

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

**95 Perry Street  
Buffalo, New York  
May 10, 2018  
8:30 a.m.**

Directors Present:

Michael Ball  
Thomas Beauford, Jr.  
Mayor Byron W. Brown (Chair)  
Janique S. Curry  
Dennis W. Elsenbeck  
Darby Fishkin  
Dottie Gallagher-Cohen  
Thomas R. Hersey, Jr.  
Brendan R. Mehaffy  
Kimberley A. Minkel  
Dennis M. Penman (Vice Chair)  
Craig A. Slater  
Steven J. Stepniak

Directors Absent:

James Comerford  
Thomas A. Kucharski  
David J. Nasca  
Darius G. Pridgen  
Maria R. Whyte

Officers Present:

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

**Guests Present:** Dawn Boudreau, ECIDA; Peter Coleman, Buffalo Niagara Manufacturing Alliance; Jonathan Epstein, *The Buffalo News*; Bonnie Kane Lockwood, Office of Congressman Brian Higgins; Pamm Lent, Empire State Development; and Robert Sanders, Watts Architecture and Engineering.

**Roll Call** – The Secretary called the roll at 8:36 a.m. and a quorum was determined to be present. Ms. Curry joined the meeting during the presentation of item 3.3.

**2.0 Approval of Minutes – Meeting of March 20, 2018** – The minutes of the March 27, 2018 meeting of the Board of Directors were presented. Mr. Penman made a motion to approve the meeting minutes. The motion was seconded by Mr. Elsenbeck and unanimously carried.

**3.0 New Business**

**3.1 Northland Road & ROW Construction Cost Update** – Mr. Stebbins presented his May 10, 2018 memorandum regarding a request for additional grant funding for the Northland Avenue road and right-of-way improvements project. BUDC previously authorized grant funding for this project in the amount of \$3,400,000, with an ESD grant as the source of funding. Construction bids for this

work came in approximately \$500,000 higher than budgeted. In addition, a full-depth reconstruction of the road from Fillmore Avenue to Longview Avenue is required, increasing the cost of the work by \$156,542.57. The City has identified funding to pay for the full depth reconstruction work. The request is to increase the amount of the grant by \$450,000. Mr. Stebbins indicated that there is money in the Northland project budget for this cost. Mr. Hersey made a motion to utilize an additional \$450,000 in ESD grant funds to increase the amount of the grant from BUC to the City of Buffalo to fund construction of the Northland Avenue street and right-of-way improvements project and to authorize the President or Executive Vice President to execute and deliver an amendment to the grant agreement. The motion was seconded by Ms. Gallagher-Cohen and (with Mr. Ball abstaining) carried with eleven affirmative votes (11-0-1).

**3.2 683 Northland – Watts Phase 2 Construction Documents Proposal Approval** – Mr. Stebbins presented his May 10, 2018 memorandum regarding proposed Service Order No. 22 from Watts Architecture & Engineering to prepare construction documents and provide related services for the Phase 2 of the 683 Northland project. Watts will provide the following services and deliverables: (i) detailed construction drawings in electronic format; (ii) full design and products specifications; (iii) building code compliance; and (iv) coordination and design review with Gilbane. Watts will also provide historic preservation consulting services (through Barbara A. Campagna), vapor intrusion investigation, construction cost estimates and commissioning services for LEED certification. The proposed cost of this work is \$692,255.00. Mr. Stebbins indicated that the proposed cost is within industry standards for this type of project. The Real Estate Committee recommended approval of the Service Order subject to ESD and Gilbane peer review, which has not been received to date. Mr. Stepniak made a motion to approve Service Order No. 22 in the amount of \$692,255.00, contingent upon receipt of peer review by ESD and Gilbane. The motion was seconded by Ms. Minkel and (with Mr. Ball abstaining) carried with eleven affirmative votes (11-0-1).

**3.3 683 Northland Phase 2 PLA/Community Workforce Agreement Approval** – Mr. Cammarata presented his May 10, 2018 memorandum regarding a proposed project labor agreement (PLA) for phase II of the 683 Northland project. He reported that PLA negotiations have been completed, and that the terms of this PLA largely mirror the PLA in place for phase I of the project. The PLA includes a community workforce agreement with workforce goals of 25% minority, 5% women, 30% City residents and 20% apprenticeship hours. Mr. Slater made a motion to approve the phase II project labor agreement and community workforce agreement with the Buffalo Building and Construction Trades Council for phase II of the 683 Northland project. The motion was seconded by Ms. Curry and (with Mr. Ball abstaining) carried with twelve affirmative votes (12-0-1).

**3.4 683 Northland – ISP Provider Approval** – Mr. Stebbins presented his May 10, 2018 memorandum regarding the selection of an internet service provider for 683 Northland. SmartEdge, a subcontractor to Gilbane, solicited proposals from three providers. Spectrum and Cogent submitted proposals while Verizon declined to participate. Mr. Stebbins indicated that both of the primary tenants at 683 Northland (Northland Workforce Training Center and Buffalo Manufacturing Works) have been involved in the process, as the cost of ISP services will be passed through to 683 Northland tenants. The cost of Cogent's service is approximately \$150 a month higher than Spectrum, but Cogent's network is more robust. The recommendation is to select Cogent as the ISP provider. The Board discussed the proposed award. Ms. Gallagher-Cohen commented that Spectrum is a local company with a local workforce and is offering a lower price. Mr. Stebbins noted that BMW was consulted and preferred moving forward with Cogent. He also addressed a question from Ms. Curry relating to Cogent's network capacity. Mayor Brown acknowledged Ms. Gallagher-Cohen's concern and suggested that the Board consider a motion to authorize the President or Executive Vice President to ask BMW whether BMW can work with Spectrum, and if yes, then the contract will be awarded to Spectrum. If not, then BUDC will award the contract to Cogent. Ms. Gallagher-Cohen made the motion as suggested by Mayor Brown. The

motion was seconded by Mr. Elsenbeck and unanimously carried.

**3.5 683 Northland – WTC Equipment Bid/Purchase Awards** – Mr. Stebbins circulated his April 24, 2018 memorandum regarding recommended equipment purchases for the workforce training center. BUDC issued a request for proposals for training equipment on March 27, 2018. The opportunity was advertised through the NYS Contract Reporter, with bids due on April 20<sup>th</sup>. The bid specifications include a 30% M/WBE requirement for the installation portion of the work. Mr. Stebbins introduced Peter Coleman, Executive Director of the Buffalo Niagara Manufacturing Alliance to present an overview of the equipment selection process. Mr. Stebbins then reviewed the proposed contract awards as set forth in the Board memorandum. Ms. Gallagher-Cohen made a motion to approve the equipment contract awards as detailed in the Board memorandum and authorize the President or Executive Vice President to execute agreements with the following contractors on behalf of 683 Northland LLC:

1. Airgas – for the sum of \$73,023;
2. Haun Welding Supply – for the sum of \$88,682;
3. NYMAT – for the sum of \$1,160,067;
4. AW Miller – for the sum of \$960,400;
5. NYMAT – for the sum of \$44,744;
6. Allegheny Educational Systems – for the sum of \$1,276,251.88.

The motion was seconded by Mr. Elsenbeck and (with Mr. Ball abstaining) carried with twelve affirmative votes (12-0-1).

**3.6 541 East Delavan – Watts Phase I Construction Documents Proposal Approval** – Mr. Stebbins presented his May 10, 2018 memorandum regarding proposed Service Order No. 23 submitted by Watts Architecture & Engineering to prepare construction documents for Phase I of the 541 East Delavan renovation project. The cost of these services is \$217,140.00 and will be paid with Restore NY grants which have been secured for the project and a 10% match from the Buffalo Brownfields Redevelopment Fund (BBRF). Peer review has been requested from ESD and is pending. Ms. Curry made a motion to approve Service Order No. 23 in the amount of \$217,140.00, contingent upon receipt of ESD peer review. The motion was seconded by Mr. Stepniak and (with Mr. Ball abstaining) carried with twelve affirmative votes (12-0-1).

**3.7 612 Northland – Construction Work Awards**

**3.7.1 Masonry Work** – Mr. Cammarata presented his May 10, 2018 memorandum regarding a proposed contract for additional masonry work at 612 Northland. This work is required primarily for the north façade of the “B” building, which incurred damage from the demolition of the adjacent structure. The current masonry contractor, Pepe Construction, is on-site and is the recommended contractor to perform the work at a cost of \$33,522.06. BUDC will pay for this work with Restore NY grant funds and a proposed 10% match from the Buffalo Brownfields Redevelopment Fund (BBRF). Mr. Cammarata noted that the retention of this contractor would qualify as a single-source procurement under the BUDC procurement policy. Mr. Penman made a motion to retain Pepe Construction to perform additional masonry work as outlined in the Board memorandum for the cost of \$33,522.06, to utilize the BBRF for the 10% match and to authorize the President or Executive Vice President to execute agreements with the contractor to perform the work. The motion was seconded by Mr. Hersey and (with Mr. Ball abstaining) carried with twelve affirmative votes (12-0-1).

**3.7.2 Plumbing Work** - Mr. Cammarata presented his May 10, 2018 memorandum regarding a proposed award for plumbing facilities work at 612 Northland. Kathy Kinan solicited

contractors for the work. Three proposals were received, with Zirpoli Plumbing submitting the lowest cost proposal in the amount of \$38,000. BUDC will pay for this work with Restore NY grant funds and a proposed 10% match from the BBRF. Mr. Cammarata noted that approximately 60% of the work at 612 Northland has been awarded to M/WBE companies. Mr. Stepniak made a motion to retain Zirpoli Plumbing to furnish and install plumbing facilities as outlined in the Board memorandum for the cost of \$38,000, to utilize the BBRF for the 10% match and to authorize the President or Executive Vice President to execute agreements with the contractor to perform the work. The motion was seconded by Mr. Slater and (with Mr. Ball abstaining) carried with twelve affirmative votes (12-0-1).

**3.8 Reimbursement of Brownfield Expenses from Buffalo Brownfields Redevelopment Fund (BBRF)** – Ms. Profic presented her May 10, 2018 memorandum regarding the proposed reimbursement from the BBRF of ESD grant application fees and expenses. These costs relate to the 6 million dollar grant for workforce training equipment and the 25 million grant for phase 2 of the 683 Northland project. The total amount requested for reimbursement is \$311,848.33. Mr. Stepniak made a motion to approve the reimbursement to BUDC of \$311,848.33 in third party Northland costs from the BBRF as outlined in the Board memorandum. The motion was seconded by Mr. Slater and (with Mr. Ball abstaining) carried with twelve affirmative votes (12-0-1).

**4.0 Late Files** - None.

**5.0 Tabled Items** – None.

**6.0 Executive Session** – None.

**7.0 Adjournment** – Upon motion made by Mr. Hersey, seconded by Ms. Curry and unanimously carried, the May 10, 2018 special meeting of the Board of Directors was adjourned at 930 a.m.

Respectfully submitted,



Kevin J. Zanner, Secretary