

Buffalo Urban Development Corporation

95 Perry Street

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Buffalo, New York 14203

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**Real Estate Committee Meeting
Tuesday, September 20, 2016 at Noon
BUDC-ECIDA Vista Room
95 Perry Street, 4th Floor, Buffalo, NY 14203**

Agenda

- 1) Approval of Minutes – Meeting of 7/19/2016 (*Action*) (*Enclosure*)
- 2) Northland Corridor Updates (*Information*)
 - a) 683 Northland - Construction Management
 - b) 683 Northland – Rehabilitation Tax Credit Consultants
 - c) 683 Northland – BCP Application (*Enclosure*)
 - d) 683 Northland – ESD Training Center Operator & SUNY Partners
 - e) 683 Northland – Space Planning Process
 - f) SHPO & Federal Section 106 Compliance (NEPA)
 - g) Substation Service Consultant
 - h) Restore NY Application
 - i) 577 & 777 Northland – Spill Report Resolution
 - j) Northland Corridor Initial Tenant
 - k) Snow Removal Service Procurement Process (*Enclosure*)
 - l) 537 E. Delavan – Project Rainfall / Invest Health
 - m) Northland Avenue Road & ROW Infrastructure Design
 - n) Community & Business Outreach / Neighborhood Plan
 - o) M/WBE and Workforce Participation
- 4) Buffalo Lakeside Commerce Park Updates (*Information*)
 - a) Parcel 3 Cap Verification – Arcadis
 - b) Parcel 4 Superfund Site – NYSDEC/CDM Smith
 - c) 193 Ship Canal Parkway BCP - LaBella
 - d) Development Prospects
- 5) Adjournment (*Action*)

**Minutes of the Real Estate Committee Meeting
Buffalo Urban Development Corporation
95 Perry Street
Buffalo, New York 14203
July 19, 2016
12:00 p.m.**

Call to Order

Committee Members Present:

Janique S. Curry
Thomas A. Kucharski
Brendan R. Mehaffy
Kimberley A. Minkel
Dennis M. Penman
Christopher J. Schoepflin
Craig A. Slater (Chair)

Committee Members Absent:

Maria R. Whyte

Officers Present:

Peter M. Cammarata, President
David A. Stebbins, Executive Vice President
Brandy Merriweather, Vice President
Kevin J. Zanner, Secretary
Bradley Bach, Assistant Treasurer

Others Present: Dawn Boudreau, ECIDA; Grant Lesswing, ECIDA; Thomas Mancuso, Mancuso Business Development Group, Inc.; and Dennis Sutton, City of Buffalo.

Roll Call – The meeting was called to order at 12:05 p.m. The Secretary called the roll and a quorum was determined to be present. Ms. Curry joined the meeting during the presentation of item 3(c). Mr. Penman joined the meeting during the presentation of item 4(b).

1.0 Approval of Meeting Minutes – The minutes of the June 22, 2016 meeting of the Real Estate Committee were presented. Mr. Mehaffy made a motion to approve the meeting minutes. The motion was seconded by Ms. Minkel and unanimously carried.

2.0 Brownfield Property Opportunities – There was no update on this item.

3.0 Northland Corridor Updates

(a) **ESD Grant Disbursement Agreement II (Z415)** – Mr. Cammarata informed the Committee that the ESD Board of Directors approved a grant disbursement agreement with BUDC in the amount of 10.3 million dollars for the Northland Corridor project. The NYS Public Authorities Control Board approved the grant on May 25th. In order to process the grant funding, BUDC is required to authorize acceptance of the grant funding and execution of the grant disbursement agreement. Mr. Mehaffy made a motion to recommend that the Board of Directors accept ESD grant funding in the amount of 10.3 million dollars for the Northland Corridor project and authorize the President or Executive Vice President to execute the grant disbursement agreement with ESD. The motion was seconded by Ms. Minkel and (with Mr. Schoepflin abstaining) carried with five affirmative votes (5-0-1).

- (b) **537 East Delavan – NYSDEC Order on Consent** – Mr. Cammarata presented the proposed NYSDEC Order on Consent with respect to the voluntary inclusion of the 537 East Delavan Avenue site in the NYS Superfund program. Mr. Cammarata indicated that the NYSDEC recently reclassified the property from a class IV site to a class II site, which was necessary in order for the property to qualify for the NYS Superfund program. Mr. Zanner then reviewed the Order on Consent with the Committee, noting that the terms of the Order are unchanged from the terms negotiated with NYSDEC counsel earlier this year. In response to a question from Mr. Mehaffy, Mr. Stebbins indicated that Brownfield Cleanup Program tax credits would not be available because the Superfund project work is expected to result in an environmentally remediated site. Mr. Cammarata added that a private cleanup is unlikely given the scope of the site's environmental challenges.

There being no further discussion, Mr. Kucharski made a motion to recommend that the Board of Directors approve the Order on Consent and authorize the President or Executive Vice President to execute and deliver the Order on Consent to NYSDEC. The motion was seconded by Ms. Minkel and unanimously carried.

- (c) **537 East Delavan (Heat Treatment Building Design)** – Mr. Cammarata and Mr. Stebbins reported on a proposal to engage Kathleen Kinan, R.A. to perform limited design services for the heat treatment building at 537 East Delavan Avenue. The property on which this building is situated will not require environmental remediation, and the building, with some work, can be repurposed as a pilot project for the Northland Corridor. Mr. Mancuso explained that one of the goals of this pilot project is to design and redevelop this building to position it for use by start-ups, entrepreneurs and neighborhood groups. Copies of Ms. Kinan's July 12, 2016 proposal were circulated and reviewed to the Committee. The scope includes completion of preliminary drawings and code change work at a cost not to exceed \$9000. The Committee discussed the proposal. In response to a question from Mr. Schoepflin, Mr. Cammarata indicated funding for this work would come from the Buffalo Brownfields Redevelopment Fund, not the ESD grant. Mr. Mancuso indicated that the space could be utilized for a single tenant, but noted that there are other buildings in the Northland Corridor project area, specifically 631 Northland, that are more appropriate for single tenant users. Mr. Mancuso estimated that it would cost in the range of \$350,000 to \$500,000 for the building shell. Mr. Mehaffy suggested that the consultant provide a design for both a multiple tenant scenario and a single tenant scenario. There being no further discussion, Ms. Minkel made a motion to approve the retention of Kathleen Kinan, R.A. to provide the design and consulting services as specified in her July 12, 2016 proposal at a cost not to exceed \$9000. The motion was seconded by Mr. Schoepflin and unanimously carried.

- (d) **683 Northland – Rehabilitation Tax Credit RFP** – Mr. Stebbins reviewed the proposed request for proposals for legal and accounting services relating to historic tax credits work for 683 Northland Avenue. The Committee discussed the inclusion of an M/WBE requirement in the RFP, and Ms. Curry indicated that she would provide Mr. Stebbins with sample documentation from a similar solicitation. At the conclusion of the discussion, Ms. Minkel made a motion to approve issuance of the request for proposals. The motion was seconded by Mr. Kucharski and unanimously carried.

- (e) **683 Northland – BCP Application/RIWP Task Order** – Mr. Cammarata presented proposed Task Order No. 6 for LiRo Engineers to prepare a remedial investigation work plan for 683 Northland Avenue at a cost of \$3846.00. Mr. Cammarata noted that this work will be performed under the original LiRo contract, which requires Board approval of all task orders. Ms. Minkel made a motion to recommend that the Board of Directors approve Task Order No. 6 with LiRo Engineers in the form presented to the Committee. The motion was seconded by Mr. Kucharski and (with Mr. Schoepflin abstaining) carried.

with five affirmative votes (5-0-1).

- (f) **683 Northland – NEPA Compliance** – Mr. Stebbins reported on the completion of a noise study as required for NEPA compliance. He also reported that a meeting with consulting parties is scheduled for July 27th at Mount Olive Baptist Church, which is required for Section 106 compliance.
- (g) **683 Northland – Construction Management RFQ** – Mr. Stebbins informed the Committee that BUDC received ten submissions for construction management services. Many of the teams included significant M/WBE participation. The next steps in the process include developing a shortlist and interviewing candidates in August.
- (h) **683 Northland – ESD Training Center RFP & SUNY Partners** – Mr. Schoepflin reported that ESD received three proposals in response to the ESD training center RFP. Interviews will take place on July 20th.
- (i) **683 Northland – NYSERDA Energy Modeling - Pathfinder** – Mr. Cammarata reported on BUDC's June 28th informational meeting with Sustainable Performance Consulting. BUDC's project consultant, Watts Architecture & Engineering, also participated in the meeting.
- (j) **577 Northland – Pre-development Services Contract** – Mr. Cammarata reviewed with the Committee the supplemental work authorization form issued by LaBella Associates to complete the environmental remediation work at 577 Northland relating to the removal of an underground storage tank. This work will be performed under BUDC's contract with the consultant at a cost of \$11,925.00 and is within the original budgeted amount under the contract.
- (k) **SHPO & Federal Section 106 Compliance** – This item was covered as part of the update in 3(f).
- (l) **Northland Avenue Road & ROW Infrastructure Design** – Mr. Stebbins reported on the coordination between BUDC's consultant, Watts Architecture & Engineering, and the City's consultant, Clark Patterson Lee with respect to the Northland Avenue road and right-of-way improvements project. The preliminary cost estimate for the project is three million dollars and will include green infrastructure elements that utilize the property at 577 Northland Avenue.
- (m) **National Grid Economic Development Program Applications** – Mr. Stebbins reported that BUDC submitted two applications for National Grid grant funding for the Northland Corridor project. National Grid recently approved the grant application relating to the Northland Avenue road and right-of-way improvements project. Approval of the second application, relating to the 683 Northland Avenue workforce training center, is pending.
- (n) **Community & Business Outreach/Neighborhood Plan** – There was no update on this item.
- (o) **M/WBE and Workforce Participation** – There was no update on this item.

4.0 **Buffalo Lakeside Commerce Park Updates**

- (a) **Parcel 4 Superfund Site** – Mr. Cammarata reported that according to NYSDEC's contractor, there is now a sense of urgency on the part of NYSDEC to begin work on this project during this construction season.
- (b) **Parcel 3 Cap Verification for ERP Close-out** – Mr. Cammarata circulated the June 29,

2016 proposal from Arcadis to complete the cap verification work at Ship Canal Commons as required by the NYSDEC in order to close out the ERP project. The total cost of the work is \$12,900.

(c) **Development Prospects** – Mr. Cammarata reported on two development prospects for Buffalo Lakeside Commerce Park properties.

(d) **193 Ship Canal Parkway – BCP** – There was no update on this item.

5.0 Adjournment – Upon motion made by Mr. Mehaffy, seconded by Ms. Minkel and unanimously carried, the July 19, 2016 meeting of the BUDC Real Estate Committee was adjourned at 1:05 p.m.

Respectfully submitted,



Kevin J. Zanner, Secretary

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

The information to be provided on this work sheet is intended to guide discussions in the pre-application meeting and assist in preparing a complete Brownfield Cleanup Program (BCP) application form. This information will also be useful in identifying potential eligibility issues and in defining which portions of the property may be eligible for acceptance in the BCP. Use of this work sheet is not mandatory, but is recommended to help ensure submittal of a complete application, and that potential eligibility issues are brought to light early in the application review process.

Applicant Name(s) (to appear on page 1 of BCP application): NORDEL II, LLC
Site Name (to appear on page 2 of BCP application): Western New York Workforce Training Center

Provide the following information for each parcel which is proposed to be included in the BCP. Use one copy of this form for each separate parcel. Attach additional sheets if needed:

1. Tax ID (Sheet/Block/Lot): 101.21-5-1.1
2. What is the size of the parcel ? (indicate whether in acres or square feet) <u>7.27 Acres</u> If applicable, what is the linear distance of water frontage? <u>0</u> feet Is any portion of the property considered lands under water? <u>NO</u>
3. What portion of the parcel is known or suspected to have been impacted by contamination ? (indicate whether in acres or square feet) <u>20,000 SF</u> Phase 1 complete (Y/N) <u>Y</u> Phase II complete (Y/N) <u>Y</u>
4. Describe the current use of the parcel (e.g., open space, vacant lot, buildings abandoned or in-use, industrial, commercial, residential): Vacant Industrial
5. Provide an estimate of the current value of the property and indicate the basis for the estimate (e.g., tax assessment, real estate appraisal): \$700,000 - tax assessment
6. Do you currently own the property? <u>YES</u> How long have you owned the property? <u>1 year - 3 mo</u>

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

If not:

Will you have the ability to place an environmental easement, if necessary? _____
You will need to submit proof of access during the BCP project with the application

7. Describe past uses (e.g., undeveloped, residential, dry cleaner, auto repair):

Machine and tool works manufacturing facility

8. List known or suspected source(s) of contamination (e.g. leaking underground storage tank, spill of industrial waste, floor drain, septic system, landfill, storage of pesticides or hazardous substances, former manufactured gas plant, buried incinerator ash):

Industrial Waste, PCB equipment, possible fuel tank leakage

9. Is there historic fill (placed prior to 1960?) on the property? YES

10. Type of contamination (check all which apply):

- volatile organic compounds related to petroleum (BTEX);
 volatile organic contaminants/chlorinated solvents;
 polycyclic aromatic hydrocarbons;
 PCBs;
 pesticides;
 toxic metals - specify: arsenic, barium, cadmium, lead, mercury _____;
 other - specify: _____

11. Impacted or potentially impacted media (check all that apply): soil; sediment;
 surface water; groundwater; private water supply; public water supply;
 soil gas; indoor air; other - specify: Groundwater-Soil Gas not fully characterized

12. Provide DEC Spill Number(s), if applicable:

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

13. Has the site ever been subject to a Consent Order or other enforcement action (Y/N)^N _____
If yes, provide details

14. Have environmental quality standards/guidance values been exceeded? Yes No Unknown.
If yes, provide the following information (add additional lines/sheets, if needed): Additional Sheet Attch'd

Sample Matrix	Sample Date	Parameter Concentration	Standard or Guidance Value	Data Sources (e.g. Phase II report, sampling by applicant, other)
Soil	6/16/15	PCB-46.1	1	Phase II Report
Soil	5/7/15	PCB-13.6	1	Phase II Report
Soil	11/24/15	PCB-2.57	1	Phase II Report
Soil	6/18/15	Arsenic-103	16	Phase II Report
Soil	6/18/15	Arsenic-29.6	16	Phase II Report
Soil	5/7/15	Arsenic-27.2	16	Phase II Report
Soil	6/18/15	Cadmium-16.6	9.3	Phase II Report
Soil	6/18/15	Lead-9,780	1000	Phase II Report
Soil	6/18/15	Mercury-5.31	2.8	Phase II Report
Soil	6/18/15	Barium-459	400	Phase II Report

15. Is the project entering the BCP at the Investigation or Remediation phase?
Is an Interim Remedial Measure (IRM) planned? Possible PCB Soil Excavation

16. Can the proposed environmental consultant or consultant team provide professional engineering services in compliance with Article 145 of New York State Education Law? Both an individual and the firm must be authorized to provide engineering services in New York State, and may only certify work that was done by them or by those under their direct supervision. YES

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

17. Describe the nature and scope of the proposed re-development project. Include the types of uses (e.g., residential, office, retail, industrial, parking, open space, etc.) and the square footage in each use category. Provide an estimate of the value of the completed project. Provide an estimate of the jobs which will be created.

The Project involves the cleaning, abatement and redevelopment of the existing facility for a mixed use training, commercial, and light industrial complex. The redevelopment will initially be anchored by the Workforce Training Center (WTC) to be used in part by the New York Power Authority (NYPA), together with other regional and private/public entities. The Project is being funded by Empire State Development (ESD) and NYPA as a major component of the Governor Andrew Cuomo's "Buffalo Billion" economic development initiative. This WTC is planned to accommodate up to 300 students, with approximately 50 staff, using 87,000 SF of building area. The remaining 134,000 SF of building area will be mixed office and light industrial use. The completed value of the project is in excess of \$50M and it will create jobs for Workforce Training Center Staff/Support personnel as well as potential new business startup in the other portions of the facility

18. Estimate potential costs of investigation and remediation, providing as many details as possible (e.g., number of monitoring wells needed times cost per well, tons of contaminated soil requiring removal times cost per ton, etc.):

Contaminant delineation work needs to be completed. Estimating RI with four monitoring wells (\$1,200 per well), 20 soil samples, 8 soil vapor samples at approximate cost of \$30,000. Remediation preliminary estimate of 2,100 tons PCB contaminated soil at \$55 per ton, clean fill at \$35/ton. Three heating oil USTs and two hydraulic/motor oil USTs requiring removal are present at site as well.

19. Explain why the presence or potential presence of contamination would complicate re-development or re-use of the site. Identify any other factors or circumstances which support acceptance of the site into the BCP. (Attach additional sheets if needed):

Facility is being developed with New York State and City of Buffalo funding and to benefit Buffalo residents through training for NYPA and advanced manufacturing jobs. A Fisher Associates 2015 Phase II Assessment was completed following the latest American Society for Testing and Materials standard (ASTM E1903) and identified elevated concentrations of PCBs, metals and PAHs in soil. NYS and City of Buffalo will want assurances that there are no contaminants which pose an unacceptable level of risk for future site users. Area of PCB contamination is present may be needed to support storm water infiltration and contaminated soil would pose a potential risk for transport and migration of contaminants.

New York State Department of Environmental Conservation
Brownfield Cleanup Program
Pre-Application Worksheet

20. Are there any other facts or circumstances that may affect: 1) the applicant's status as a volunteer or participant; or 2) the site's eligibility?

Have you exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste?

There are no facts or circumstances that may affect applicant's volunteer status or site eligibility. Volunteer has exercised appropriate care and has developed plans for environmental cleaning and abatement of the building. There is no evidence of continuing discharge. Site access is restricted.

Please note the most common BCP application deficiencies:

- NYS Dept of State print out of entity information not included or does not match Requestor's name
- Requestor's relationship to property not indicated and/or proof of site access not provided
- Tax Map is not included and/or section, block and lot numbers are not provided or are illegible
- Site Map indicating proposed BCP boundaries is not clear or is not included
- Purpose and Scope of Project narrative is vague or reference is made to a voluminous report
- Estimated Project Schedule does not state what tasks will be done and when
- Environmental reports provided but preparation standard is missing
- Land Use Factor questions blank and/or no attachment provided for required written responses
- Signature page 6 is signed and dated incorrectly or not at all, or is a copy instead of original
- Contact List information is incomplete and/or no acknowledgment letter from document repository
- Previous owner and previous operator are not separately identified or relationship to requestor is not noted
- Electronic copy (cd) is not a complete, identical copy of the paper copy submitted and/or is not compiled as one document

Stephen Frank

Name and Title of Person Completing Worksheet


Signature


Date

Pre-application Worksheet Item 14 (continued)

<u>Sample Matrix</u>	<u>Sample Date</u>	<u>Parameter Concentration</u>	<u>Standard or Guidance Value</u>	<u>Data Sources (e.g. Phase II report, sampling by applicant, other)</u>
Soil	6/18/15	Benzo(a)pyrene-9.21	1	Phase II report
Soil	6/18/15	Benzo(b)fluoranthene-8.41	5.6	Phase II report
Soil	6/18/15	Indeno(1,2,3-cd)pyrene-8.74	5.6	Phase II report

Concentrations are listed in milligrams per kilogram

Cammarata, Peter

From: Tom Mancuso <tom@mancusogroup.com>
Sent: Thursday, September 8, 2016 4:54 PM
To: Tom Mancuso
Cc: Linda Zimmermann
Subject: Request for Pricing-Northland Snow Removal
Attachments: Northland plow price 2016-18 EXHIBIT A.pdf; Northland plow services PROPOSAL REQUEST 9.8.2016.pdf

Good Afternoon!

Thank you for expressing interest in providing snow removal services to the Northland Corridor Redevelopment Project.

We are actively seeking a contractor to provide snow removal services to the property for the next two winters (2016-17 and 2017-18). Please find attached:

- Pricing form, insurance requirements and services overview (Proposal Request)
- Map of property and requested services (Exhibit A)

We respectfully request your written qualifications (including insurance) and pricing proposal to our Batavia office by noon on Wednesday, September 21, 2016.

Please contact me with any questions.

We look forward to the opportunity to work with you to support the revitalization of the Northland Corridor.

Have a marvelous day!

Tom

B. Thomas Mancuso, SIOR
Mancuso Business Development Group
56 Harvester Avenue, Batavia, NY 14020 USA
585.343.2800
tom@mancusogroup.com
www.mancusogroup.com



To: Prospective Snowplow Contractors
From: Tom Mancuso
Date: September 8, 2016
RE: Snowplowing at Northland Corridor

Thank you for your interest in providing property services for the Northland Corridor Project.

If you would like to be considered for this year's exterior maintenance, please submit your qualifications with a proposal by noon on Wednesday, September 21, 2016 to our Batavia, NY office. In order to better compare the submittals, we are providing the following information and format for your proposals.

Insurance

Please be aware that the successful contractor will be required to sign a subcontractor agreement that includes the following insurance requirements:

Comprehensive General Liability, including completed operations, contractor's protective liability, broad form contractual liability and indemnity
\$1,000,000 bodily injury and property damage, per occurrence
\$2,000,000 aggregate

Personal Injury (with the employment exclusion and contractual exclusion deleted)
\$1,000,000 Occurrence and Aggregate

Auto Liability (including non-owned and hired vehicles)
\$1,000,000 for each incident

Statutory Workers' Compensation, Employer's Liability and Disability Benefits
Unlimited

Any other special insurance and indemnification as required by Mancuso Management or BUDC against loss or damage throughout the period of the work performed

Format

Please use the attached form to present your pricing for a two (2) year contract in a comparative manner.

We appreciate your cooperation and look forward to making this selection soon.

Please contact us with any questions.

56 Harvester Avenue, Batavia, NY 14020 • (585)-343-2800 • Fax (585)-343-7096
www.mancusogroup.com



**Northland Corridor Project
Snowplow Services Proposal
August 2016**

Service costs for all areas identified in site map dated September 7, 2016 (Exhibit A)

The contractor selected will be expected to keep the designated exterior areas neat, clean, plowed and salted as indicated, along with any other reasonably related service.

Plowing (October 1, 2016 through April 30, 2017)

Startup Cost (if any) _____

Sidewalk, parking lot & fire lane clearing & salting

For 2016-17 Season _____

Plowing (October 1, 2017 through April 30, 2018)

Startup Cost (if any) _____

Sidewalk, parking lot & fire lane clearing & salting

For 2017-18 Season _____

Please submit qualifications and proposal by noon on Wednesday, September 21, 2016 to:




Mancuso Management
56 Harvester Avenue
Batavia, NY 14020

or

tom@mancusogroup.com

56 Harvester Avenue, Batavia, NY 14020 • (585)-343-2800 • Fax (585)-343-7096
www.mancusogroup.com

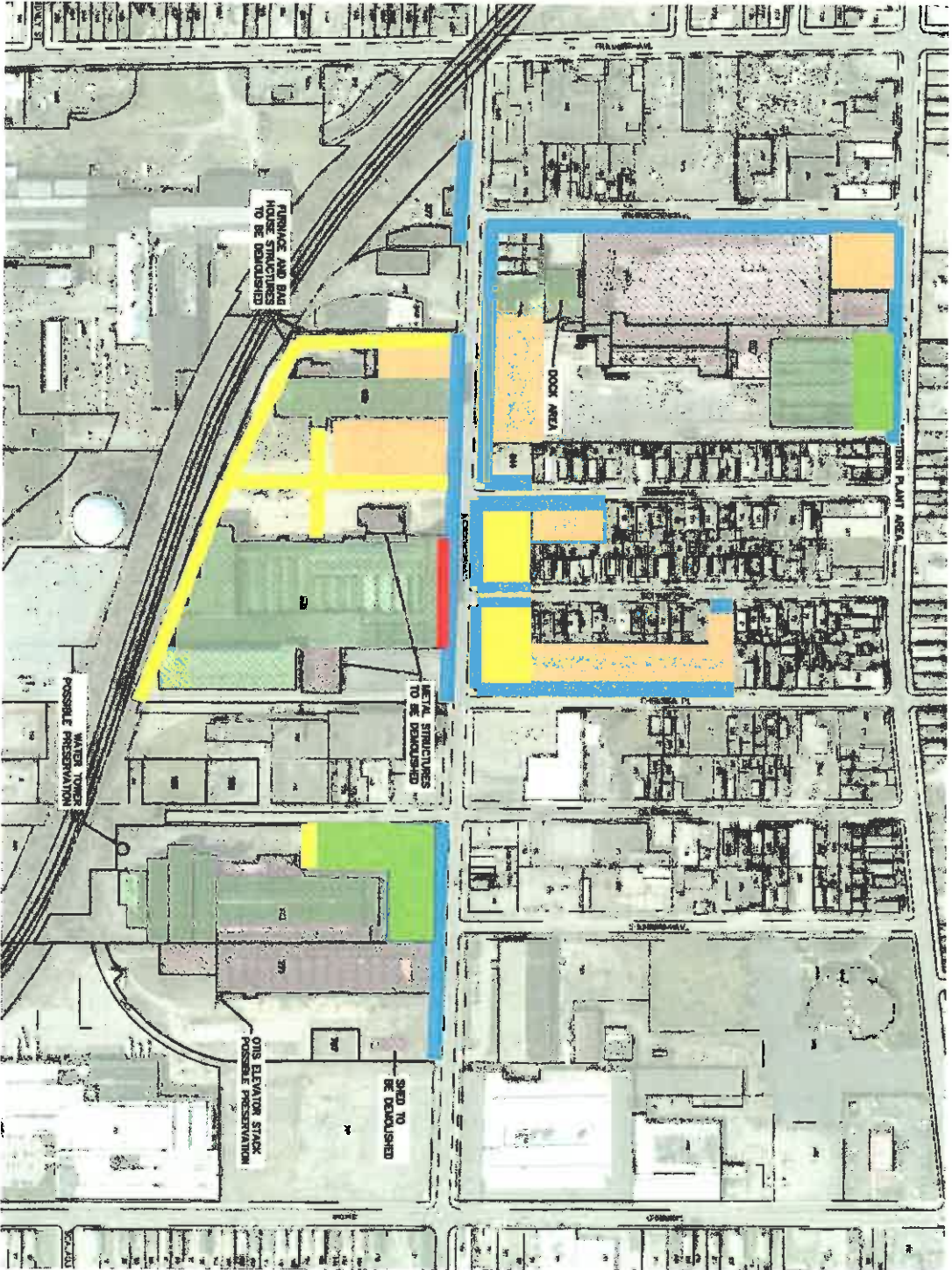
Exhibit A

-  Plow & salt lot
-  Plow & salt fire lane
-  Plow & salt sidewalk

Northland Project Exterior Maintenance

*Keep all sidewalks,
designated parking lots and
fire lanes free of snow and ice*

September 7, 2016



Please respond with proposal to Tom Mancuso at tom@mancusogroup.com before noon Wednesday 9/21/16.