

**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***

**June 27, 2023
12:00 p.m.**

Directors Present:

Catherine Amdur
Mayor Byron W. Brown (Chair)
Scott Bylewski
Daniel Castle
Janique S. Curry
Dennis W. Elsenbeck
Darby Fishkin
Thomas Halligan
Thomas A. Kucharski
Brendan R. Mehaffy
Kimberley A. Minkel
Karen Utz

Directors Absent:

Trina Burruss
Dottie Gallagher
Elizabeth Holden
Nathan Marton
David J. Nasca
Dennis M. Penman (Vice Chair)
Darius G. Pridgen

Officers Present:

Brandye Merriweather, President
Rebecca Gandour, Executive Vice President
Mollie M. Profic, Treasurer
Atiqa Abidi, Assistant Treasurer

Guests Present: Jonathan Epstein, *Buffalo News*; Alexis M. Florczak, Hurwitz Fine P.C.; Soma Hawramee, ECIDA Compliance Officer; Laurie Hendrix, ECIDA Administrative Coordinator; Brian Krygier, Director of IT, ECIDA; Antonio Parker, BUDC Project Manager; and Angelo Rhodes, BUDC Project Manager.

- 1.0 Roll Call** – The meeting was called to order at 12:23 p.m. Ms. Florczak, who served as Secretary of the meeting, called the roll of directors and a quorum of the Board was determined to be present.
- 2.0 Approval of Minutes – April 25, 2023** – The minutes of the April 25, 2023 meeting of the Board of Directors were presented. Ms. Minkel made a motion to approve the meeting minutes. The motion was seconded by Mr. Mehaffy and unanimously carried (12-0-0).
- 3.0 Monthly Financial Reports** – Ms. Profic presented for information purposes the financial statements for 683 Northland Master Tenant, LLC for the period ending May 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 May 31, 2023. Mr. Elsenbeck made a motion to accept the BUDC

consolidated financial statements. The motion was seconded by Mr. Halligan and unanimously carried (12-0-0).

4.0 **New Business**

4.1 **2023-2024 Election of Officers** – Mr. Kucharski presented the following proposed slate of officers of BUDC as set forth in his June 27, 2023 memorandum to the Board of Directors:

Chair:	Hon. Byron W. Brown
Vice Chair:	Dennis M. Penman
President:	Brandye Merriweather
Executive Vice President:	Rebecca Gandour
Treasurer:	Mollie M. Profic
Assistant Treasurer:	Atiqa Abidi
Secretary:	Kevin J. Zanner

Upon motion made by Mr. Kucharski, seconded by Ms. Curry and unanimously carried (12-0-0), the foregoing slate of officers was approved, with each officer to serve a term of one (1) year and until his or her successor has been elected or appointed.

4.2 **Appointment and Re-appointment of Citizen Board Members** – Ms. Merriweather and Mayor Brown presented Mayor Brown’s June 27, 2023 memorandum to the Board regarding his re-appointment of Darby Fishkin and Dennis Elsenbeck as citizen members and directors of BUDC. Mayor Brown thanked Ms. Fishkin and Mr. Elsenbeck for their service to BUDC.

4.3 **2023-2024 Committee Appointments** – Ms. Merriweather presented the proposed slate of Committee appointments for 2023-2024. Mr. Kucharski made a motion to approve the proposed slate of Committee appointments. The motion was seconded by Ms. Minkel and unanimously carried (12-0-0). The Committee appointments made by the Board are as follows:

Downtown Committee: Catherine Amdur; Daniel Castle; Darby Fishkin, Dottie Gallagher; Nathan Marton; Brendan R. Mehaffy (*Committee Chair*); Kimberley A. Minkel; Darius G. Pridgen; and Karen Utz.

Governance Committee: Hon. Byron W. Brown; Dennis W. Elsenbeck; Thomas Halligan; Thomas A. Kucharski (*Committee Chair*); Brendan R. Mehaffy; Dennis M. Penman; and Karen Utz.

Audit & Finance Committee: Catherine Amdur; Trina Burruss; Janique S. Curry; David J. Nasca; and Dennis M. Penman (*Committee Chair*).

Real Estate Committee: Scott Bylewski; Janique S. Curry; Elizabeth Holden; Thomas A. Kucharski; Brendan R. Mehaffy; Kimberley A. Minkel (*Committee Chair*); and Dennis M. Penman.

Loan Committee: Dottie Gallagher; and Brendan R. Mehaffy (*Committee Chair*).

4.4 **Ralph C. Wilson Centennial Park – Fifth Amendment to BUDC-City of Buffalo Wilson Foundation Subgrant Agreement** – Mr. Parker presented his June 27, 2023 memorandum regarding the Fifth Amendment to the BUDC-City of Buffalo Wilson Foundation subgrant agreement. Following his presentation, Ms. Minkel made a motion to: (i) approve the Fifth Amendment to the BUDC-City of Buffalo subgrant agreement allowing BUDC to transfer the \$252,000 Ralph Wilson Foundation Grant to the City of Buffalo to fund the Grant Manager position; and (ii) authorize the BUDC President or Executive Vice President to execute the Fifth Amendment

and take such other actions as are necessary to implement this authorization. The motion was seconded by Ms. Utz and unanimously carried (12-0-0).

4.5 Buffalo’s Race for Place – Downtown Waterfront Improvement Plan MIG Contract Extension

– Ms. Merriweather presented her June 27, 2023 memorandum regarding the Downtown Waterfront Improvement Plan Contract Extension. Following her presentation, Ms. Curry made a motion to: (i) approve the BUDC-MIG contract extension of \$19,030 with BUDC providing an additional \$9,515; and (ii) authorize the BUDC President or Executive Vice President to execute the extension and take such other actions as are necessary to implement this authorization. The motion was seconded by Mr. Halligan and (with Ms. Utz abstaining) carried with eleven affirmative votes (11-0-1).

4.6 Buffalo’s Race for Place – Project for Public Spaces Electrical Contractor Agreement

– Mr. Parker presented his June 27, 2023 memorandum regarding the Project for Public Spaces electrical contractor agreement. Following his presentation, Mr. Kucharski made a motion to: (i) approve a contract between BUDC and CIR Electrical Construction Corporation for the Project’s installation work for a total cost of \$12,900.00; and (ii) authorize the BUDC President or Executive Vice President to execute the contract and take such other actions as are necessary and appropriate to implement this authorization. The motion was seconded by Ms. Fishkin and unanimously carried (12-0-0).

4.7 BBRP Loan Program – Loan Termination Agreement

– Ms. Merriweather presented her June 27, 2023 memorandum regarding the BBRP loan program termination agreement. Following her presentation, Mr. Mehaffy commended the program’s success and noted that discussions regarding programming are to continue in the future. Ms. Merriweather also thanked BUDC’s private sector partners, including the Buffalo Niagara Partnership, ESD, Evans Bank and other participating partner banks. Mr. Mehaffy made a motion to: (i) enter into a termination agreement with the respective banking partners to terminate the BBRP Loan Program; and (ii) authorize the BUDC President or Executive Vice President to execute the termination agreement and take such other actions as are necessary or appropriate to implement this authorization. The motion was seconded by Ms. Amdur and (with Ms. Utz abstaining) carried with eleven affirmative votes (11-0-1).

4.8 Buffalo Lakeside Commerce Park – Exclusivity Agreement with Savarino Companies Relating to 193 Ship Canal Parkway

– Ms. Gandour presented her June 27, 2023 memorandum regarding the proposed exclusivity agreement with Savarino Companies relating to 193 Ship Canal Parkway. This item was reviewed at the Real Estate Committee’s June 15, 2023 meeting and is being recommended for approval. Ms. Minkel made a motion to: (i) approve BUDC entering into an exclusivity agreement with Savarino Companies regarding 193 Ship Canal Parkway, consistent with the terms set forth in Ms. Gandour’s June 27, 2023 memorandum; and (ii) authorize the President or Executive Vice President to execute the exclusivity agreement and take such other actions as may be necessary or appropriate to implement this action. The motion was seconded by Ms. Utz and unanimously carried (12-0-0).

4.9 Buffalo Lakeside Commerce Park Project Update

– Ms. Gandour presented an update regarding Buffalo Lakeside Commerce Park. Savarino has decided not to move forward with extending its exclusivity agreement for 80, 134, 158 and 200 Ship Canal Parkway. BUDC is working with Invest Buffalo Niagara to update its BLCP brochure and market these available sites. Staff plans to schedule a POA meeting in July to provide an update regarding operations of the POA through June 30, 2023 and anticipated expenses for the remainder of the year. Ms. Merriweather added that BUDC has selected Landon & Rian through a request for qualifications (RFQ) process to provide MWBE compliance monitoring services for Phase 1 of Zephyr’s project at BLCP. Counsel has prepared a three-party MOU that has been circulated to Landon & Rian and Zephyr for review.

4.10 BBRP / Buffalo’s Race for Place Project Update – Ms. Merriweather presented an update on Buffalo’s Race for Place. BUDC continues its work with MIG and the City on its Inner Harbor and Waterfront Public Realm master plan. Stakeholder interviews were conducted recently regarding the accessibility of neighborhoods and the opportunities for small businesses and local artists through this development. The City continues its work on its Smart Streets Design Program. A public meeting was held last week which reported on progress to date and noted the project will be entering its design phase. Mr. Mehaffy commended MIG for its work toward connecting neighborhoods such as East Buffalo and the Lower West Side to the City’s Waterfront. A discussion from the Board followed regarding incorporating electrical and utility infrastructure improvements in the Smart Streets Design Program assessment.

4.11 Northland Beltline Corridor Update – Ms. Gandour presented the Northland Beltline Corridor update. LaBella presented an update regarding Northland Redevelopment Phase 3 to the Real Estate Committee at its June 15, 2023 meeting. Discussions with National Grid are ongoing regarding substation upgrades and the community solar elements of Northland Phase 3. A stakeholder meeting at Buffalo Manufacturing Works will be held July 20th. BUDC is coordinating with the City on topics to be discussed at this meeting. Mayor Brown was interviewed by the Brookings Institute to present the region as a case study for Build Back Better. A request for proposals (RFP) was released last week for architectural & engineering, inspection, and grant administration services for 631 Northland.

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, on motion made by Mr. Elsenbeck, seconded by Ms. Minkel and unanimously carried (12-0-0), the June 27, 2023 meeting of the Board of Directors was adjourned at 1:02 p.m.

Respectfully submitted,



Alexis M. Florczak
Secretary of the Meeting