

Buffalo Urban Development Corporation

95 Perry Street
Suite 404
Buffalo, New York 14203

phone: 716-856-6525

fax: 716-856-6754

web: buffalourbandevelopment.com



BUDC Downtown Committee Wednesday, January 18, 2023 City Hall – Room 901 12:00 Noon

Agenda

1. Approval of Minutes from November 16, 2022 *(Action)(Encl.)*
2. Ralph C. Wilson, Jr. Centennial Park - Project Update Presentation *(Informational)*
3. Ralph C. Wilson, Jr. Centennial Park –Fourth Amendment to BUDC- City of Buffalo Wilson Foundation Subgrant Agreement *(Recommendation)(Encl.)*
4. Ralph C. Wilson, Jr. Centennial Park – BUDC- City of Buffalo MLB-MLBPA Youth Development Foundation Subgrant Agreement *(Recommendation)(Encl.)*
5. Buffalo’s Race For Place Update *(Informational)*
6. Partner Updates *(Informational)*
7. Adjournment *(Action)*

**Minutes of the Meeting
of the
Downtown Committee
of
Buffalo Urban Development Corporation**

**65 Niagara Square
901 City Hall
November 16, 2022
12:00 p.m.**

Committee Members Present:

Catherine Amdur
Daniel Castle
Darby Fishkin
Brendan R. Mehaffy (Committee Chair)
Kimberley Minkel

Committee Members Absent:

Trina Burruss
Dottie Gallagher
Darius G. Pridgen

Officers Present:

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

Guests Present: John Cleary, Gilbane Building Company; Cristina Cordero, Gardiner & Theobald (via telephone); Alexis Florczak, Hurwitz Fine P.C.; Soma Hawramee, ECIDA Compliance Officer; Kelly Maloney, Gilbane Building Company; Nathan Marton, Commissioner, City of Buffalo Department of Public Works; and Antonio Parker, BUDC Project Manager

Roll Call: The meeting was called to order at 12:05 p.m. A quorum of the Committee was present. Items 1 and 3-5 were presented first, followed by the informational items on the agenda. Ms. Minkel left the meeting during the presentation of agenda item 2.

- 1.0 Approval of Minutes of the October 19, 2022 Meeting** – The minutes of the October 19, 2022 meeting of the Downtown Committee were presented. Ms. Minkel made a motion to approve the meeting minutes. The motion was seconded by Mr. Castle and unanimously carried (5-0-0).
- 2.0 Ralph C. Wilson, Jr. Centennial Park – Project Update Presentation** – Ms. Merriweather introduced Kelly Maloney from Gilbane Building Company to present the Ralph C. Wilson, Jr. Centennial Park project update. Ms. Maloney reported that Gilbane has begun preconstruction work. Tree clearing signs have been installed on site, and the tree clearing work has been awarded to Scott Lawn Yard, a women-owned business enterprise. Scott Lawn Yard is anticipated to mobilize this week, and tree clearing is anticipated to take 5-6 weeks. The bridge steel fabrication bid package will be bid out in the next two weeks, and the site, landscaping, bridge steel installation and shoreline work packages are to be bid out in early December. A draft project labor agreement (PLA) has been prepared and is under review by City of Buffalo legal counsel. Gilbane and the City of Buffalo will meet this Friday to discuss the PLA and the GMP contract, which is also under review by the City. An estimate was submitted to the Park's core team and is being reconciled for Phase 1 and Phase 2 of construction. Site mobilization

is anticipated to start in April 2023, depending on weather conditions. Permits from the NYSDEC and Army Corps of Engineers are anticipated to be issued in January.

3.0 Ralph C. Wilson, Jr. Centennial Park – Ralph C. Wilson, Jr. Foundation Grant Agreement

#8 – Mr. Parker presented his November 16, 2022 memorandum regarding a proposed grant agreement (Grant Agreement #8) from the Ralph C. Wilson, Jr. Foundation. Ms. Fishkin made a motion to recommend that the Board of Directors: (i) accept the anticipated \$24,500,000 grant award from the Ralph C. Wilson, Jr. Foundation for additional components of the Phase 1 core park construction; and (ii) authorize the President or Executive Vice President to execute the grant agreement and take such other actions as are necessary or appropriate to implement this action. The motion was seconded by Ms. Minkel and unanimously carried (5-0-0).

4.0 Ralph C. Wilson, Jr. Centennial Park – Biohabitats Proposal for Shoreline Monitoring Services

– Ms. Gandour and Ms. Merriweather presented their November 16, 2022 memorandum regarding the Biohabitats proposal for shoreline monitoring services at Ralph C. Wilson, Jr. Centennial Park. Since the Committee's discussion of these services at its October 19th meeting, BUDC has been in discussions with the City and The Ralph Wilson Park Conservancy to clarify responsibilities among the parties. It has been proposed that BUDC (through its consultant MVVA) would hold the contract for the monitoring work during the 4-year period coinciding with the anticipated GLC grant agreement. If the monitoring period were to be extended beyond the 4-year period, BUDC would likely hold this contract if the work occurred during construction. If additional monitoring services occur beyond the construction period, BUDC would work with the City and the Conservancy to determine where the contract should be assigned. There was an extensive discussion following the presentation. Committee members expressed that they were more comfortable with limiting BUDC's involvement to the 4-year period. Ms. Maloney indicated there is a 2-3 year warranty for the plant life in the City of Buffalo/Gilbane contract. There was also discussion regarding the responsible party should re-planting of the aquatic vegetation be needed outside the warranty period. It was noted that as BUDC does not hold the permit for this work, it is not anticipated that BUDC would be required to perform the work under those circumstances. Following the discussion, Ms. Minkel made a motion to recommend that the Board of Directors: (i) approve an amendment to the MVVA Master Services Agreement for an amount not to exceed \$70,000 for shoreline monitoring services to be performed by Biohabitats; and (ii) authorize the BUDC President or Executive Vice President to execute the amendment to the Master Services Agreement and take such other actions as are necessary to implement this authorization. The motion was seconded by Ms. Fishkin and unanimously carried (5-0-0).

5.0 Ralph C. Wilson, Jr. Centennial Park – MLB-MLBPA Youth Development Foundation Grant Agreement/Ralph Wilson Park Conservancy MOU

– Mr. Parker presented his November 16, 2022 memorandum regarding a proposed memorandum of understanding (MOU) with the Ralph Wilson Park Conservancy relating to the performance of certain obligations under the MLB-MLBPA Youth Development Foundation Grant Agreement. Ms. Fishkin made a motion to recommend that the Board of Directors: (i) approve the Memorandum of Understanding between BUDC and the Ralph Wilson Park Conservancy; and (ii) authorize the BUDC President or Executive Vice President to execute the Memorandum of Understanding and take such other actions as are necessary to implement this authorization. The motion was seconded by Ms. Minkel and unanimously carried (5-0-0).

6.0 Buffalo's Race for Place – General Update

– Ms. Merriweather presented an update regarding Buffalo's Race for Place. The selection team interviewed four respondents for the Inner Harbor and Waterfront Public Realm master plan request for proposals (RFP). Of the four teams interviewed, the selection team is recommending moving forward with MIG, Inc., noting its clear proposal and identification of opportunities to incorporate M/WBE participation. The selection team is reaching out to references before finalizing its recommendation. Ms. Merriweather reported that BUDC continues its work with the Project for Public Spaces on the placemaking grant received for the Ellicott Node. A final meeting was held regarding estimates on adjusted project costs on November 15th, and the team will have more information on project costs next week. Construction on Court Street is nearly complete.

Queen City Pop-Up is teaming up with Buffalo Place to encourage people to shop downtown and is running a promotion to award 100 gift certificates over the next three weeks for use at participating businesses.

7.0 Partner Updates – None.

8.0 Adjournment – There being no further business to come before the Downtown Committee, the November 16, 2022 meeting of the Downtown Committee was adjourned at 12:46 p.m.

Respectfully submitted,

Kevin J. Zanner
Secretary

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Item 3

MEMORANDUM

TO: BUDC Downtown Committee

FROM: Antonio Parker, Project Manager

SUBJECT: Ralph C. Wilson, Jr. Centennial Park – Fourth Amendment to BUDC- City of Buffalo Wilson Foundation Subgrant Agreement

DATE: January 18, 2023

At its December 20, 2022 meeting, the BUDC Board of Directors approved the fourth amendment to the subgrant agreement between BUDC and the City of Buffalo. The approval indicated that all \$24,500,000 in funding was to be transferred to the City of Buffalo.

Following this meeting, BUDC project manager Gardiner and Theobald informed BUDC that only \$13,484,507 of the \$24,500,000 from the Ralph C. Wilson, Jr. Foundation Grant Award #7 would be transferred to the City under the fourth amendment to the subgrant agreement. As a result, the fourth amendment has not yet been executed. The remaining balance of Grant Award #7 will be held by BUDC to pay for professional services for construction administration & inspections. As construction progresses and additional grants become available, there may be a need for additional amendments and subgrant agreements.

ACTION:

I am requesting that the BUDC Downtown Committee recommend that the Board of Directors: (i) approve the Fourth Amendment to the BUDC-City of Buffalo subgrant agreement allowing BUDC to transfer \$13,484,507 in Wilson Foundation funds to the City for Phase 1 construction of Ralph Wilson Park; (ii) authorize the BUDC President or Executive Vice President to execute the Fourth Amendment to the Subgrant Agreement and take such other actions as are necessary to implement this authorization.

Hon. Byron W. Brown, Chairman of the Board • Dennis Penman, Vice Chairman • Brandye Merriweather, President
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Item 4

MEMORANDUM

TO: BUDC Downtown Committee

FROM: Antonio Parker, Project Manager

SUBJECT: Ralph C. Wilson, Jr. Centennial Park –BUDC- City of Buffalo MLB-MLBPA Youth Development Foundation Subgrant Agreement

DATE: January 18, 2023

At its March 29, 2022 meeting, the BUDC Board of Directors authorized the acceptance of a \$960,000 grant award from the Major League Baseball Youth Development Foundation (“MLBYDF”) for renovations of the youth sports fields at Ralph C. Wilson, Jr. Centennial Park (“Ralph Wilson Park”). At its November 29, 2022 meeting, the BUDC Board of Directors authorized BUDC to enter into a Memorandum of Understanding with the Ralph Wilson Park Conservancy (the “Conservancy”) in order to pass through certain obligations under the MLBYDF grant agreement from BUDC to the Conservancy.

BUDC staff, the project team and the City have determined that a subgrant agreement between BUDC and the City is necessary in order to transfer MLBYDF funding and advance the project (the “MLBYDF Subgrant Agreement”). This agreement will allow the transfer of up to \$960,000 in MLBYDF grant funding to the City for the field renovations at Ralph Wilson Park. Grant requirements, including the City assisting MLBYDF through the Common Council process to secure naming rights to the renovated youth fields, and reporting requirements will also be passed through to the City of Buffalo.

ACTION:

I am requesting that the BUDC Downtown Committee recommend that the Board of Directors: (i) approve the MLBYDF Subgrant Agreement allowing BUDC to transfer grant funds in an amount up to \$960,000 to the City of Buffalo for the field renovation work at Ralph Wilson Park; and (ii) authorize the BUDC President or Executive Vice President to execute the MLBYDF Subgrant Agreement and take such other actions as are necessary to implement this authorization.

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