

**Minutes of the Meeting  
of the  
Board of Directors  
of  
Buffalo Urban Development Corporation**

**95 Perry Street– 4<sup>th</sup> Floor Vista Room  
Buffalo, New York 14203**

**August 27, 2024  
12:00 p.m.**

Directors Present:

Mayor Byron W. Brown (Chair)  
Scott Bylewski  
Daniel Castle  
Janique S. Curry  
Darby Fishkin  
Dottie Gallagher  
Thomas A. Kucharski  
Nathan Marton  
Brendan R. Mehaffy  
Kimberley A. Minkel  
Dennis M. Penman (Vice Chair)  
Christopher P. Scanlon  
Karen Utz

Directors Absent:

Catherine Amdur  
Dennis W. Elsenbeck  
Thomas Halligan  
Elizabeth A. Holden  
Crystal Morgan  
David J. Nasca

Officers Present:

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

Guests Present: Cristina Cordero, Gardiner & Theobald (via Zoom); Jonathan Epstein, *The Buffalo News*; Alexis M. Florczak, Hurwitz Fine P.C; Soma Hawramee, ECIDA Compliance Manager; Brian Krygier, Director of IT, ECIDA; Kelly Maloney, Gilbane Building Company; Michelle Moore, ECIDA Compliance Associate; Yolando Mullen; BUDC Project Manager; Angelo Rhodes II, Northland Project Manager; JJ Tighe, Ralph C. Wilson, Jr. Foundation (via Zoom); and Kari Bonaro, Ralph Wilson Park Conservancy.

- 1.0** **Roll Call** – The meeting was called to order at 12:12 p.m. by Mayor Brown. The Secretary called the roll of directors and a quorum of the Board was determined to be present. Mr. Kucharski and Ms. Curry joined the meeting during the presentation of item 3.1. Mayor Brown welcomed Yolando Mullen, who has been hired as a BUDC project manager.
- 2.0** **Approval of Minutes – Meeting of July 30, 2024** – The minutes of the July 30, 2024 meeting of the Board of Directors were presented. Ms. Gallagher made a motion to approve the meeting minutes.

The motion was seconded by Ms. Minkel and unanimously carried (11-0-0).

- 3.0 Monthly Financial Reports** – Ms. Profic presented for information purposes the financial statements for 683 Northland Master Tenant, LLC for the period ending July 31, 2024. She then presented the consolidated financial statements for BUDC and its affiliates, 683 Northland LLC and 683 WTC, LLC for the period ending July 31, 2024.

Mr. Mehaffy then led a detailed presentation and discussion regarding the financial stability and sustainability of BUDC. Mr. Mehaffy shared with the Board a draft spreadsheet containing an analysis of BUDC cash flow projections. Mr. Mehaffy commented on cash flow projections for the remaining months of 2024 and noted that receipt of anticipated funds from BUDC's funding sources is critical in order for the organization to reach targeted cash flow projections in 2025. Mr. Mehaffy stressed the importance of having conversations regarding BUDC sustainability now, as this will aid BUDC in determining what funding and resources the organization can commit moving forward with respect to Northland, Buffalo Lakeside Commerce Park, and the Queen City Hub Revisited initiative. The Board discussed the cash flow projections presented by Mr. Mehaffy. Ms. Minkel agreed that it is important for the Board to be thinking about organizational sustainability and noted the ongoing capital costs associated with the buildings and properties owned by BUDC. Ms. Gallagher expressed that BUDC's role is not to subsidize Northland. Mr. Mehaffy noted that BUDC staff and legal counsel have prepared property summaries identifying grant funding sources and BUDC's grant obligations for the Northland Corridor properties, and noted this will aid in setting sustainable rent rates in the Corridor and decisions related to the potential disposition of properties. Mr. Mehaffy commented that grants alone are not a sustainable strategy and that the Board will revisit this issue in more detail in September. Following this discussion, Mr. Penman made a motion to accept the BUDC consolidated financial statements. The motion was seconded by Curry and unanimously carried (13-0-0).

## **4.0 New Business**

### **4.1 BLCP – Amendment to Brokerage Services Agreement for 193 Ship Canal Parkway –**

Ms. Gandour presented her August 27, 2024 memorandum regarding the retention of a real estate brokerage firm for 193 Ship Canal Parkway and proposed amendment of the brokerage service agreement with CBRE. Ms. Gandour noted that staff did not conduct a separate solicitation for these additional broker services as BUDC completed a solicitation for broker services for 80-200 Ship Canal Parkway that was approved by the BUDC Board at its July 30, 2024 meeting. She also noted that these additional services by CBRE qualify as the single-source exception under the BUDC procurement policy. It was noted that Board member Darby Fishkin is the COO of CBRE Upstate NY and is considered a related party under the BUDC conflict of interest policy. In order for the Board to proceed with the proposed transaction, the Board is required to determine that the transaction is fair, reasonable and in BUDC's best interest and that the Board has considered alternatives to extent available.

Following the presentation, Ms. Gallagher made a motion that the Board: (i) determine that the proposed transaction to retain CBRE as broker is a Related Party Transaction and is fair, reasonable, and in BUDC's best interest, and that the BUDC Board has considered alternatives to the extent available and after considering such alternatives, it is in BUDC's best interest to proceed with entering into an amendment to the agreement with CBRE; (ii) authorize BUDC to enter into an amendment to the agreement with CBRE for brokerage services for 193 Ship Canal Parkway on the terms set forth in the Board memorandum; and (iii) authorize the BUDC President or Executive Vice President to execute the agreement with CBRE and take such other actions as may be necessary or appropriate to implement this authorization. The motion was seconded by Mr. Scanlon and (with Ms. Fishkin abstaining) carried with twelve affirmative votes (12-0-1).

- 4.2 Ralph C. Wilson, Jr. Centennial Park – MVVA Amendment #14** – Ms. Gandour presented her August 27, 2024 memorandum regarding the proposed 14<sup>th</sup> amendment to the BUDC-MVVA agreement for value engineering design services for Phase 2. In response to a question from Ms. Gallagher regarding value engineering, Ms. Gandour and Mr. Mehaffy explained that this amendment

will allow for flexibility to consider alternate design options which are dependent upon funding sources that have not yet been secured. Ms. Minkel then made a motion to: (i) approve an amendment to the MVVA Agreement for a not to exceed amount of \$340,147 for Phase 2 value engineering design services at Ralph Wilson Park; (ii) authorize BUDC to enter into amendments to Wilson Grant Agreement 5 and Wilson Grant Agreement 7 to utilize this funding for value engineering design services to be performed by MVVA; and (iii) authorize the BUDC President or Executive Vice President to execute the amendment to the MVVA Agreement and amendments to Wilson Grant Agreement 5 and Wilson Grant Agreement 7 and take such other actions as are necessary to implement this authorization. The motion was seconded by Mr. Mehaffy and unanimously carried (13-0-0).

**4.3 Ralph Wilson Park Project Update** – Kelly Maloney began the update regarding the Ralph Wilson Park project. Inlet work is complete and scalloping work along the shoreline is progressing. The bridge has been welded together and a painter is on-site to paint the bridge. Bridge abutment work is nearly complete. It is anticipated that the bridge will be erected October 5<sup>th</sup>. Ms. Maloney reported that utilization is currently tracking at 19.11% MBE and 26% WBE. JJ Tighe then thanked the City of Buffalo and BUDC for its efforts at Ralph Wilson Park and noted that the Ralph C. Wilson, Jr. Foundation is excited about the continued progress of the Park's construction. Kari Banaro of the Ralph Wilson Park Conservancy shared a video highlighting the journey of the pedestrian bridge to Buffalo. She noted that the Conservancy is currently focusing on community messaging and engagement for the bridge installation.

**4.4 Buffalo's Race for Place Project Update** – Ms. Merriweather presented an update regarding Buffalo's Race for Place. A request for proposals has been issued to retain a project coordinator to oversee implementation and coordinate infrastructure improvement projects in the City of Buffalo. Responses to the RFP are due Thursday, August 29<sup>th</sup>. The Downtown Waterfront Improvement Plan is completed and available on BUDC's website. BUDC is working with ESD to make available the ten million dollars committed by New York State to begin implementation of the Waterfront Improvement Plan. Focus group meetings and the data collection stage are wrapping up for the Queen City Revisited Plan. Mr. Mehaffy added that the Office of Strategic Planning anticipates that data will be shared with policymakers beginning in September to determine how to respond to challenges faced in the Central Business District.

**4.5 Northland Corridor Project Update** – Mr. Rhodes presented an update regarding the Northland Corridor. With respect to Phase 3 redevelopment, EDA mortgage and certification documents for the Phase 3 project will be reviewed by EDA legal counsel within the next month. BUDC staff and legal counsel met with the Public Service Commission to discuss the substation at 644 Northland. PSC has acknowledged that it cannot identify a comparable project, and further discussions with PSC will be needed. With respect to Phase 4 redevelopment, Wendel is working on Part 2 of SHPO requirements regarding historic preservation requirements for the 631 Northland building. BUDC and Colliers Engineering & Design will hold a kickoff meeting today to discuss the Brownfield Opportunity Area Nomination Plan for the Northland Corridor. The Northland Workforce Training Center began construction on its auto-tech space on the campus. Garwood will be leaving the red shed space at the end of August. The final Food Truck Thursday event at Northland will be held August 29<sup>th</sup>.

**4.6 Buffalo Lakeside Commerce Park – Project Update** – Ms. Gandour presented an update regarding Buffalo Lakeside Commerce Park. RAS Development decided not to further extend its exclusivity agreement with BUDC for 193 Ship Canal Parkway. The developer owes BUDC approximately \$6,800 in unpaid exclusivity payments and legal expenses. BUDC staff sent a letter to RAS Development with an invoice for these expenses. CBRE has prepared marketing materials and signage for 80, 134, 158, and 200 Ship Canal Parkway. Uniland has still not paid its outstanding assessment invoice of approximately \$15,000. Legal counsel will send a letter reminding Uniland of its obligations to the POA. BUDC is working with the City to address graffiti removal at BLCP.

**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, upon motion made by Mr. Mehaffy, seconded by Ms. Curry and unanimously carried, the August 27, 2024 meeting of the Board of Directors was adjourned at 1:06 p.m.

Respectfully submitted,



---

Kevin J. Zanner  
Secretary