

By Legislators Smith and Hebert

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2023

**AUTHORIZING GRANT CONTRACTS, APPROPRIATION TRANSFERS, AND INTERMUNICIPAL AGREEMENTS PURSUANT TO AMERICAN RESCUE PLAN ACT (ARPA) FOR BROADBAND INFRASTRUCTURE**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute grant contracts, and any amendments thereto, with Spectrum Northeast, LLC in a total amount not to exceed \$1,817,176 for terms to commence on or after November 1, 2023 and terminate on or before December 31, 2026.

Section 2. The County Executive, or his designee, is hereby authorized to execute grant contracts, and any amendments thereto, with CBN Geneva LLC, d/b/a Community Broadband Networks-FLX, in a total amount not to exceed \$4,211,816 for terms to commence on or after December 1, 2023 and terminate on or before December 31, 2026.

Section 3. The Controller is hereby authorized to make an appropriation transfer in the amount of \$6,048,575 from the Monroe County Legislature, general fund 9301, funds center 1001030000, Local Recovery Fund to the Department of Environmental Services, general fund 9301, funds center 8301010000 Engineering Administration.

Section 4. The County Executive, or his designee, is hereby authorized to execute intermunicipal agreements, and any amendments thereto, with the City of Rochester, towns, villages, and/or school districts to facilitate the deployment of and access to high-speed internet services.

Section 5. Funding for these grant contracts will be included in the 2023 operating budget of the Department of Environmental Services, general fund 9301, funds center 8301010000 Engineering Administration once the appropriation transfers are authorized.

Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Ways and Means Committee; December 7, 2023 – CV: 11-0  
Intergovernmental Relations Committee; November 27, 2023 – CV: 5-0  
File No. 23-0412

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

**ACTION BY THE COUNTY EXECUTIVE**

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



# Office of the County Executive Monroe County Legislature

November 15, 2023

To The Honorable  
Monroe County Legislature  
407 County Office Building  
Rochester, New York 14614

OFFICIAL FILE COPY	
No.	230412
Not to be removed from the Office of the Legislature of Monroe County	
Committee Assignment	
WAYS & MEANS	-L
INTRGOV REL	

**Subject: Authorize Grant Contracts, Appropriation Transfers, and Intermunicipal Agreements Pursuant the American Rescue Plan Act (ARPA) for Broadband Infrastructure**

Honorable Legislators:

We recommend that Your Honorable Body authorize grant contracts with Spectrum Northeast, LLC in a total amount not to exceed \$1,817,176 and CBN Geneva LLC, d/b/a Community Broadband Networks-FLX, in a total amount not to exceed \$4,211,816 pursuant to the American Rescue Plan Act ("ARPA") for broadband infrastructure for terms to commence on or after November 1, 2023 and terminate on or before December 31, 2026; authorize appropriation transfers; and authorize intermunicipal agreements to facilitate the deployment of and access to high-speed internet services.

The American Rescue Plan Act of 2021 was signed into law on March 11, 2021. ARPA allocated \$1.9 trillion in emergency relief and recovery, of which \$350 billion was designated to support state, local, territorial, and Tribal governments. Monroe County is the recipient of \$144,080,127 in State and Local Fiscal Recovery Funds through ARPA. As part of its ARPA response, Monroe County designated a portion of its funds to support broadband infrastructure, digital equity, and inclusion.

On June 2, 2023, Monroe County issued a Request for Proposals to fund broadband infrastructure projects within Monroe County. The County's top priority was to work with a partner or partners to serve areas that are currently unserved and underserved. Additional consideration was given to respondents that were at the forefront of technology capabilities, provided a competitive advantage to Monroe County businesses, and provided affordable service options. The County received three (3) proposals. In addition to the selection committee's review, the County engaged Hunt Engineers, Architects, Land Surveyors & Landscape Architect, D.P.C. to provide technical assistance with reviewing and evaluating proposals. Ultimately, Spectrum Northeast, LLC was selected as the most qualified for Target Area A (Hamlin, Clarkson, Sweden, Parma); Target Area B (Riga, Wheatland, Ogden); Target Area C (Rush, Mendon); and Target Area E (Remainder of Monroe County). CBN Geneva LLC, d/b/a Community Broadband Networks-FLX was selected as the most qualified for Target Area D (Portions of the City of Rochester [14604, 14605, 14608, 14611, 14613, 14614, and 14621]).

**The specific legislative actions required are:**

1. Authorize the County Executive, or his designee, to execute grant contracts, and any amendments thereto, with Spectrum Northeast, LLC, 100 Town Centre Drive, Rochester,

New York 14623, in a total amount not to exceed \$1,817,176 for terms to commence on or after November 1, 2023 and terminate on or before December 31, 2026.

2. Authorize the County Executive, or his designee, to execute grant contracts, and any amendments thereto, with CBN Geneva LLC, d/b/a Community Broadband Networks-FLX, 1 Franklin Square, Suite 213, Geneva, New York 14456, in a total amount not to exceed \$4,211,816 for terms to commence on or after December 1, 2023 and terminate on or before December 31, 2026
3. Authorize an appropriation transfer in the amount of \$6,048,575 from the Monroe County Legislature, general fund 9301, funds center 1001030000, Local Recovery Fund to the Department of Environmental Services, general fund 9301, funds center 8301010000 Engineering Administration.
4. Authorize the County Executive, or his designee, to execute intermunicipal agreements, and any amendments thereto, with the City of Rochester, towns, villages, and/or school districts to facilitate the deployment of and access to high-speed internet services.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(6) (“street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities”); (7) (“installation of telecommunication cables in existing highway or utility rights of way utilizing trenchless burial or aerial placement on existing poles”); (9) (“construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”); and (13) (“extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list”) and is not subject to further review under the State Environmental Quality Review Act.

Funding for these grant contracts will be included in the 2023 operating budget of the Department of Environmental Services, general fund 9301, funds center 8301010000 Engineering Administration once the appropriation transfers are authorized. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither Spectrum Northeast, LLC, CBN Geneva LLC, d/b/a Community Broadband Networks-FLX, nor any of its principal officers, owe any delinquent Monroe County property taxes. The principal officers of the firm are:

Spectrum Northeast, LLC

Mark Fitchett, Regional Vice President for Field Operations

Timothy Hodge, Regional Vice President, Engineering

John Cunico, Vice President, Regional Engineering

James Goodfellow, Area Vice President, Western New York

Alex Camarda, Senior Director, State Government Affairs

Lauren Kelly, Director of Government Affairs, Finger Lakes

CBN Geneva LLC, dba Community Broadband Networks-FLX

Thomas Magg, President

James Orioli, COO, Project Director

Ben Sheppard, CTO

Matt Asaro, CRO

Gabriel Freeman, Director – Strategic Initiatives

Michael Nicotra, Field Operations

We recommend that this matter be referred to the appropriate committee(s) for favorable action by  
Your Honorable Body.

Respectfully Submitted,



Adam J. Bello  
Monroe County Executive



Sabrina LaMar  
Monroe County Legislature  
President



Steve Brew  
Majority Leader  
District 12



Yversha Roman  
Minority Leader  
District 26



Blake Keller  
Monroe County Legislator  
District 1



Jackie Smith  
Monroe County Legislator  
District 2



Tracy DiFlorio  
Monroe County Legislator  
District 3



Frank X. Allkofer  
Monroe County Legislator  
District 4



Richard B. Milne  
Monroe County Legislator  
District 5



Sean McCabe  
Monroe County Legislator  
District 6



Kirk Morris  
Monroe County Legislator  
District 7



Mark Johns  
Monroe County Legislator  
District 8



Paul Dondorfer  
Monroe County Legislator  
District 9



Howard Maffucci  
Monroe County Legislator  
District 10



Sean M. Delehanty  
Monroe County Legislator  
District 11



Michael Yudelson  
Monroe County Legislator  
District 13



Susan Hughes-Smith  
Monroe County Legislator  
District 14



Dave Long  
Monroe County Legislator  
District 16



Roman Misula  
Monroe County Legislator  
District 17



Kathleen Taylor  
Monroe County Legislator  
District 19



Robert Colby  
Monroe County Legislator  
District 20



Mercedes Vazquez Simmons  
Monroe County Legislator  
District 22



Linda Hasman  
Monroe County Legislator  
District 23



Albert Blankley  
Monroe County Legislator  
District 24



Carolyn Delvecchio Hoffman  
Monroe County Legislator  
District 25



Ricky Frazier  
Monroe County Legislator  
District 28



William Burgess  
Monroe County Legislator  
District 29