

# Buffalo Urban Development Corporation

95 Perry Street

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## Buffalo Urban Development Corporation

### Real Estate Committee Meeting

Tuesday, June 19, 2018 at Noon

95 Perry Street, 4<sup>th</sup> Floor

Vista Room

### Agenda

- 1) Approval of Minutes – Meeting of 5/22/2018 (*Action*)(*Enclosure*)
- 2) Northland Beltline Project
  - a) 683 Northland Phase I – Gilbane Change Orders (*Recommendation*) (*Handouts*)
    - CO #5 – Gigi’s Build-Out
    - CO #6 – Bookstore Relocation
  - b) 683 Northland Phase I – GMP & Construction Update (*Information*)
  - c) 683 Northland Phase I – F.F.& E. Procurement Update (*Information*)
  - d) 683 Northland Phase II – Early Bids – Gilbane Recommendations to Award (RTA) (*Recommendation*) (*Handouts*)
    - Skylight Framing
    - Roofing Membrane
  - e) 683 Northland Phase II – GMP & Construction Update (*Information*)
  - f) 683 Northland – BCP Update (*Information*)
  - g) 683 Northland – Lease Updates (*Information*)
  - h) 683 Northland – Prospect Updates (*Information*)
  - i) 683 Northland – Facility Staffing Update (*Information*)
  - j) 612 Northland – Construction & Contracting Update (*Information*)
  - k) 541 East Delavan – Design Update (*Information*)
  - l) Northland Beltline Funding Updates (ESD, NYPA, CDBG, Restore NY) (*Information*)
  - m) Northland Beltline Property Tax Exemption Renewals (*Information*)
  - n) Northland Avenue Road & ROW Construction Update (*Information*)
  - o) NorDel II (BUDC)/City of Buffalo Land Swap Update (*Information*)
- 3) Buffalo Lakeside Commerce Park (*Information*)
  - a) NYSDEC “Parcel 5” Property Access Agreement (*Enclosure*)
  - b) Parcel 4 Superfund Cleanup
  - c) Prospects Update
- 4) 308 Crowley Acquisition Update (*Information*) (*Enclosure*)
- 5) C.O.B. Brownfield Transaction Opportunities Update (*Information*)
  - a) Northland
- 6) Adjournment (*Action*)

**Minutes of the Meeting  
of the  
Real Estate Committee  
of  
Buffalo Urban Development Corporation**

**95 Perry Street  
Buffalo, New York  
May 22, 2018  
12:00 p.m.**

Committee Members Present:

Janique S. Curry  
Brendan R. Mehaffy  
Kimberley A. Minkel  
Craig A. Slater (Chair)

Committee Members Absent:

Thomas A. Kucharski  
Dennis M. Penman  
Maria R. Whyte

Officers Present:

Peter M. Cammarata, President  
David A. Stebbins, Executive Vice President  
Brandye Merriweather, Vice President  
Mollie Profic, Treasurer  
Kevin J. Zanner, Secretary  
Atiqa Abidi, Assistant Treasurer

Guests Present: Dawn Boudreau, ECIDA Compliance Officer; Terry LoConte; Gilbane Building Company; Thomas Mancuso, Mancuso Management, Inc.; Robert Sanders, Watts Architecture & Engineering; and Brett Stiehler, Gilbane Building Company.

**Roll Call** – The Secretary called the roll at 12:05 p.m. A quorum of the Committee was not present. Items 2(b) and 2(d) were presented in the absence of a quorum. Ms. Curry joined the meeting at the conclusion of the presentation of item 2(d), at which time a quorum of the Committee was present.

- 1.0 Approval of Minutes – Meeting of April 17, 2018** – The minutes of the April 17, 2018 meeting of the Real Estate Committee were presented. Ms. Minkel made a motion to approve the meeting minutes. The motion was seconded by Ms. Curry and unanimously carried.

**2.0 Northland Beltline Project**

**(a) 683 Northland Phase I – Gilbane Change Orders**

- i. **CO #2 – Vapor Mitigation** – Mr. Cammarata presented proposed Change Order No. 2 to the guaranteed maximum price (GMP) construction management contract with Gilbane. This change order is in the amount of \$224,504.02 and relates to vapor mitigation work that is required by the NYSDEC for the Brownfield Cleanup Program project at 683 Northland. Ms. Minkel made a motion to recommend that the Board of Directors approve Change Order No. 2 in the amount of \$224,504.02. The motion was seconded by Mr. Mehaffy and unanimously carried.
- ii. **CO #3 – Skylights** – Mr. Stebbins presented proposed Change Order No. 3 to the GMP

construction management contract with Gilbane. This change order is in the amount of \$339,417.57 and relates to additional structural steel work required to install skylights at 683 Northland. Ms. Curry made a motion to recommend that the Board of Directors approve Change Order No. 3 in the amount of \$339,417.57. The motion was seconded by Ms. Minkel and unanimously carried.

- iii. **CO #4 – Phase II Make Ready** – Mr. Stebbins presented proposed Change Order No. 4 to the GMP construction management contract with Gilbane. This change order is in the amount of \$313,762.36 and relates to Phase II preparatory work. Mr. Stiehler reviewed with the Committee each of these seven tasks that will be part of the Phase II make ready work. Mr. Stebbins noted that the amounts expended on this Change Order will reduce costs for Phase II of the project. In response to a question from Ms. Curry, Mr. Stiehler confirmed that this work will be subject to the 25%/5% M/WBE and workforce participation goals established for the project. Ms. Minkel made a motion to recommend that the Board of Directors approve Change Order No. 4 in the amount of \$313,762.36. The motion was seconded by Mr. Mehaffy and unanimously carried.
- (b) **683 Northland Phase I – GMP & Construction Update** – Mr. Stebbins circulated a one-page GMP update. Mr. Stebbins indicated that the overall project budget includes an owner's contingency in the amount of 1.9 million dollars which exists outside the GMP. The outside contingency amount will be reduced by the dollar value of change orders 2, 3, and 4 once the Board approves the change orders.
- (c) **683 Northland Phase II – Early Bids – Gilbane Recommendations to Award**
  - i. **Early Demolition** – Mr. Stebbins presented the May 21, 2018 Award Recommendation letter issued by Gilbane regarding the proposed award of early demolition work for Phase II of the 683 Northland project. Gilbane solicited proposals from five contractors and received a single proposal for the work. Total Wrecking & Environmental, LLC, which is currently mobilized and on-site for Phase I work, submitted a proposal to perform the work at a cost of \$1,082,000. The cost exceeds the budget for this work by approximately \$20,000. The contractor submitted an M/WBE utilization plan that includes 25% MBE and 5% WBE utilization. The Committee discussed the proposed award, including the lack of proposals from other contractors. Mr. LoConte commented that it is difficult for other contractors to submit proposals that are competitive with the proposal of a contractor that is already mobilized and on-site. At the conclusion of the discussion, Ms. Curry made a motion to recommend that the Board approve Gilbane's proposed award of the early demolition work to Total Wrecking & Environmental, LLC in the amount of \$1,082,000. The motion was seconded by Ms. Minkel and unanimously carried.
  - ii. **Roof Steel** – Mr. Stebbins presented the May 21, 2018 Award Recommendation letter issued by Gilbane regarding the proposed award of roof reinforcing and pre-cast planks work for Phase II of the 683 Northland project. Gilbane solicited proposals from five contractors and received proposals from two contractors for the work. Apollo Steel Corporation submitted the lowest cost proposal to perform the work at a cost of \$620,000. The budget for this work was \$629,837. The contractor submitted an M/WBE utilization plan that includes 12% MBE and 3% WBE utilization. Ms. Minkel made a motion to recommend that the Board approve Gilbane's proposed award of the roof reinforcing and pre-cast planks work to Apollo Steel Corporation in the amount of \$620,000. The motion was seconded by Mr. Mehaffy and unanimously carried.
  - iii. **Structural Roof Panels** – Mr. Stebbins presented the May 21, 2018 Award Recommendation letter issued by Gilbane regarding the proposed award of insulated roof

panel work for Phase II of the 683 Northland project. Gilbane solicited proposals from two contractors and received a single proposal. Mader Construction Co., Inc., which is currently mobilized and on-site for Phase I work, submitted a proposal to perform the work at a cost of \$1,110,500. The budget for this work was \$1,295,750. The contractor submitted an M/WBE utilization plan that includes 25% MBE and 5% WBE utilization. Mr. Mehaffy made a motion to recommend that the Board approve Gilbane's proposed award of the insulated roof panel work to Mader Construction Co., Inc. in the amount of \$1,110,500. The motion was seconded by Ms. Minkel and unanimously carried.

- (d) **683 Northland - BCP** – Mr. Cammarata circulated copies of a drawing prepared by LiRo Engineers as part of the remedial investigation and alternative analysis report for the Brownfield Cleanup Program work at 683 Northland. The drawing shows the locations where additional excavation and vapor mitigation work may be required. Mr. Stebbins commented that the timing of the NYS Department of Health review may result in a delay of the BCP project.
- (e) **683 Northland – ISP Provider Contract Update** – Mr. Stebbins circulated copies of the May 15, 2018 memorandum from Buffalo Manufacturing Works regarding the selection of an internet services provider for 683 Northland. At the May 10<sup>th</sup> meeting of the Board of Directors, the Board had directed BUDC executive staff to contact BMW to determine whether BMW would be willing to work with Spectrum instead of Cogent. Mr. Stebbins noted that the memorandum expresses BMW's strong preference for Cogent, and that as a result, BUDC will contract with Cogent as the internet services provider for 683 Northland.
- (f) **612 Northland – Pepe Construction (Masonry) Contract Amendment & Change Orders** – Mr. Cammarata reported on the processing of an amendment and change order to the Pepe Construction contract which resulted in a five thousand dollar increase in the contract price.
- (g) **612 Northland – Oneida Services (Abatement & Enclosure) Change Order** – Mr. Cammarata reported on the processing of a minor change order to Oneida Services contract for the 612 Northland project.
- (h) **612 Northland – Window Replacement Awards Revisit** – Presentation of this item was deferred.
- (i) **Mancuso Group Contract Extension** – Mr. Cammarata informed the Committee that the property management agreement with Mancuso Management, Inc. is up for renewal. BUDC has the option to extend the term of the agreement for two additional one-year periods. Executive staff is recommending that BUDC exercise the option to extend the term of the agreement for one year. Ms. Minkel made a motion to extend the property management agreement for a one-year period. The motion was seconded by Mr. Mehaffy and unanimously carried.
- (j) **Northland Beltline Funding Updates (ESD, NYPA, CDBG, Restore NY)** – Mr. Cammarata and Mr. Stebbins updated the Committee regarding the status of various grant funding sources, including the ESD grants, the NYPA grant, the CDBG grant and the Restore NY IV and V grants.
- (k) **Nordel II (BUDC)/City of Buffalo Land Swap Update** – Mr. Zanner reported that updated surveys have been completed for the properties that will be transferred from NorDel II, LLC to BURA. Title is also being updated and should be complete within the next few weeks. The transaction is expected to be structured as a property swap between BUDC and BURA.

### 3.0 **Buffalo Lakeside Commerce Park**

- (a) **Prospects Update** – Mr. Cammarata updated the Committee regarding Project Chardonnay,

which may select Buffalo Lakeside Commerce Park for its project location.

- (b) **Updated Brochure** – Mr. Cammarata circulated copies of the updated BLCP brochure that Invest Buffalo Niagara prepared for the marketing of BLCP.
- (c) **Parcel 4 Superfund Cleanup** – Mr. Cammarata reported that the Parcel 4 Superfund cleanup work is underway again and is expected to be completed by August of 2018.
- (d) **Park Maintenance** – Mr. Cammarata reported on BLCP park maintenance activities, included a recent walk-through of the property with the landscaping contractor.

**4.0 C.O.B. Brownfield Opportunities Update** - Ms. Curry made a motion for the Committee to enter executive session to discuss the proposed acquisition of two properties on the basis that the value of the properties would be substantially affected if publicly discussed. The motion was seconded by Ms. Minkel and unanimously carried. At the conclusion of executive session, Ms. Minkel made a motion to exit executive session, which was seconded by Ms. Curry and unanimously carried. No votes were taken during executive session.

Ms. Minkel then made a motion to recommend that the Board of Directors (i) approve the acquisition of the real property and improvements located at 308 Crowley Avenue at a cost of \$50,000, subject to existing liens and taxes, and (ii) waive the due diligence contingency and proceed to closing. The motion was seconded by Ms. Curry and unanimously carried.

**5.0 Adjournment** – Upon motion made by Mr. Mehaffy, seconded by Ms. Minkel and unanimously carried, the May 22, 2018 meeting of the Real Estate Committee was adjourned at 1:25 p.m.

Respectfully submitted,



Kevin J. Zanner, Secretary

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Remediation, Remedial Bureau E  
625 Broadway, 12th Floor, Albany, NY 12233-7017  
P: (518) 402-9813 | F: (518) 402-9819  
[www.dec.ny.gov](http://www.dec.ny.gov)

June 13, 2018

Mr. Peter Cammarata  
President  
Buffalo Urban Development Corporation  
275 Oak Street  
Buffalo, NY 14203

RE: Property Access for Site Characterization  
Site Name: Buffalo Lakeside Commerce Park Parcel 5  
DEC Site No. 915322  
Laborer's Way and Ship Canal Parkway  
Tax Map ID Number : 132.15-2-1 through 132.15-2-4

Dear Mr. Cammarata:

The New York State Department of Environmental Conservation (DEC) will be investigating the potential of hazardous waste contamination on the premises identified above. Pursuant to Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program) ECL Article 27 § 1309, (3)-(4) and ECL Article 27 § 1313(8), DEC and its contractors have the authority to enter onto these properties for this purpose.

DEC, acting through its officers, employees, agents, and contractors requires access to the real property, above-specified, to conduct site characterization activities due to the potential of hazardous waste previously disposed of on this property. To complete this work, DEC will be performing drilling activities to collect soil samples and will install monitoring wells for the purpose of collecting groundwater samples. The proposed drilling area is shown on the enclosed figure.

DEC will be on-site to oversee the drilling activities. At this time, it is anticipated drilling activities will occur August 2018. DEC will work with you to accommodate your schedule, to the extent possible, and will provide advance notice when the work is scheduled. DEC will make every effort to minimize any adverse impact of its entry on and occupancy of your property.

It is requested that you sign and return the enclosed form acknowledging and consenting to DEC's Right of Entry onto your property.

Please feel free to direct any questions you may have on this matter to me by email [sarah.saucier@dec.ny.gov](mailto:sarah.saucier@dec.ny.gov) or by phone at (518) 402-9675.



Nothing contained herein constitutes a waiver by the DEC of any rights under applicable state and federal law nor does it constitute a release of any party from obligations under those same laws.

Sincerely,



Sarah Saucier, P.E.  
Project Manager  
Remedial Bureau E, Remedial Section A  
Division of Environmental Conservation

Enclosure:





Site Boundary

Proposed Drilling Area

**Proposed Drilling Area**

Buffalo Lakeside Commerce Park - Parcel 5  
Laborers Way and Ship Canal Parkway  
Buffalo, NY 14203



New York State Department Environmental Conservation

Property Owner Acknowledgment/Consent Form

I \_\_\_\_\_ hereby acknowledge and consent to the  
(Print Name)

Department's right of entry for purposes of remedial pre-design activities associated with the Buffalo Lakeside Commerce Park Parcel 5 (Site No. 915322) onto the premises described below:

Tax Map Parcel No. 132.15-2-1 through 132.15-2-4

Address: Laborers Way and Ship Canal Parkway  
Buffalo, NY 14203

Signature \_\_\_\_\_

Date \_\_\_\_\_

Phone Number \_\_\_\_\_

- Keep This Copy for Your Records



New York State Department Environmental Conservation

Property Owner Acknowledgment/Consent Form

I \_\_\_\_\_ hereby acknowledge and consent to the  
(Print Name)

Department's right of entry for purposes of remedial pre-design activities associated with the Buffalo Lakeside Commerce Park Parcel 5 (Site No. 915322) onto the premises described below:

Tax Map Parcel No. 132.15-2-1 through 132.15-2-4

Address: Laborers Way and Ship Canal Parkway  
Buffalo, NY 14203

Signature \_\_\_\_\_

Date \_\_\_\_\_

Phone Number \_\_\_\_\_

- Return This Copy to the DEC in the Postage-Paid Envelope Provided



**Cammarata, Peter**

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**From:** NYS Department of State, Division of Corporations Biennial Email Address Notification  
<corporations@dos.ny.gov>  
**Sent:** Tuesday, June 5, 2018 5:00 PM  
**To:** PCAMMARATA@BUFFALOURBANDEVELOPMENT.COM  
**Subject:** NYS DOS Corporations Biennial E-Mail Address Change Notification

**New York State Department of State  
 Division of Corporations  
 Biennial Statement Notification -- Email Address Change  
 PLEASE PRINT THIS EMAIL FOR YOUR RECORDS**

**Thank you for providing the Department of State with an email address for your business entity. This address will be used to send future Biennial Statement email notifications.**

**If the Current Email Address is incorrect, please go to the Department of State's Biennial Statement Email Address Notification website at [www.email.ebiennial.dos.ny.gov](http://www.email.ebiennial.dos.ny.gov)**

Current Entity Name: KING CROW, LLC  
 Fictitious Name (if applicable):  
 DOS ID: 5351694  
 Initial DOS Filing Date: JUNE 01, 2018  
 County: ERIE  
 Jurisdiction: NEW YORK  
 Entity Type: DOMESTIC LIMITED LIABILITY COMPANY  
 Email Address: PCAMMARATA@BUFFALOURBANDEVELOPMENT.COM

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