

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

***Center for Excellence in Bioinformatics & Life Sciences
701 Ellicott Street, 2nd Floor—The Event Space Conference Room B2-205
Buffalo, New York 14203***

**August 29, 2023
12:00 p.m.**

Directors Present:

Catherine Amdur
Trina Burruss
Scott Bylewski
Daniel Castle
Janique S. Curry
Darby Fishkin
Thomas Halligan
Elizabeth Holden
Nathan Marton
Brendan R. Mehaffy
Kimberley A. Minkel
David J. Nasca
Dennis M. Penman (Vice Chair)

Directors Absent:

Mayor Byron W. Brown (Chair)
Dennis W. Elsenbeck
Dottie Gallagher
Thomas A. Kucharski
Darius G. Pridgen
Karen Utz

Officers Present:

Brandye Merriweather, President
Rebecca Gandour, Executive Vice President
Kevin J. Zanner, Secretary
Atiqa Abidi, Assistant Treasurer

Guests Present: Jonathan Epstein, *The Buffalo News*; Alexis M. Florczak, Hurwitz Fine P.C.; Laurie Hendrix, ECIDA Administrative Coordinator; Brian Krygier, Director of IT, ECIDA; Kelly Maloney, Gilbane Building Company (via Zoom); Antonio Parker, BUDC Project Manager; Angelo Rhodes, Northland Project Manager; and Aaron Schauger, LaBella Associates.

- 1.0** **Roll Call** – The meeting was called to order at 12:11 p.m. by Vice Chair Penman. The Secretary called the roll of directors and a quorum of the Board was determined to be present. Mr. Marton joined the meeting during the presentation of agenda item 2. Mr. Mehaffy left the meeting during the presentation of agenda item 4.5.

2.0 Approval of Minutes – July 25, 2023 Meeting – The minutes of the July 25, 2023 meeting of the Board of Directors were presented. Mr. Mehaffy made a motion to approve the meeting minutes. The motion was seconded by Ms. Minkel and unanimously carried (13-0-0).

3.0 Monthly Financial Reports – Ms. Abidi presented for information purposes the financial statements for 683 Northland Master Tenant, LLC for the period ending July 31, 2023. She then presented the consolidated financial statements for BUDC and its affiliates, 683 Northland LLC and 683 WTC, LLC for the period ending July 31, 2023. Mr. Bylewski made a motion to accept the BUDC consolidated financial statements. The motion was seconded by Ms. Holden and unanimously carried (13-0-0).

4.0 New Business

4.1 Northland Central – Proposed Lease to Northland Workforce Training Center – Ms. Gandour presented her August 29, 2023 memorandum regarding the proposed lease of the former SparkCharge space at 683 Northland by the Northland Workforce Training Center. The leased space will be used for automotive training. Following the presentation, several Board members commented on the need for automotive technicians in the region, with Ms. Minkel noting that many positions requiring these skills remain unfilled. At the conclusion of the discussion, Ms. Burruss made a motion to: (i) authorize 683 Northland Master Tenant, LLC to enter into a lease with The Economic Development Group, Inc. upon the terms set forth in the August 29, 2023 memorandum; and (ii) authorize the President or Executive Vice President to execute a lease agreement with The Economic Development Group, Inc. and take such other actions as are necessary and appropriate to implement this authorization. The motion was seconded by Ms. Amdur and unanimously carried (13-0-0).

4.2 Northland Corridor – NYSDOS Grant for BOA Designation – Mr. Rhodes presented his August 29, 2023 memorandum regarding the proposed acceptance of a NYSDOS grant to submit a BOA Nomination Plan for the Northland Corridor. This item was reviewed by the Real Estate Committee at its August 22, 2023 meeting and recommended for approval. Mr. Castle made a motion to: (i) approve acceptance of the New York State Department of State grant award in the amount of \$87,750; (ii) approve BUDC's 10% match of funds in the amount of \$9,750, to be provided through the Buffalo Brownfields Redevelopment Fund and reflected in the proposed 2024 BUDC budget; and (iii) authorize each of the BUDC President or Executive Vice President to execute the grant agreement and any related grant documents and agreements, and to take such other actions as may be necessary or appropriate to implement this authorization. The motion was seconded by Ms. Fishkin and unanimously carried (13-0-0).

4.3 Ralph Wilson Park – MVVA Contract Amendment #11 – Mr. Parker presented his August 29, 2023 memorandum regarding the 11th amendment to the BUDC-MVVA Master Service Agreement. He noted that this item was reviewed by the Downtown Committee at its August 16, 2023 meeting and recommended for approval. Following the presentation, Mr. Marton made a motion to: (i) approve an amendment to the MVVA Agreement in the amount of \$37,750 for early value engineering work to support the Ralph Wilson Park project; and (ii) authorize the BUDC President or Executive Vice President to execute the amendment to the MVVA Agreement and take such other actions as are necessary to implement this authorization. The motion was seconded by Mr. Halligan and unanimously carried (13-0-0).

4.4 Ralph Wilson Park – Atlantic Testing Laboratories Contract for Environmental Sampling and Consulting Services – Mr. Parker presented his August 29, 2023 memorandum regarding a proposed contract with Atlantic Testing Laboratories (ATL) for environmental sampling and consulting services. Mr. Parker noted that ATL recently acquired SJB Services, Inc., which is a BUDC environmental consultant for the Ralph Wilson Park project. ATL has retained nearly all SJB staff that were involved in the Ralph Wilson Park project. BUDC staff is now proposing to retain ATL as a single source procurement under the BUDC procurement policy

because ATL has unique knowledge and expertise related to the project, and the cost to BUDC is reasonable considering these benefits. This item was reviewed by the Downtown Committee at its August 16, 2023 meeting and recommended for approval. Mr. Nasca made a motion to: (i) approve the Atlantic Testing Laboratories contract in the not-to-exceed amount of \$40,000 for the environmental scope of work described in Mr. Parker's August 29, 2023 memorandum to the Downtown Committee; and (ii) authorize the BUDC President or Executive Vice President to execute the contract and take such other actions as are necessary to implement this authorization. The motion was seconded by Mr. Mehaffy and unanimously carried (13-0-0).

4.5 Ralph Wilson Park – Project Update Presentation – Ms. Maloney presented an update regarding the Ralph Wilson Park project. Construction is underway, which has included the removal of driftwood and receipt of stone deliveries for the shoreline. Dredging work has begun at the shoreline which will be complete in the next two weeks. Demolition has begun, and the City will be able to reuse the pavilion and some playground equipment in other parks throughout the City. Additional stone deliveries are expected in order to install the new break wall. Gilbane continues to meet with CSX and NYSTA regarding plans for the bridge installation and associated work. The construction team is making efforts to reuse existing soil onsite to realize additional cost savings.

4.6 Buffalo's Race for Place Project Update – Ms. Merriweather presented an update regarding Buffalo's Race for Place. Installation of the new lighting system for the library underpass has begun. A public meeting for the Waterfront Improvement Plan was held at Seneca One Tower. Draft recommendations were well received by attendees. The study being prepared by MIG will conclude by the end of September and will be presented in early October. Data has been collected by Stantec as part of the City's Smart Streets Design Plan which BUDC will use to update its Race for Place strategy.

4.7 Northland Corridor Project Update – Ms. Gandour introduced Aaron Schauger of Labella Associates to present an update regarding the Phase 3 development project at Northland. Mr. Schauger presented an overview of the project scope, which includes building renovations at 541 E. Delavan and the 612 Northland "B" building, the clean energy microgrid, which includes substation upgrades, battery storage and community solar, and additional parking spaces. Mr. Schauger then presented proposed renderings of the renovated buildings. Ms. Gandour noted that the renderings are based on schematic design, are conceptual only and may change as the project moves into its design development phase and receives additional stakeholder feedback. The Board provided feedback on the draft renderings. Mr. Schauger also commented on the community solar element of the project and savings on electric bills that would be available to eligible households. Mr. Schauger also provided an overview of the project schedule moving forward. The LaBella team is currently working on design development, which will be completed by early 2024. Construction is expected to begin in the summer of 2024 and last 18-24 months.

4.8 Buffalo Lakeside Commerce Park Project Update – Ms. Gandour presented an update regarding Buffalo Lakeside Commerce Park. BUDC and Savarino executed the exclusivity agreement for 193 Ship Canal Parkway. BUDC staff and Ms. Minkel discussed draft TENORM guidance issued by the NYSDEC at its August 22, 2023 meeting. Ms. Merriweather reported that Zephyr submitted additional comments to the three-party MOU. Landon & Rian has provided feedback on these comments, which are now under review by Zephyr.

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, the August 29, 2023 meeting of the Board of Directors was adjourned at 1:03 p.m.

Respectfully submitted,



Kevin J. Zanner, Secretary