

Buffalo Urban Development Corporation

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Buffalo Urban Development Corporation Real Estate Committee Meeting

Thursday, September 21, 2023 at 12:00 p.m.
95 Perry Street, 4th Floor Vista Room

Agenda

- 1) Approval of Minutes – Meeting of August 22, 2023 (*Approval*) (*Enclosure*)
- 2) BUDC Office Sublease Amendment (*Recommendation*)(*Enclosure*)
- 3) Northland Corridor – ESD Solar Microgrid GDA Amendment (*Recommendation*)(*Enclosure*)
- 4) Northland Beltline Corridor - (*All Are Information Items*)
 - a) Northland Corridor – 631 Northland A&E, Inspection and Grant Administration Services RFP
 - b) Northland Corridor – Build Back Better Challenge Grant A&E, Inspection and Grant Administration Services Update
 - c) Northland Corridor – Tenant & Property Management Updates
 - d) Northland Central – Northland Workforce Training Center Proposed Lease
 - e) Northland Central – Phase I Construction Additional HVAC Work Claim Update
- 5) Buffalo Lakeside Commerce Park - (*All Are Information Items*)
 - a) BLCP Landscape and Snowplow Services RFP
 - b) 193 Ship Canal Parkway Update
 - c) 80, 134, 158 and 200 Ship Canal Parkway Update
 - d) Buffalo Lakeside Commerce Park Property Owners Association
 - e) Zephyr Compliance
- 6) Executive Session
- 7) Adjournment (*Approval*)

**Minutes of the Meeting
of the
Real Estate Committee
of
Buffalo Urban Development Corporation**

**95 Perry Street
Buffalo, New York
August 22, 2023
12:00 p.m.**

Committee Members Present:

Scott Bylewski
Janique S. Curry
Thomas A. Kucharski
Brendan R. Mehaffy
Kimberley A. Minkel, Chair
Dennis M. Penman

Committee Members Absent:

Elizabeth A. Holden (attended via Zoom)

Officers Present:

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

Guests Present: Alexis M. Florczak, Hurwitz Fine P.C.; Soma Hawramee, ECIDA Compliance Officer; Thomas Mancuso, Mancuso Business Development Group (via Zoom); Antonio Parker, BUDC Project Manager; Angelo Rhodes, Northland Project Manager; and Paul Tronolone, Empire State Development.

Roll Call: The meeting was called to order at 12:06 p.m. A quorum of the Committee was determined to be present. Mr. Bylewski and Ms. Curry joined the meeting during the presentation of item 2.

1.0 Approval of Minutes – Meeting of July 20, 2023 – The minutes of the July 20, 2023 Real Estate Committee meeting were presented. Mr. Mehaffy made a motion to approve the meeting minutes. The motion was seconded by Mr. Penman and unanimously carried (4-0-0).

2.0 Northland Corridor – Acceptance of NYSDOS Grant for BOA Designation – Mr. Rhodes presented his August 22, 2023 memorandum regarding the proposed acceptance of the NYSDOS grant to submit a BOA Nomination Plan for the Northland Corridor. Following his presentation, Mr. Rhodes addressed a question regarding the M/WBE goals for the grant. Mr. Kucharski made a motion to recommend that the BUDC Board of Directors: (i) approve 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. Curry and unanimously carried (6-0-0).

3.0 Northland Beltline Corridor

- (a) **Northland Central – Northland Workforce Training Center Proposed Lease** – Ms. Gandour reported that the BUDC Board of Directors did not vote on this item at its July Board meeting due to two recorded abstentions. Since that meeting, one of the abstentions has been retracted and this item will be presented for consideration by the BUDC Board at its August 29, 2023 meeting.
- (b) **Northland Central – Phase I Construction Additional HVAC Work Claim Update** – Mr. Zanner reported that this matter has been reassigned to Judge Chimes. A status conference is scheduled for October 4th.
- (c) **Northland Corridor – Tenant & Property Management Updates** – Mr. Mancuso presented the Northland Corridor tenant and property management updates. Food Truck Thursdays at Northland are underway. The 34 Group is revising its proposal for the Manna restroom project. A request for proposals has been issued for snow removal services for the campus. Proposals are to be submitted by August 25th.
- (d) **Northland Corridor – Build Back Better Challenge Grant A&E, Inspection and Grant Administration Services Overview** – Mr. Rhodes presented an update regarding A&E, inspection, and grant administration services for the Build Back Better Challenge grant. LaBella Associates has completed schematic design and is preparing preliminary costs for the project. Ms. Gandour added that BUDC is working with other grant partners to complete the quarterly report to the EDA.
- (e) **Northland Corridor – 631 Northland A&E, Inspection and Grant Administration Services RFP** – Mr. Rhodes presented an update regarding the 631 Northland A&E, inspection and grant administration services RFP. The selection committee, consisting of representatives from BUDC, Cammarata Consulting, LLC, Bisonwing Planning and Development, LLC, and the City of Buffalo, will meet August 28th to review the proposals. Interviews will be conducted before a recommendation is made. Ms. Merriweather added that Ms. Gandour and David Stebbins of Bisonwing Planning and Development, LLC participated in a panel discussion in Detroit highlighting Build Back Better and perspectives on development and community engagement.

4.0 Buffalo Lakeside Commerce Park

- (a) **Draft NYSDEC TENORM Policy Update** – Ms. Gandour reported that the NYSDEC issued proposed guidance in July for use by NYSDEC regional staff regarding the handling of on-site TENORM that exceeds background levels. BUDC staff reviewed the draft guidance with representatives of City of Buffalo, the Buffalo Niagara Partnership and NFTA. Ms. Minkel noted that the draft guidelines provide local officials with greater flexibility than current regulations allow. BUDC staff is coordinating with BNP to prepare a draft letter to comment on the proposed guidelines. The Committee also discussed the potential impact of the proposed guidelines on BUDC.
- (b) **Buffalo Lakeside Commerce Park Property Owners Association** – Ms. Gandour reported that Uniland has submitted a proposal providing for an alternate assessment of its solar facility at 255 Ship Canal Parkway. Under its proposal, Uniland would pay less in assessment costs than it paid when its land was assessed as vacant land. Following a brief discussion, the Committee, BUDC staff will request that Uniland submit a revised proposal.

- (c) **Zephyr Compliance** – 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.
- (d) **193 Ship Canal Parkway Update** – Ms. Gandour reported that Savarino remains up to date on its payments under the exclusivity agreement.
- (e) **80, 134, 158 and 200 Ship Canal Parkway** – Ms. Gandour reported that a broker had reached out regarding potential interest in these properties, but the prospect later declined to move forward.

5.0 BUDC Office Sublease Update – Ms. Gandour reported that BUDC’s sublease of office space with ECIDA is expiring September 30, 2023. ECIDA is working with ESD and Savarino on the terms of a direct lease with Savarino effective October 1, 2023. BUDC is anticipated to enter into a sublease with ECIDA and a draft agreement is forthcoming. Ms. Profic added that ECIDA is planning to expand its fourth-floor conference room and BUDC’s square footage under its sublease will remain about the same. Ms. Gandour indicated that the proposed lease will be reviewed by the Real Estate and Audit & Finance Committees in September before it is brought to the BUDC Board for review and approval.

6.0 Executive Session – None.

7.0 Adjournment – There being no further business to come before the Committee, on motion made by Mr. Kucharski, seconded by Mr. Mehaffy and unanimously carried, the August 22, 2023 meeting of the Real Estate Committee was adjourned at 12:57 p.m.

Respectfully submitted,

Kevin J. Zanner
Secretary

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Item 2

MEMORANDUM

TO: BUDC Real Estate Committee

FROM: Brandy Merriweather, President

SUBJECT: BUDC Office Sublease Amendment

DATE: September 21, 2023

In September 2018, BUDC entered into an extension of its sublease agreement with the Erie County Industrial Development Agency (“ECIDA”) for 1,294 square feet of office space on the fourth floor of 95 Perry Street. This extension expires as of September 30, 2023. An amendment to the sublease arrangement with ECIDA is needed.

The terms of the proposed amendment provide for an extension of BUDC’s sublease for a term of four years (October 1, 2023 to September 30, 2027). BUDC’s leased space will decrease slightly to 1,238 square feet. The proposed lease rate is \$17.00/square foot, which will remain fixed for the four-year term. BUDC’s current lease rate is \$16.50/square foot, reflecting an overall decrease in rent of approximately \$305.00 annually due to the decrease in BUDC’s square footage. As part of the sublease arrangement, BUDC will also pay ECIDA as additional rent its proportionate share of estimated real estate taxes, operating expenses and utilities. Additional rent will be adjusted annually to reflect actual costs for the previous year.

Continuing a sublease arrangement with ECIDA will allow BUDC to continue its effective shared services agreement for financial management, IT, payroll, and other administrative services. Consistent with the terms of the current sublease arrangement, BUDC would be permitted to terminate the new sublease arrangement on ninety (90) days’ notice to ECIDA. The ECIDA Board of Directors is anticipated to approve its lease arrangement with Michigan Street Development, LLC as its landlord, and the sublease arrangement with BUDC at its September 27, 2023 meeting.

ACTION:

I am requesting that the BUDC Real Estate Committee recommend that the Board of Directors: (i) approve the sublease arrangement with ECIDA upon the terms and conditions described in this memorandum and contingent on the ECIDA Board of Directors’ approval of the sublease arrangement with BUDC at its September 27, 2023 meeting; and (ii) authorize the BUDC President or Executive Vice President to execute the amendment and extension to the sublease with such modifications as may be necessary or appropriate and take such other actions as are necessary to implement this authorization.

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Item 3

MEMORANDUM

TO: BUDC Real Estate Committee
FROM: Angelo Rhodes II, Project Manager
SUBJECT: ESD Solar Microgrid Grant Disbursement Agreement Amendment
DATE: September 21, 2023

In 2019, Empire State Development (ESD) allocated \$2 million from its “East Side Corridors Economic Development Fund” to begin the next phase of work at the Northland campus to initiate planning, design, and construction of a community solar array and initial microgrid components. In December 2020, ESD approved a portion of the funding (\$200,000) to undertake the initial planning study for the microgrid system that was completed in Spring of 2022. The \$1.8 million balance of the project was delayed as a result of COVID-19 restrictions, and was included as a component of a larger \$18 million funding application to the U.S. Economic Development Application (“EDA”) under its “Build Back Better Regional Challenge” and for additional New York State funding submitted by ESD/BUDC in March 2022.

On September 1, 2022 BUDC was awarded funding through the “Build Back Better Regional Challenge.” EDA will fund \$14.4 million and \$3.6 million must be funded through a required non-federal match. The \$1.8 million grant would cover half of the non-federal match, with the balance coming from additional New York State funds included in the 2022-2023 state budget and to be administered by ESD. With this additional federal funding, BUDC is now capable of moving the microgrid system into final design and implementation. Upon execution of the grant disbursement agreement, BUDC is obligated to a commitment fee of 1% of the \$1,800,00 capital grant in the amount of \$18,000.

ACTION:

I am requesting the BUDC Real Estate Committee to recommend that the BUDC Board of Directors: (i) approve the Empire State Development grant award in the amount of \$1,800,000; and (ii) 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.