

**Minutes of the Meeting
of the
Board of Directors
of
Buffalo Lakeside Commerce Park
Property Owners Association, Inc.**

**95 Perry Street
Buffalo, New York 14203
November 20, 2023
1:00 p.m.**

Directors Present:

Janique S. Curry
Thomas A. Kucharski
Michael Montante

Directors Absent:

Dennis M. Penman, Chair

Officers Present:

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

Guests Present: Scott Bylewski, BUDC Board member; Alexis M. Florczak, Hurwitz Fine P.C.; Angelo Rhodes II, Northland Project Manager; and Benjamin Siegel, Wendel.

- 1.0 Call to Order/Roll Call:** The meeting was called to order at 1:17 p.m. A quorum of the Board of Directors was present.
- 2.0 Approval of Minutes – Meeting of July 20, 2023** – The minutes of the July 20, 2023 meeting of the Board of Directors were presented. Mr. Montante made a motion to approve the meeting minutes. The motion was seconded by Mr. Kucharski and unanimously carried (3-0-0).
- 3.0 Board of Directors Vacancy and Expansion of Board** – Ms. Gandour presented her November 20, 2023 memorandum regarding the BLCP POA Board of Directors vacancy and proposed expansion of the Board. Mr. Siegel noted that he has served as the owner's representative for Zephyr as the company's local presence for its project at BLCP. Following the presentation, Ms. Curry made a motion to: (i) increase the size of the Board of Directors to six (6) directors; (ii) appoint Scott Bylewski to fill the vacancy on the Board due to Ms. Whyte's resignation and to hold such office for the remainder of the two (2) year term, or until his successor is duly elected; and (iii) elect Benjamin Siegel to serve on the Board of Directors, to hold such office for a term of two (2) years and until his successor is duly elected. The motion was seconded by Mr. Montante and unanimously carried (3-0-0).

- 4.0 Financial Report** – Ms. Profic presented a financial report. BUDC continues to pay upfront for expenses on behalf of the POA, which are then reimbursed through the assessment process. Expenses for 2023 are projected to be approximately \$73,000.
- 5.0 2024 Regular Assessments** – Ms. Florczak presented an update regarding 2024 Regular Assessments. Under the terms of the Declaration of Covenants, if no changes are made to a property owners' assessment, the assessment from the prior year will carry over. As an acceptable alternative has not been presented to change the manner in which the solar facility at 255 Ship Canal Parkway is assessed under the Declaration of Covenants, and construction plans have not been approved at any of Zephyr's properties within the Park, no changes will be made to Regular Assessments for FY2024. Ms. Gandour then provided an overview of the respective ownership interests within the POA, and votes needed to amend the Declaration.
- 6.0 2024 Buffalo Lakeside Commerce Park POA Budget** – Ms. Profic presented the draft 2024 BLCP POA budget. She noted that no major changes from FY2023 have occurred. In response to a question from Mr. Montante, Ms. Profic noted that BUDC and ECIDA are parties to a shared services agreement, and ECIDA is paid out of BUDC's management fee that is allocated in the budget. Ms. Curry made a motion to accept the proposed 2024 budget. The motion was seconded by Mr. Montante and unanimously carried (3-0-0).
- 7.0 Property Maintenance Update** – Ms. Gandour presented the BLCP property maintenance update. A request for proposals (RFP) had previously been issued for landscaping and snow removal services. The current provider of these services, DMJ Property Services, was the lowest bidder for these services and held its price from its prior three-year agreement. BUDC and DMJ recently entered into a contract for DMJ to provide these services at BLCP for an additional three years. Board members then discussed City of Buffalo vs POA responsibilities within BLCP.
- 8.0 Adjournment** – There being no further business to come before the Board, the November 20, 2023 meeting of the Board of Directors was adjourned at 1:34 p.m.

Respectfully submitted,



Kevin J. Zanner
Secretary