

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

**95 Perry Street
Buffalo, New York 14203
January 31, 2017
12:00 p.m.**

1.0 Call to Order

Directors Present:

Hon. Byron W. Brown (Chair)
James W. Comerford
Dottie Gallagher-Cohen
Janique S. Curry
Dennis W. Elsenbeck
Thomas R. Hersey, Jr.
Brendan R. Mehaffy
Benjamin N. Obletz
Dennis M. Penman (Vice Chair)
Darius G. Pridgen
Steven J. Stepniak
Maria R. Whyte

Directors Absent:

Thomas Beauford, Jr.
Thomas A. Kucharski
Kimberley A. Minkel
David J. Nasca
Christopher J. Schoepflin
Craig A. Slater

Officers Present:

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

Others Present: Dawn Boudreau, ECIDA; Jonathan Epstein, *The Buffalo News*; James Fink, *Buffalo Business First*; John Lutz, Buffalo Niagara Riverkeeper; and Sahar Mirzaei, BUDC intern.

Roll Call – The Secretary called the roll of directors at 12:12 p.m. A quorum of the Board was not present. Information items 4.3, 4.4, 4.6 and 4.7 were presented first. The remaining agenda items were presented in the order set forth in the agenda packet. Ms. Whyte joined the meeting during the presentation of item 4.4. Ms. Curry joined the meeting during the presentation of item 4.6. Mayor Brown and Mr. Pridgen joined the meeting during the presentation of item 4.6. Roll was called following the presentation of item 4.7, and a quorum was determined to be present.

2.0 Presentation of the Minutes – The minutes of the December 20, 2016 meeting of the Board of Directors were presented. Ms. Gallagher-Cohen made a motion to approve the meeting minutes. The motion was seconded by Mr. Pridgen and unanimously carried.

3.0 Monthly Financial Report – Ms. Profic reported that BUDC's audit firm is working on 2016 year-end auditing matters, and that accordingly, no monthly financial report will be distributed this month.

4.0 **New Business**

4.1 **683 Northland – Historic Preservation Part 2 Application Service Order Amendment**

Approval – Mr. Stebbins presented his January 31, 2017 memorandum to the Board regarding a proposed amendment to Watts Service Order No. 12 to include additional work to be performed by the historic preservation consultant, Barbara Campagna. The additional work includes the preparation of tenant guidelines, as mandated by SHPO. The cost of the additional work is \$21,600. Mr. Comerford made a motion to approve the amendment to Service Order No. 12 as set forth in the January 31, 2017 memorandum. The motion was seconded by Mr. Stepniak and unanimously carried.

4.2 **NorDel II, LLC BCA Authorization**

– Mr. Stebbins presented a proposed resolution for BUDC to authorize the President and Executive Vice President to act on behalf of BUDC's wholly-owned subsidiary, NorDel II, LLC, in connection with the Brownfield Cleanup Program project at 683 Northland Avenue. Mr. Stebbins noted that the BCP application will be submitted in the name of NorDel II, LLC. Once accepted, BUDC will apply to change the name on the BCP application to 683 Northland, LLC, a separate BUDC subsidiary which is the current owner of the property. Following Mr. Stebbins' presentation, the Board engaged in a broad discussion regarding the Northland Corridor project. Board members commented on project updates, and Mr. Pridgen requested that the Board be provided with a timeline to track progress on the project and respond to constituent inquiries. In response to a question from Ms. Gallagher-Cohen, Mr. Cammarata explained that BUDC subsidiaries will continue to own the properties after construction is completed and will lease the workforce training center space to the WTC operator. BUDC will also be responsible for leasing other tenant space at 683 Northland, and he noted that Buffalo Manufacturing Works is expected to relocate to 683 Northland and become a tenant. Mr. Stebbins indicated that BUDC mitigates its financial risk by involving other partners in the Northland Corridor project, and noted as an example the inclusion of the 537 East Delavan property in the NYS Superfund program, which will cover nearly all of the environmental cleanup costs associated with that property. Ms. Whyte noted that the BUDC executive staff provides detailed updates regarding the project at the Real Estate Committee meetings. Mayor Brown commented on the importance of continuing to involve the local community in the project.

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

**RESOLUTIONS OF BUFFALO URBAN DEVELOPMENT
CORPORATION AS THE SOLE MEMBER OF NORDEL II, LLC
REGARDING THE BROWNFIELD CLEANUP PROGRAM
PROJECT AT 683 NORTHLAND AVENUE**

WHEREAS, NorDel II, LLC, a wholly-owned subsidiary company of Buffalo Urban Development Corporation, was formed by BUDC for purposes relating to the Northland Corridor project, including the acquisition of certain parcels of real property in the Northland Corridor project area; and

WHEREAS, BUDC, through NorDel II, LLC, is undertaking a Brownfield Cleanup Program project at 683 Northland Avenue, the site at which the Western New York Workforce Training Center will be located; and

WHEREAS, BUDC desires to adopt the following resolutions in connection with the Brownfield Cleanup Program project at 683 Northland Avenue.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

Section 1. Peter M. Cammarata, as President of BUDC and David A. Stebbins, as Executive Vice President of BUDC (each an "Authorized Person") are each hereby authorized, directed, and empowered, acting in the name of or on behalf of NorDel II, LLC (the "Company"), to execute the Brownfield Cleanup Program ("BCP") Application, the BCP Agreement, and any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14), and to take any such actions in the name of or on behalf of the Company as may be necessary, appropriate or advisable in connection with the Brownfield Cleanup Program project at 683 Northland Avenue, Buffalo, New York.

Section 2. The Authorized Persons are each hereby authorized, empowered and directed to take all such action on behalf of the Company as the Authorized Persons may deem necessary, appropriate or advisable to carry out the intent and purposes of these resolutions.

Section 3. All actions heretofore taken by any officer of BUDC and of any persons designated to act by any such officer of BUDC relating to the Brownfield Cleanup Program project are hereby ratified, confirmed, approved and adopted as acts of the Company.

Section 4. These resolutions shall take effect immediately.

4.3 537 East Delavan – Demolition Bid Status – Mr. Stebbins reported that earlier this month the City of Buffalo Department of Public Works opened bids for the demolition work at 537 East Delavan. The lowest bid was submitted by Regional Environmental Demolition. The City's Law Department is reviewing the bids, and it is expected that a request for formal approval of the demolition contract with the lowest bidder will be submitted to the Common Council within the next several days.

4.4 Buffalo Building Reuse Project Update – Ms. Merriweather reported that BUDC issued a first quarter request for proposals for BBRP loan program funding and is working with a number of potential applicants. She also updated the Board regarding the Erie/Shelton Square project, which received CFA funding last year. A contract is being finalized with New York State, and a request for proposals for design services for the project will be issued soon. Ms. Merriweather closed her report with an update regarding the 2016 holiday edition of the Queen City Pop Up retail program. Three of the six retailers who participated in the program are actively pursuing permanent retail locations on Main Street.

4.5 Northland Corridor Project Update – Mr. Stebbins presented an update regarding the Northland Corridor project, as summarized below:

Community Outreach

- A public meeting was held on January 30th at the Delavan-Grider Community Center, with approximately 150 community members were in attendance. The Gilbane construction management team was introduced, and updates regarding the Northland Avenue street improvement project and historic preservation planning and mitigation for the Northland Corridor were provided. The new Workforce Training Center operator, Economic Development Group, was also introduced. The entire Gilbane team signed the Mayor's Opportunity Pledge at the meeting.
- Gilbane and CASNY team will hold their first M/WBE outreach meeting on January 31st at 6:00 PM at Mt. Olive Church.

Project Funding

- The federal Section 106 Historic and Cultural Resources consultation and NEPA requirements for CDBG funding is nearing completion. A Memorandum of Agreement for

impacted historic resources (537 E. Delavan and 777 Northland) is currently being reviewed by the federal Advisory Council for Historic Preservation.

- A \$1.9 million Restore NY grant for 537 E. Delavan, 777 Northland and 1681 Fillmore Avenue has been awarded to the City of Buffalo and BUDC.

683 Northland Avenue

- Schematic design cost estimates are being reviewed and reconciled by the Watts and Gilbane teams.
- Design development for the Workforce Training Center is underway.
- The Gilbane construction management team continues to engage in pre-construction work, focusing on project schedule and outreach for M/WBE and workforce participation.
- Watts and Barbara Campagna have completed the SHPO Part I application for historic tax credits for submission to SHPO. Preparation of Part II has begun. An initial review meeting with SHPO officials in Albany on the Part II program was very productive.
- The Brownfield Cleanup Program Investigation work plan will be implemented shortly.
- The tax credits accounting and legal team are updating the tax credits model and working with potential tax credits investors.
- BUDC issued a request for financing proposals for a construction loan to bridge the tax credits.
- Construction/abatement documents and bid specifications for asbestos and HazMat removal are being coordinated with the Gilbane construction management team.
- The energy modeling program with NYSERDA consultants is underway.

Workforce Training Center

- ESD has approved the Economic Development Group as the WTC Operator.
- The WTC Operator and academic providers continue to assist space planning and other design issues.

537 Delavan/Vibrattech

- It is anticipated that demolition work will start in early March upon completion of HUD Environmental Review/NEPA requirements.
- BUDC continues to work with Mancuso and a community group regarding interim building improvements for the 612 Northland.

Northland Avenue Road and ROW Improvement Project

- Design work is nearing completion; bidding is expected in March and construction is scheduled to begin in May or June 2017.
- The City's design engineer, Clark Patterson Lee, has prepared green infrastructure designs for 577 Northland in support of the storm water management for the street. A public art component will be included with the 577 Northland green infrastructure design.
- Project design continues to be coordinated with the Watts team, especially for utilities, curb cuts and storm water management/green infrastructure.

Property Management

- Marketing and leasing efforts continue.
- Contracts for snowplowing services have been executed and services have been satisfactorily delivered to-date.
- BUDC will issue an informal bid request for landscaping services for the complex in March.

Neighborhood Planning

- Buffalo Urban Renewal Agency completed the draft neighborhood strategy and reviewed it with the Stakeholder Advisory Committee.
- BURA is reviewing the Watts/SWBR Campus Plan for consistency with the neighborhood strategy.

4.6 South Buffalo Brownfield Opportunity Area Update – Mr. Stebbins reported that with the Common Council's recent approval of the South Buffalo Brownfield Opportunity Area, the final document for the BOA designation has been submitted to the New York State Department of State (NYSDOS). NYSDOS review is expected to be complete within 60 to 90 days. Mr. Stebbins noted that the BOA submission is available at the BUDC website for those wishing to review the document.

4.7 Buffalo Lakeside Commerce Park Update – Mr. Cammarata reported that BUDC has renewed all applicable insurance policies for Buffalo Lakeside Commerce Park as part of BUDC's overall insurance program for its operations. The Board then discussed coordination with Erie County regarding the development of the Bethlehem Steel site and the marketing of shovel-ready properties at Buffalo Lakeside Commerce Park and Bethlehem Steel. Mr. Cammarata noted that BUDC regularly communicates with Erie County staff and ECIDA and that leads for new brownfield projects are shared.

4.8 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. Mehaffy, seconded by Mr. Stepniak and unanimously carried, the January 31, 2017 meeting of the Board of Directors was adjourned at 1:00 p.m.

Respectfully submitted,



Kevin J. Zanner, Secretary