

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

**95 Perry Street
Buffalo, New York
February 3, 2023
12:30 p.m.**

Committee Members Present:

Scott Bylewski
Elizabeth A. Holden
Thomas A. Kucharski
Brendan R. Mehaffy
Kimberley A. Minkel, Chair
Dennis M. Penman

Committee Members Absent:

Janique S. Curry

Officers Present:

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

Guests Present: Zaque Evans, Senior Economic Development Specialist, Erie County Executive's Office; Alexis M. Florczak, Hurwitz Fine P.C.; Soma Hawramee, ECIDA Compliance Officer; Thomas Mancuso, Mancuso Business Development Group; and Antonio Parker, BUDC Project Manager.

Roll Call: The meeting was called to order at 12:32 p.m. A quorum of the Committee was determined to be present. Mr. Mehaffy joined the meeting during the presentation of item 2(b). Mr. Bylewski left the meeting during the presentation of item 2(d).

1.0 Approval of Minutes – Meeting of December 13, 2022 – The minutes of the December 13, 2022 Real Estate Committee meeting were presented. Mr. Penman made a motion to approve the meeting minutes. The motion was seconded by Mr. Kucharski and (with Mr. Bylewski abstaining) carried with four affirmative votes (4-0-1).

2.0 Northland Beltline Corridor

(a) Northland Central – Phase I Construction Additional HVAC Work Claim Update
Mr. Zanner updated the Committee regarding the HVAC claim. Counsel has filed a request for judicial intervention and is awaiting notification that a judge has been assigned to the matter.

(b) Northland Corridor – Tenant & Property Management Updates – Mr. Mancuso presented the Northland Corridor tenant and property management updates. He reported on snow removal efforts following the blizzard and noted that a large mound of snow was dumped

at 612 Northland as part of the cleanup. He noted that National Grid is coordinating a planned 6-hour outage with Northland tenants in order to perform work in the corridor. A request for proposals has been issued for lawn mowing and landscaping services. Responses are due today and work is expected to begin April 1st. Ms. Minkel asked if any damage to the campus occurred during the December blizzard. Mr. Mancuso noted that some wind damage occurred to one or two of the air handlers.

- (c) **Northland Corridor – 612 Northland Lease Discussion** – Mr. Mancuso updated the Committee on the status of lease discussions at 612 Northland. SparkCharge has reiterated its interest in leasing the space and has identified another site if it does not enter into a lease for 612 Northland. Ms. Gandour provided a recap of the Board's prior approval to lease 612 Northland to Zephyr, and noted that Zephyr did not satisfy the contingency to enter into an MOU with the Northland Workforce Training Center by December 1, 2022. She also noted BUDC had provided written notice to Zephyr following the December 1st deadline informing the company that it had not satisfied the contingency and that BUDC and NWTC have made efforts to contact Zephyr. Staff is recommending that the Committee consider entering into a lease with SparkCharge. Mr. Penman then made a motion for the Committee to enter into executive session to discuss the proposed lease of 612 Northland on the basis that public discussion of the proposed transaction would substantially affect the value of the property. The motion was seconded by Mr. Kucharski and unanimously carried (6-0-0). At the conclusion of the executive session, Mr. Penman made a motion to exit executive session, which was seconded by Mr. Bylewski and unanimously carried (6-0-0). Mr. Mehaffy then made a motion to recommend that the BUDC Board of Directors authorize lease negotiations with SparkCharge. The motion was seconded by Mr. Penman and unanimously carried (6-0-0).
- (d) **Northland Corridor – Build Back Better Challenge Grant Update** – Ms. Gandour informed the Committee that five proposals were received in response to the request for proposals (RFP) for architectural and engineering services. Three firms were selected for interviews and each will be interviewed next week. A recommendation is expected to be presented to the Real Estate Committee at its March meeting.
- (e) **Northland Corridor – Northland Corridor BOA** – Ms. Gandour reported that BUDC has been awarded \$87,000 in Brownfield Opportunity Area funding for Northland. BUDC is awaiting approval of the funding from the State Comptroller's office. Once approval is obtained, BUDC will coordinate with the Department of State and City Office of Strategic Planning to issue an RFP. BUDC is planning outreach efforts for this project and is working with Mustard Seed Consulting.

3.0 **Buffalo Lakeside Commerce Park**

- (a) **193 Ship Canal Parkway Update** – Mr. Penman made a motion for the Committee to enter into executive session to discuss the proposed sale of 193 Ship Canal Parkway on the basis that public discussion of the proposed transaction would substantially affect the value of the property. The motion was seconded by Mr. Kucharski and unanimously carried (5-0-0). At the conclusion of the executive session, Mr. Kucharski made a motion to exit executive session, which was seconded by Mr. Penman and unanimously carried (5-0-0).
- (b) **80, 134, 158 and 200 Ship Canal Parkway** – Ms. Gandour reported that Savarino is current on its payments under the exclusivity agreement for the site. BUDC and Savarino are moving forward with discussions on a proposed land sale agreement.
- (c) **Buffalo Lakeside Commerce Park Property Owners Association** – Ms. Profic reported that BUDC staff is working on closing out the 2022 billing, and invoices for the 2022

assessments will be issued to POA members next week. Uniland has reached out to BUDC questioning its 2023 assessment.

- 4.0 2022 Authorities Budget Office Property Report** – Ms. Gandour presented the draft property report that will be submitted to the ABO as part of the annual report. The property report lists all real property owned by BUDC or through its affiliates or subsidiaries as of December 31, 2022, as well as property that BUDC sold in 2022.
- 5.0 2023 Property and Liability Insurance Renewals** – Ms. Gandour informed the Committee that BUDC’s insurance policies have been renewed for 2023. She indicated that BUDC may need to obtain additional coverage in connection with the Build Back Better grant. Ms. Merriweather added that BUDC requires additional capacity and is looking to bring on an additional staff member to provide project management services for BUDC projects.
- 6.0 Executive Session** – Yes, see items 2(c) and 3(a).
- 7.0 Adjournment** – There being no further business to come before the Committee, on motion made by Mr. Mehaffy, seconded by Mr. Kucharski and unanimously carried, the February 3, 2023 meeting of the Real Estate Committee was adjourned at 1:17 p.m.

Respectfully submitted,

Kevin J. Zanner
Secretary