT CORPORATION AUTHORIZING THE CHAIRPERSON OF THE CORPORATION TO ENTER INTO A CONTRACT WITH M&T BANK FOR BANKING SERVICES
- Upon motion by Mr. Breeden and seconded by Mr. Spears, the Resolution 22-04 was unanimously approved.
7. Adjournment - Upon motion made by Mr. Cornell and seconded by Mr. Breeden the meeting adjourned at 1:49 p.m.

BY: _____
Thomas E. Baines, Chair

ErieNET Design & CM Project Status Update – November 9, 2022

1. Route Verification

- Routes North of Rt. 20 (Orchard Park) are verified
- southern county routes to be verified by end of week (11/11)

2. Make Ready

- Agreement with Grid pending LDC insurance and bonding
- Agreement with Verizon pending LDC insurance and bonding
- Agreements in process with NYSEG, Springville & Akron
- Leidos designated by Grid as MR Engineering Contractor
- 200 poles submitted to Leidos for review as to form – submittal pending Grid Agreement; and LDC signing Leidos Agreement and issuing PO.
- ECC ready to submit another 1000 poles to Leidos pending Grid/Vz. Agreements

3. Pathway and Permitting

- Grid and NYSEG provided all pole data for expedited mapping and route verifications
- Grid permits in process for access to downtown conduit access
- 811 Dig Safe identified Adesta as manager for I-190 Bridges to Grand Island. Pursuing conduit/duct access on bridge(s).

4. PoP Design

- That data center identified space for Main PoP
- Pathway investigation for Rath Bldg. fiber entrances; and to 350 Main – Carrier Meet Room
- ECC to provide Mike Breeden with layout for proposed PoP space

Sales & Marketing

- Continued negotiations with UB
- Continued negotiation with City of Buffalo
- October meeting with Erie1 & 2 BOCES and WNYRIC
- GBNRTC & NIITEC meeting for ErieNET fiber access

RESOLUTION NO. 22-01

A RESOLUTION OF ERIENET LOCAL DEVELOPMENT CORPORATION AUTHORIZING THE CHAIRPERSON OF THE CORPORATION TO ENTER INTO A CONTRACT WITH LUMSDEN MCCORMICK, FOR ACCOUNTING SERVICES

WHEREAS, ErieNet Local Development Corporation was established (the "Corporation") pursuant to and in accordance with Section 1411 of the Not-for-Profit Corporation Law ("N-PCL") as a charitable not-for-profit corporation of the State of New York (the "State") with purposes and powers included and as set forth within N-PCL Section 1411 (hereinafter, the "Act"); and

WHEREAS, the Corporation is authorized to enter into contracts to carry out its purposes; and

WHEREAS, pursuant the Corporation's Procurement Guidelines, a contract for services for greater than \$20,000 per instance requires written Request for Proposal; and

WHEREAS, accounting is an integral function of the Corporation; and

WHEREAS, the Corporation's staff has issued an RFP to obtain accounting services; and

WHEREAS, it is the recommendation of the Corporation's RFP Selection Committee that the Board of Directors authorize the purchase of Accounting Services; and

WHEREAS, the Board of Directors desires to authorize the Chair of the Corporation to negotiate and enter into a contract with Lumsden McCormick, for accounting services.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF ERIENET LOCAL DEVELOPMENT CORPORATION, AS FOLLOWS:

Section 1. The Chair of the Corporation is hereby authorized to negotiate and enter into a contract with Lumsden McCormick to purchase accounting services from Lumsden McCormick for the Corporation. The maximum term for any such contract shall be for a period not to exceed three years, including any renewals or extensions from the date of execution of said contact. The contract shall include such other terms and conditions as the Chair to determine appropriate and in the best interest of the Corporation.

Section 2. This Resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 22-02

A RESOLUTION OF ERIENET LOCAL DEVELOPMENT CORPORATION
AUTHORIZING THE CHAIRPERSON OF THE CORPORATION TO ENTER
INTO A CONTRACT WITH HARRIS BEACH, FOR LEGAL SERVICES

WHEREAS, ErieNet Local Development Corporation was established (the "Corporation") pursuant to and in accordance with Section 1411 of the Not-for-Profit Corporation Law ("N-PCL") as a charitable not-for-profit corporation of the State of New York (the "State") with purposes and powers included and as set forth within N-PCL Section 1411 (hereinafter, the "Act"); and

WHEREAS, the Corporation is authorized to enter into contracts to carry out its purposes;
and

WHEREAS, pursuant the Corporation's Procurement Guidelines, a contract for services greater than \$20,000 per instance requires written Request for Proposal; and

WHEREAS, legal service is an integral function of the Corporation; and

WHEREAS, the Corporation's staff has issued an RFP to obtain legal services; and

WHEREAS, it is the recommendation of the Corporation's RFP Selection Committee that the Board of Directors authorize the purchase of legal services; and

WHEREAS, the Board of Directors desires to authorize the Chair of the Corporation to negotiate and enter into a contract with Harris Beach, for legal services.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF ERIENET LOCAL DEVELOPMENT CORPORATION, AS FOLLOWS:

Section 1. The Chair of the Corporation is hereby authorized to negotiate and enter into a contract with Harris Beach to purchase legal services from Harris Beach for the Corporation. The maximum term for any such contract shall be for a period not to exceed three years, including any renewals or extensions from the date of execution of said contract. The contract shall include such other terms and conditions as the Chair to determine appropriate and in the best interest of the Corporation.

Section 2. This Resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 22-03

A RESOLUTION OF ERIENET LOCAL DEVELOPMENT CORPORATION
AUTHORIZING THE CHAIRPERSON OF THE CORPORATION TO ENTER
INTO A CONTRACT WITH LAWLEY INSURANCE FOR GENERAL LIABILITY
INSURANCE

WHEREAS, ErieNet Local Development Corporation was established (the "Corporation") pursuant to and in accordance with Section 1411 of the Not-for-Profit Corporation Law ("N-PCL") as a charitable not-for-profit corporation of the State of New York (the "State") with purposes and powers included and as set forth within N-PCL Section 1411 (hereinafter, the "Act"); and

WHEREAS, the Corporation is authorized to enter into contracts to carry out its purposes;
and

WHEREAS, pursuant the Corporation's Procurement Guidelines, a contract for services procured through New York State or Erie County contracts is not necessary to obtain quotes or bids; and

WHEREAS, Lawley Insurance was procured through, and is currently under contract with Erie County; and

WHEREAS, insurance is integral to the function of the Corporation; and

WHEREAS, the Board of Directors desires to authorize the Chair of the Corporation to enter into a contract with Lawley Insurance, for general liability insurance.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF ERIENET LOCAL DEVELOPMENT CORPORATION, AS FOLLOWS:

Section 1. The Chair of the Corporation is hereby authorized to negotiate and enter into a contract with Lawley Insurance to purchase general liability insurance from Lawley Insurance for the Corporation. The contract shall include such other terms and conditions as the Chair to determine appropriate and in the best interest of the Corporation.

Section 2. This Resolution shall take effect immediately upon its adoption.

11/9/2022

RESOLUTION NO. 22-04

A RESOLUTION OF ERIENET LOCAL DEVELOPMENT CORPORATION
AUTHORIZING THE CHAIRPERSON OF THE CORPORATION TO ENTER
INTO A CONTRACT WITH M&T BANK FOR BANKING SERVICES

WHEREAS, ErieNet Local Development Corporation was established (the "Corporation") pursuant to and in accordance with Section 1411 of the Not-for-Profit Corporation Law ("N-PCL") as a charitable not-for-profit corporation of the State of New York (the "State") with purposes and powers included and as set forth within N-PCL Section 1411 (hereinafter, the "Act"); and

WHEREAS, the Corporation is authorized to enter into contracts to carry out its purposes;
and

WHEREAS, pursuant the Corporation's Procurement Guidelines, a contract for services up to \$5,000 is the discretion of the Executive Director of the Corporation or authorized designee;
and

WHEREAS, ErieNet Local Development Corporation does not have an Executive Director;
and

WHEREAS, the cost of banking services is nominal; and

WHEREAS, banking services is integral to the function of the Corporation; and

WHEREAS, the Board of Directors desires to authorize the Chair of the Corporation to enter into a contract with M&T Bank, for banking services.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF ERIENET LOCAL DEVELOPMENT CORPORATION, AS FOLLOWS:

Section 1. The Chair of the Corporation is hereby authorized to negotiate and enter into a contract with M&T Bank for banking services for the Corporation. The contract shall include such other terms and conditions as the Chair to determine appropriate and in the best interest of the Corporation.

Section 2. This Resolution shall take effect immediately upon its adoption.