

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

95 Perry Street  
Buffalo, New York 14203  
May 31, 2016  
12:00 p.m.

**1.0 Call to Order**

Directors Present:

James W. Comerford  
Janique S. Curry  
Dennis W. Elsenbeck  
Dottie Gallagher-Cohen  
Thomas R. Hersey, Jr.  
Thomas A. Kucharski  
Brendan R. Mehaffy  
David J. Nasca  
Benjamin N. Oblatz  
Dennis M. Penman (Vice Chair)  
Craig A. Slater  
Steven J. Stepniak

Directors Absent:

Thomas Beauford, Jr.  
Hon. Byron W. Brown (Chair)  
Kimberley A. Minkel  
Rev. Darius G. Pridgen  
Christopher J. Schoepflin  
Maria R. Whyte

Officers Present:

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

Others Present: James Fink, *Buffalo Business First*; Daniel Leonard, Buffalo Niagara Partnership; Evan Schweigel, BUDC intern; and Edward Watts, Jr., Watts Architecture & Engineering, D.P.C.

**Roll Call** – The Vice Chair called the meeting to order at 12:15 p.m. A quorum of the Board was not present. The Vice Chair asked that information items 4.1, 4.5 and 4.6 of the meeting agenda be presented. During the presentation of item 4.6, Mr. Slater and Mr. Stepniak joined the meeting. The Secretary then called the roll of directors and a quorum of the Board was determined to be present. Ms. Curry joined the meeting during the presentation of the monthly financial report.

**2.0 Presentation of the Minutes** – The minutes of the April 26, 2016 meeting of the Board of Directors were presented. Mr. Nasca made a motion to approve the meeting minutes. The motion was seconded by Mr. Oblatz and unanimously carried.

**3.0 Monthly Financial Report** – Ms. Profic presented the monthly financial report for the period ending April 30, 2016. The unrestricted cash balance at the end of the period was \$2,431,412 and the net position of BUDC at the end of the period was \$15,255,414. Year-to-date revenue was \$1,067,980 and year-to-date expenses were \$549,163, resulting in year-to-date net income of \$518,817. Mr. Slater made a motion to accept the financial report. The motion was seconded by Mr. Comerford and unanimously carried.

#### 4.0 **New Business**

- 4.1 Erie County Appointment of Ex-Officio Board Member** – Mr. Penman reported that Erie County Executive Mark C. Poloncarz has appointed Thomas R. Hersey, Jr., Commissioner of the Erie County Department of Environment & Planning, to serve on the BUDC Board of Directors. Mr. Penman welcomed Mr. Hersey to the Board.
- 4.2 BBRP Loan Program – Consistency Recommendation** – Ms. Merriweather presented her May 31, 2016 memorandum to the Board regarding a BBRP loan program consistency recommendation for the Sinclair project. Ms. Merriweather reviewed the details of the Sinclair project, which involves the adaptive reuse of a building located at 465 Washington Street. The developer, Ciminelli Real Estate Corporation, is seeking a \$750,000 loan through the BBRP loan program. She noted that the project was reviewed by a selection committee comprised of representatives from the Mayor's Office of Strategic Planning, BUDC and the Buffalo Niagara Partnership. The selection committee determined that the Sinclair project aligns with the criteria established by the Buffalo Building Reuse Project and the Queen City Hub Plan. The Downtown Committee reviewed this matter at its April meeting and is recommending that the BUDC Board of Directors approve the finding of the Downtown Committee that the Sinclair project is consistent with Buffalo Building Reuse project goals and that the project proceed to the loan underwriting process. Mr. Penman disclosed that he has a conflict of interest and will abstain from voting. Mr. Zanner noted for the record Mr. Slater's disclosure that Mr. Slater has performed legal work for the developer on other projects but is not providing any services with respect to the Sinclair project. Mr. Nasca then made a motion to approve the finding of the Downtown Committee that the Sinclair project is consistent with Buffalo Building Reuse Project goals and that the project proceed to the BBRP loan underwriting process. The motion was seconded by Mr. Comerford and (with Mr. Penman abstaining) carried with eleven affirmative votes (11-0-1).
- 4.3 BBRP Loan Program – Delegation of Authority to Downtown Committee** – Ms. Merriweather presented her May 31, 2016 memorandum to the Board regarding the proposed delegation of authority to the Downtown Committee to make consistency/project alignment determinations for the BBRP loan program. Ms. Merriweather stated that the proposed delegation of authority will help streamline the BBRP loan approval process. The Downtown Committee considered this item at its May 10th meeting is recommending Board approval. Ms. Merriweather indicated that BUDC staff will report to the Board all consistency/project alignment determinations made by the Downtown Committee. The Board then discussed the proposed delegation. In response to a question from Mr. Nasca, Ms. Merriweather indicated that the appointees to the BUDC Loan Committee are expected to be announced at the next Board meeting.

There being no further discussion, upon motion made by Ms. Gallagher-Cohen, seconded Mr. Elsenbeck and unanimously carried, the Board adopted the following resolutions:

**RESOLUTIONS OF THE BOARD OF DIRECTORS  
OF  
BUFFALO URBAN DEVELOPMENT CORPORATION  
REGARDING  
THE DOWNTOWN COMMITTEE**

**WHEREAS**, by resolution dated February 3, 2012, the Board of Directors delegated to the Downtown Committee the authority to present recommendations to the Board of Directors regarding Buffalo Building Reuse Project (BBRP)

initiatives and further provided that the Downtown Committee would have such other authority, duties and powers as may be expressly delegated to the Downtown Committee by resolution of the Board; and

**WHEREAS**, the Downtown Committee presently serves as the interim loan committee of BUDC and makes recommendations to the Board of Directors regarding the consistency of projects seeking loan program funding with the goals and policies of the BBRP; and

**WHEREAS**, the Board desires to streamline the BBRP loan program process by delegating to the Downtown Committee the authority to make determinations regarding the consistency of projects seeking loan program funding with the goals and policies of the BBRP without the requirement of subsequent Board approval.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Board of Directors of Buffalo Urban Development Corporation as follows:

**Section 1.** The Downtown Committee is hereby delegated the authority to make determinations regarding the consistency of projects seeking BBRP loan program funding with the goals and policies of the Buffalo Building Reuse Project.

**Section 2.** The Downtown Committee shall continue to act as the interim loan committee of BUDC until such time as the members of the BUDC Loan Committee have been appointed. Once the members of the BUDC Loan Committee are appointed, the Downtown Committee shall no longer serve as the interim loan committee, but shall continue in its role of making consistency determinations as authorized by this Resolution.

**Section 3.** This Resolution shall take effect immediately.

**4.4 Northland Corridor Project – Design Service Orders Approval** – Mr. Cammarata presented the May 31, 2016 memorandum to the Board regarding Service Order Nos. 1 through 5 that are proposed for issuance under the Master Services Agreement between BUDC and Watts Architecture & Engineering, D.P.C. Mr. Cammarata stated that the estimated budget for design services for the project is 2.5 million dollars, which is based on an estimated construction budget of 34 million dollars. Much of the work identified in the first five Service Orders relates to design services for 683 Northland and the workforce training center. The total cost of these Service Orders is \$376,760. Mr. Cammarata outlined the scope of services under each of the five Service Orders, and noted that Edward Watts, Jr. is in attendance to address any questions. Mr. Slater indicated that the Watts team reviewed with the Real Estate Committee the proposed Service Orders at the Committee's May 24<sup>th</sup> meeting, and that the Committee is recommending Board approval. Mr. Slater then made a motion to approve Service Order Nos. 1 through 5 with Watts Architecture & Engineering, D.P.C. for design services related to the Northland Corridor project and to authorize the President to execute the Service Orders so that the work may proceed immediately. The motion was seconded by Mr. Stepniak and unanimously carried.

**4.5 Northland Corridor Project – Construction Management Services Request for Qualifications (RFQ)** – Mr. Stebbins presented the May 24, 2016 memorandum to the Board regarding the issuance of a request for qualifications for construction management services, on an at-risk basis, for the Northland Corridor workforce training center. A copy of the proposed RFQ was included in the meeting materials circulated in advance of the meeting. Mr. Stebbins outlined the services that the construction manager will provide for the project. He noted that the Real Estate Committee reviewed and endorsed the proposal to issue the RFQ for construction

management services. Mr. Stebbins indicated that BUDC will utilize a two-step process for retaining the construction manager. The first step is to develop a short-list of qualified firms through the RFQ process. The second step will involve having the short-listed firms submit written proposals to provide construction management services. BUDC will issue the RFQ by the end of this week.

- 4.6 Northland Corridor Project General Update** – Mr. Stebbins presented an update regarding the Northland Corridor project. BUDC continues to work with the Mayor's Office of Strategic Planning and the Buffalo Urban Renewal Agency (BURA) to satisfy the requirements for the four million dollars in CDBG funding that Mayor Brown committed for the Northland Corridor project. Requirements to be completed include SHPO compliance and a noise study. Mr. Stebbins indicated that the CDBG funding is intended to be used for the hazardous materials removal and asbestos abatement work at 683 Northland and the demolition of 537 East Delavan. BURA and the City of Buffalo will bid out and manage the work. Mr. Stebbins then reported on the historic tax credits analysis for the project, noting that a report is expected to be presented at next month's Board meeting. Mr. Stebbins also reported that BUDC and the City of Buffalo have executed a grant agreement for the Northland Avenue road and infrastructure improvements project and that design work on this project will commence this week. National Grid has also awarded grant funding for the Northland Avenue road and infrastructure improvements project. Mr. Stebbins next updated the Board regarding a stakeholder's advisory committee meeting which is scheduled for June 1<sup>st</sup> at the Delavan-Grider Community Center. He completed his report with brief updates regarding SHPO compliance, property management and neighborhood planning matters. Mr. Cammarata then reported on recent remediation activities at 577 Northland Avenue property.
- 4.7 Buffalo Building Reuse Project (BBRP) General Update** – Ms. Merriweather presented an update regarding the Buffalo Building Reuse Project. Ms. Merriweather reported on the creation of a BBRP property redevelopment dashboard, which identifies multiple properties in the downtown area that are potential adaptive reuse opportunities. BUDC will use the dashboard to focus its BBRP loan program marketing efforts on individual property owners. Mr. Stebbins noted that the dashboard was a collaborative effort involving BUDC, the Mayor's Office of Strategic Planning and the Buffalo Niagara Partnership. Ms. Merriweather reported that BUDC continues its outreach efforts with respect to M/WBE developers, including an outreach effort targeted toward nearby Rust Belt cities. Ms. Merriweather then updated the Board regarding the Queen City Pop-up retail program, which runs through July 31<sup>st</sup>. She noted that program retailers have teamed up with local hotels to promote the program. Mr. Mehaffy reported that Invest Buffalo Niagara and the Mayor's Office of Strategic Planning recently issued a joint letter to national retailers regarding retail opportunities in downtown Buffalo.
- 4.8 Buffalo Lakeside Commerce Park Project Update** – Mr. Cammarata reported that BUDC is working with four different prospects that have expressed interest in six different parcels at Buffalo Lakeside Commerce Park. He also updated the Board regarding general property maintenance matters.
- 4.9 2015 IRS Form 990** – Ms. Profic presented her May 31, 2016 memorandum to the Board regarding the draft 2015 IRS Form 990, a copy of which was included in the meeting materials circulated in advance of the meeting. Ms. Profic encouraged Board members to review the proposed filing and direct any comments or questions to her by Tuesday, June 7<sup>th</sup>.
- 4.10 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** – There being no further business to come before the Board, upon motion made by Mr. Oblatz, seconded by Mr. Comerford and unanimously carried, the May 31, 2016 meeting of the Board of Directors was adjourned at 1:05 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kevin J. Zanner", written over a horizontal line.

Kevin J. Zanner, Secretary