

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

**95 Perry Street  
Buffalo, New York  
July 31, 2018  
12:00 p.m.**

Directors Present:

Mayor Byron W. Brown (Chair)  
Trina Burruss  
James Comerford  
Dennis W. Elsenbeck  
Thomas Halligan  
Thomas A. Kucharski  
Brendan R. Mehaffy  
Kimberley A. Minkel  
Dennis M. Penman (Vice Chair)  
Craig A. Slater  
Maria R. Whyte

Directors Absent:

Janique S. Curry  
Darby Fishkin  
Dottie Gallagher-Cohen  
Thomas R. Hersey, Jr.  
David J. Nasca  
Darius G. Pridgen  
Steven J. Stepniak

Officers Present:

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

**Guests Present:** Dawn Boudreau, ECIDA Compliance Officer; James Fink, *Buffalo Business First*; and Terry LoConte, Gilbane Building Company.

**Roll Call** – The Secretary called the roll at 12:15 p.m. and a quorum was determined to be present. Mayor Brown welcomed Trina Burruss and Thomas Halligan as new members of the Board.

**2.0 Approval of Minutes – Meeting of June 26, 2018** – The minutes of the June 26, 2018 meeting of the Board of Directors were presented. Mr. Comerford made a motion to approve the meeting minutes. The motion was seconded by Mr. Penman and unanimously carried.

**3.0 Monthly Financial Report** – Ms. Profic presented the consolidated financial statements for BUDC and its affiliates, 683 Northland LLC and 683 WTC, LLC for the period ending June 30, 2018. Ms. Minkel made a motion to accept the financial report. The motion was seconded by Ms. Whyte and unanimously carried.

**4.0 New Business**

- 4.1 683 Northland Phase I – GMP & Construction Update** – Mr. Stebbins reviewed with the Board the one-page Project Monthly Report dated July 9, 2018. The Phase I construction work is in the final stages. Substantial completion of the Northland Workforce Training Center is expected next month, with the issuance of a temporary certificate of occupancy targeted for August 17<sup>th</sup>. Mr. Stebbins noted that the project continues to meet or exceed M/WBE and workforce participation goals. Mr. Stebbins then provided an update regarding Change Order No. 7, which was approved at the June Board of Directors meeting. Mr. Stebbins reported that the final pricing for the lab electrical and compressed air equipment and the substation parking lot work was lower than the original estimates. The final pricing for additional IT and telephone work came in higher than the original estimate. There are two more work items to be priced under the change order, and the expectation is that the total dollar amount of the change order items will be less than the \$600,000 maximum authorized by the Board.
- 4.2 683 Northland Phase II – Watts Construction Administration Proposal** – Mr. Stebbins presented his July 31, 2018 memorandum regarding Service Order No. 25 from Watts Architecture & Engineering to provide construction administration and inspection services for Phase II of the 683 Northland project. Mr. Stebbins reviewed with the Board the specific services and deliverables to be provided by Watts as detailed in the memorandum. The cost of this work is \$673,590.00, which was confirmed through Gilbane's peer review of the proposal as within industry standards. Mr. Stebbins noted that Empire State Development (ESD) has not yet provided its peer review response. He also indicated that the Real Estate Committee reviewed and is recommending approval of the Service Order subject to ESD peer review. Mr. Mehaffy made a motion to approve Service Order No. 25 for Phase II construction administration and inspection services in the amount of \$673,590.00 and to authorize the President or Executive Vice President to execute the Service Order on behalf of BUDC, subject to receipt of ESD peer review of the Service Order. The motion was seconded by Mr. Kucharski and unanimously carried.
- 4.3 683 Northland Phase II – Early Bid Recommendation to Award – Brownfield Cleanup Program Remediation** – Mr. Stebbins presented his July 31, 2018 memorandum and the July 31, 2018 Owner Change Order and Award Recommendation documents issued by Gilbane regarding the proposed award of Brownfield Cleanup Program (BCP) site remediation work for Phase II of the 683 Northland project. Mr. Stebbins explained that this work must be completed by the end of October in order to obtain a BCP certificate of completion and preserve the project's eligibility to apply for BCP tax credits in 2019. Due to these time constraints, Gilbane solicited a proposal from a single contractor that is already mobilized and working on site. Total Wrecking & Environmental, LLC submitted a proposal to perform the work at a cost of \$857,000.00. In addition to the contractor's cost proposal, Gilbane is recommending the inclusion of a \$55,000.00 owner allowance for this work which, along with attendant costs for liability insurance, contractor default insurance and the CM fee, result in a total contract award of \$951,720.06. Mr. Stebbins noted that the budget for this work was estimated at between \$900,000.00 and \$1,000,000.00. The contractor submitted an M/WBE utilization plan that includes 25% MBE and 5% WBE utilization. The proposed award was reviewed by the Real Estate Committee at its July 24<sup>th</sup> meeting and recommended for approval. Ms. Minkel made a motion to approve Gilbane's proposed award of the Brownfield Cleanup Program site remediation work to Total Wrecking & Environmental, LLC in the amount of \$951,720.06 and to authorize the President or Executive Vice President to execute the July 31, 2018 Owner Change Order and Award Recommendation on behalf of BUDC and 683 Northland LLC. The motion was seconded by Mr. Slater and unanimously carried.
- 4.4 683 Northland Phase II – GMP & Construction Update** – Mr. Stebbins reported that the Phase II guaranteed maximum price (GMP) amendment to the Gilbane construction management agreement will be presented at the August meeting of the Board of Directors. BUDC executive staff and Board member Kucharski will meet with Gilbane in advance of next month's Real Estate Committee and Board of Directors meetings to review the GMP proposal.

- 4.5 612 Northland – Window Purchase & Installation Bid Results** – Mr. Cammarata presented his July 31, 2018 memorandum regarding the proposed award of glass installation work for the 612 Northland renovation project. Mr. Cammarata noted that proposals for glass installation work were previously solicited, but the decision was made to re-solicit proposals after SHPO requirements applicable to the project resulted in substantial changes to the scope of work and materials. Three MBE contractors submitted proposals to perform the work, with W&W Paint and Glass submitting the lowest cost proposal in the amount of \$511,688.00. The work will be paid for with Restore NY IV grant funds and a ten percent match from the Buffalo Brownfields Redevelopment Fund. Mr. Cammarata noted that M/WBE participation on the 612 Northland project is 65%. Mr. Elsenbeck made a motion to approve the retention of W&W Paint and Glass to furnish and install window systems at 612 Northland at a cost of \$511,688.00 and authorize the President or Executive Vice President to execute appropriate agreements with the contractor to perform the work. The motion was seconded by Mr. Comerford and unanimously carried.
- 4.6 Restore NY IV – COB-BUDC Sub-grant Agreement** – Mr. Stebbins presented his July 31, 2018 memorandum regarding a proposed sub-grant agreement with the City of Buffalo relating to a Restore NY IV grant awarded to the City in the amount of \$1,912,028. Mr. Stebbins explained that the City of Buffalo is the grantee under the Restore NY IV grant disbursement agreement with ESD and that the proposed sub-grant agreement will provide for BUDC, as beneficiary of the grant funds, to accept responsibility for performing the program work under the grant. This work includes the renovation of the 612 Northland and 541 East Delavan buildings. Mr. Mehaffy made a motion to authorize BUDC to enter into a sub-grant agreement with the City of Buffalo in connection with the \$1,912,028 Restore NY IV grant awarded to the City of Buffalo. The motion was seconded by Ms. Whyte and unanimously carried.
- 4.7 Northland Beltline Project Update** – Mr. Stebbins circulated to the Board copies of the July 31, 2018 Northland Corridor Redevelopment Project Update report. He highlighted some items from the report, including the upcoming publication of the August 2018 Northland newsletter and the National Night Out event at 541 East Delavan. He also reported on recent tours of the 683 Northland facility, including a tour conducted for representatives of the Oshei Foundation. He closed his report with an update on project funding sources (the NYPA grant and the historic tax credits transaction).
- 4.8 Buffalo Building Reuse Project Update** – Ms. Merriweather presented the Buffalo Building Reuse project update. Earlier this month, BUDC issued the third quarter request for proposals for the BBRP loan program. Responses are due September 28, 2018. Ms. Merriweather reported on the recent activities of the Downtown Committee, which included an in-depth debriefing of the housing study and a discussion of new strategies for downtown development. She also reported on downtown infrastructure initiatives, including a CFA application for the Erie Street Greenway project. Buffalo Place is scouting locations for next session of the Queen City Pop-up program. Ms. Merriweather closed her update with a report on the Legacy Cities Conference that was held earlier this month in Buffalo.
- 4.9 Buffalo Lakeside Commerce Park Update** – Mr. Cammarata presented an update regarding Buffalo Lakeside Commerce Park. The Parcel 4 Superfund cleanup work is complete and the property is ready to be marketed. BUDC recently issued invoices to CertainTeed and Sonwil for common area maintenance charges for Buffalo Lakeside Commerce Park. Mr. Cammarata closed his report by informing the Board that BUDC has entered into a non-binding letter of intent for the sale of the 20+/- acre site between Sonwil and CertainTeed.
- 4.10 308 Crowley Project Update** – Mr. Cammarata presented an update regarding the 308 Crowley project. BUDC recently filed an application to exempt the property from real property taxes.

Executive staff and legal counsel are working with Mr. Comerford and the City Law Department to obtain satisfactions and/or waivers of the liens and judgments filed against the property. Mr. Cammarata indicated that once the liens are cleared, BUDC will be in a position to sell the one-acre vacant portion of the site to Enterprise Folding Box Company, which has expressed interest in the parcel. Mr. Cammarata also noted that the City is pricing the demolition work needed at the site.

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

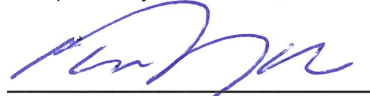
**5.0 Late Files** - None.

**6.0 Tabled Items** – None.

**7.0 Executive Session** – None.

**8.0 Adjournment** – Upon motion made by Mr. Slater, seconded by Mr. Elsenbeck and unanimously carried, the July 31, 2018 meeting of the Board of Directors was adjourned at 1:00 p.m.

Respectfully submitted,



Kevin J. Zanner, Secretary