

**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  
Brandy 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.

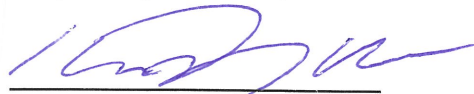
- (b) **Updated Brochure** – Mr. Cammarata circulated copies of the updated BLCP brochure that Invest Buffalo Niagara prepared for the marketing of BLCP.
- (c) **Parcel 4 Superfund Cleanup** – Mr. Cammarata reported that the Parcel 4 Superfund cleanup work is underway again and is expected to be completed 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