

**Minutes of the Board of Directors Meeting  
of  
Buffalo Urban Development Corporation**

**95 Perry Street  
Buffalo, New York 14203  
February 23, 2016  
12:00 p.m.**

**1.0 Call to Order**

Directors Present:

Thomas Beauford, Jr.  
Hon. Byron W. Brown (Chair)  
James W. Comerford  
Janique S. Curry  
Dennis W. Elsenbeck  
Dottie Gallagher-Cohen  
Thomas A. Kucharski  
Brendan R. Mehaffy  
Kimberley A. Minkel  
David J. Nasca  
Benjamin N. Obletz  
Rev. Darius G. Pridgen  
Steven J. Stepniak

Directors Absent:

Thomas J. Dearing  
Woodrow W. Maggard  
Dennis M. Penman (Vice Chair)  
Christopher J. Schoepflin  
Craig A. Slater  
Maria R. Whyte

Officers Present:

Peter M. Cammarata, President  
David A. Stebbins, Executive Vice President  
Brandye Merriweather, Vice President  
Andrew Schoepfich, Treasurer  
Kevin J. Zanner, Secretary

Others Present: Dawn Boudreau, ECIDA Compliance Officer; Jonathan Epstein, *The Buffalo News*; and Lisa Hicks, BUDC Intern.

**Roll Call** – The Secretary called roll of directors at 12:15 p.m. and a quorum of the Board was determined to be present. Mayor Brown welcomed new Board member David J. Nasca. Ms. Curry joined the meeting during the presentation of item 3.0. Mr. Mehaffy joined the meeting during the presentation of item 4.1.

**2.0 Presentation of the Minutes** - The minutes of the January 26, 2016 meeting of the Board of Directors were presented. Mr. Comerford made a motion to approve the meeting minutes. The motion was seconded by Mr. Stepniak and unanimously carried.

**3.0 Monthly Financial Report** - Mr. Schoepfich reviewed the 2015 year-end income statement with the Board. He reported that BUDC's auditing firm has completed its work and that the 2015 draft financial statements will be presented to the BUDC Audit & Finance Committee in March. He then presented the monthly financial report for the period ending January 31, 2016. The cash balance at the end of the period was \$2,442,869 and the net position of BUDC at the end of the period was \$14,652,660. Year-to-date revenue was \$7,941 and year-to-date expenses were \$91,878, resulting in

a year-to-date net loss of (\$83,937). Ms. Gallagher-Cohen made a motion to accept the financial report. The motion was seconded by Mr. Beauford and unanimously carried.

#### **4.0 New Business**

- 4.1 Buffalo Building Reuse Project General Project (BBRP) Update** – Ms. Merriweather presented an update regarding Buffalo Building Reuse Project matters. She first reported on stakeholder outreach efforts for the Shelton Square/Fireman's Park and Franklin Street infrastructure improvement projects. She then commented on the Queen City Pop-up program, noting that the 500 block of Main Street may be the next location for the program. More than 25 retailers have expressed interest in participating in the next program session. Ms. Merriweather concluded her report with an update on the Downtown Development Guide and related marketing activities.
- 4.2 BBRP Loan Program Update** – Ms. Merriweather updated the Board regarding BBRP loan program matters. She noted that BUDC is working with the City and the participating lending institutions to identify candidates to serve on the BUDC Loan Committee. Ms. Merriweather also reported on the status of the BBRP loan for the 298 Main Street project. Mayor Brown commented on the new BBRP loan fund and thanked Ms. Gallagher-Cohen for her efforts in connection with the loan program initiative. Ms. Gallagher-Cohen noted that all BBRP loan program documents have been executed by the participating lenders, and she credited NYBDC President Patrick MacKrell and Board members Penman and Nasca for helping to establish the new loan fund.
- 4.3 Northland Corridor Project General Update** – Mr. Stebbins presented an update regarding the Northland Corridor project. Mr. Stebbins reported that Mayor Brown has committed an additional four million dollars in City funding for the Northland Corridor project that will be utilized to remove blight from the project area. Mayor Brown commented on the extensive community outreach process and thanked Governor Cuomo and Empire State Development for their commitment to the project. He also noted that a second public meeting for the project will be held tomorrow evening at the Delavan-Grider community center. Mr. Stebbins then continued his report, noting that the preliminary site plan for the 683 Northland property was approved by the City of Buffalo Planning Board and a negative declaration under SEQRA has been issued for the overall project. He updated the Board regarding SHPO's review, which will include a site visit on March 15<sup>th</sup>. Mr. Stebbins also reported that fifteen responses have been received to BUDC's request for qualifications for the final design of 683 Northland. The responses will be reviewed and a recommendation will be made to the BUDC Real Estate Committee in March. Mr. Stebbins also updated the Board regarding the NYSDEC Consent Order for the 537 East Delavan property and the design and engineering work underway at 577 Northland. He closed his report with an update on the project budget. He noted that BUDC is exploring the availability of historic preservation and Brownfield Cleanup Program tax credits for the project. In response to a question from Mr. Elsenbeck, Mr. Stebbins indicated that BUDC is coordinating with National Grid and will seek additional grant funding from National Grid for the project.
- 4.4 Northland Corridor NEPA and Brownfield Cleanup Program Services** – Mr. Elsenbeck made a motion to enter into executive session to discuss the proposed retention of a particular person or corporation to perform NEPA and NYS Brownfield Cleanup Program services for BUDC. The motion was seconded by Ms. Curry and unanimously carried. The Board entered executive session. At the conclusion of the executive session discussion, Mr. Mehaffy made a motion to exit executive session. The motion was seconded by Mr. Nasca and unanimously carried. The meeting was re-opened to the public, and it was reported that no votes were taken during executive session.

Mr. Cammarata reported that BUDC is seeking assistance in connection with the completion of the federal National Environmental Policy Act (NEPA) review that is required in connection with

the Mayor's commitment of four million dollars for the Northland Corridor project. BUDC is also seeking assistance to proceed with a Brownfield Cleanup Program application and to examine the availability to BUDC of brownfield tax credits for the project. The total cost of these services would not exceed \$25,000. He noted that these discrete tasks are time sensitive, and that BUDC executive staff believes that Mr. Slater has the requisite expertise and would be well suited to perform these services in an expeditious and efficient manner. However, Mr. Slater is considered a "related party" due to his position as a member of the Board of Directors, and related party transactions require Board approval. The Board discussed the proposal. The general consensus was that BUDC may include Mr. Slater's law firm in the solicitation process, but that the process should include soliciting other legal services providers to perform the work before a decision to award the work is made.

At the conclusion of the discussion, Mr. Oblatz made a motion: (i) to authorize the President or Executive Vice President to solicit, on an informal basis, firms to provide specified legal services relating to the preparation of NEPA documentation and Brownfield Cleanup Program services; (ii) to authorize the President and Executive Vice President to include The Slater Law Firm as among the firms to be solicited; and (iii) to proceed with the award of the work to the firm demonstrating requisite expertise and ability to expeditiously and economically perform and complete the work, with a determination that the proposed engagement is fair, reasonable and in BUDC's best interest; provided however that no work shall be awarded in an amount exceeding \$25,000 without Board approval. The motion was seconded by Mr. Kucharski and unanimously carried.

**4.5 Buffalo Lakeside Commerce Park Project Update** – Mr. Cammarata presented an update regarding Buffalo Lakeside Commerce Park. He indicated that BUDC is waiting for NYSDEC to complete its review of the proposed remedial investigation work plan for the Brownfield Cleanup Program project at 193 Ship Canal Parkway. Mr. Cammarata noted that CDM Smith, NYSDEC's contractor for the Parcel 4 Superfund project, will commence work in the spring and is expected to complete the project by the end of 2016. Mr. Cammarata completed his report with an update regarding BLCP marketing activities.

**4.6 Information Package** – Mr. Cammarata reviewed the informational, marketing and media materials that were included in the monthly information package provided to the Board.

**5.0 Late Files** - None.

**6.0 Tabled Items** - None.

**7.0 Executive Session** – Yes. See item 4.4.

**8.0 Adjournment** - There being no further business to come before the Board of Directors, upon motion made by Ms. Curry, seconded by Mr. Elsenbeck and unanimously carried, the February 23, 2016 meeting of the Board of Directors was adjourned at 1:20 p.m.

Respectfully submitted,

  
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Kevin J. Zanner, Secretary