

**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**

**October 29, 2024  
12:00 p.m.**

Directors Present:

Catherine Amdur  
Scott Bylewski  
Janique S. Curry  
Darby Fishkin  
Thomas Halligan  
Elizabeth A. Holden  
Thomas A. Kucharski  
Brendan R. Mehaffy  
Kimberley A. Minkel  
Crystal Morgan  
David J. Nasca  
Dennis M. Penman (Vice Chair)  
Mayor Christopher P. Scanlon (Chair)

Directors Absent:

Bryan J. Bollman  
Daniel Castle  
Dennis W. Elsenbeck  
Dottie Gallagher  
Nathan Marton  
Karen Utz

Officers Present:

Brandye Merriweather, President  
Mollie Profic, Treasurer  
Kevin J. Zanner, Secretary  
Atiqah Abidi, Assistant Treasurer

Guests Present: Jonathan Epstein, *The Buffalo News*; Zaque Evans, Senior Economic Development Specialist, Erie County Executive's Office; 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; and Andrea Schillaci, Hurwitz Fine P.C.

- 1.0** **Roll Call** – The meeting was called to order at 12:02 p.m. by Vice Chair Penman. Secretary called the roll of directors and a quorum of the Board was determined to be present.

Mr. Penman made a motion to nominate Mayor Scanlon to serve as Chair of the BUDC Board of Directors. The motion was seconded by Mr. Mehaffy and unanimously carried (12-0-0). Mayor Scanlon then served as Chair of the meeting.

Ms. Amdur joined the meeting during the presentation of item 4.2.

**2.0 Approval of Minutes – Meeting of September 24, 2024** – The minutes of the September 24, 2024 meeting of the Board of Directors were presented. Mr. Mehaffy made a motion to approve the meeting minutes. The motion was seconded by Mr. Kucharski and unanimously carried (12-0-0).

**3.0 Monthly Financial Reports** – Ms. Profic presented for information purposes the financial statements for 683 Northland Master Tenant, LLC for the period ending September 30, 2024. She then presented the consolidated financial statements for BUDC and its affiliates, 683 Northland LLC and 683 WTC, LLC for the period ending September 30, 2024. Ms. Profic also presented a cash flow forecast for BUDC, noting that a positive net cash flow was anticipated. Mr. Bylewski made a motion to accept the BUDC consolidated financial statements. The motion was seconded by Ms. Fishkin and unanimously carried (12-0-0).

## **4.0 New Business**

**4.1 2025 683 Northland Master Tenant Budget** – Ms. Profic presented the proposed 2025 budget for 683 Northland Master Tenant, LLC for information purposes only.

**4.2 2025 BUDC Draft Budget & Three Year Forecast** – Ms. Profic presented the proposed 2025 budget and 2026-2028 forecast. The Audit & Finance Committee met in September and October to review the proposed budget and is recommending the proposed budget for approval. Ms. Profic reviewed the budget narrative and budgeted sources of revenue to be received by BUDC. In addition to corporate operations, BUDC funds are expected to be used on the following four project areas: Buffalo Lakeside Commerce Park, Downtown/Race for Place, Ralph Wilson Park, and the Northland Corridor. Ms. Profic then reviewed the specific sources of funds and uses for each of the four project areas and corporate operations and the separate budget detail for the 683 Northland project. Following her presentation, the Board discussed the proposed budget and three-year forecast. Ms. Minkel then made a motion to approve the 2025 budget and 2026-2028 forecast. The motion was seconded by Mr. Nasca and unanimously carried (13-0-0).

**4.3 Ralph Wilson Park Project – Amendment to ATL Contract for Environmental Sampling and Consulting Services** – Mr. Mullen presented his October 29, 2024 memorandum regarding the proposed amendment to the BUDC-ATL contract for environmental sampling and consulting services. Following this presentation, Ms. Curry made a motion to: (i) approve an amendment to BUDC's agreement with Atlantic Testing Laboratories for a not to exceed amount of \$19,665.00 for the environmental scope of work described in Mr. Mullen's memorandum for the Ralph Wilson Park project; and (ii) authorize the BUDC President or Executive Vice President to execute the amendment to BUDC's agreement with ATL and take such other actions as are necessary to implement this authorization. The motion was seconded by Ms. Fishkin and unanimously carried (13-0-0).

**4.4 Ralph Wilson Park Project – Modifications to MVVA Amendment # 14** – Mr. Mullen presented his October 29, 2024 memorandum regarding modifications to the 14<sup>th</sup> amendment to the BUDC-MVVA agreement. Following this presentation, Mr. Nasca made a motion to: (i) amend its August 27, 2024 authorization to provide an additional \$55,787 for Phase 2 value engineering design and permitting services for Ralph Wilson Park, for a total not-to-exceed amount of \$395,934; (ii) modify the not-to-exceed amount under the 12th amendment to the MVVA agreement from \$468,088 to \$451,910; and (iii) authorize the BUDC President or Executive Vice President to execute the 14th amendment to the MVVA Agreement, as modified as described in this memorandum, and take such other actions as are necessary to implement this authorization. The motion was seconded by Mr. Halligan and unanimously carried (13-0-0).

**4.5 Northland Central – Phase 1 Construction Additional HVAC Work Claim Discussion** – see item 7.0.

**4.6 Northland Corridor Project Update** – Mr. Rhodes presented an update regarding the Northland Corridor. With respect to Phase 3 redevelopment, bid documents have been released. A pre-bid walkthrough took place on October 8<sup>th</sup>, and responses are due November 8<sup>th</sup>. With respect to the substation, Mr. Zanner reported that BUDC counsel and co-counsel are close to finalizing the petition for submission to the Public Service Commission. With respect to the Phase 4 redevelopment, Mr. Rhodes reported that Wendel continues to work on Part 2 of SHPO requirements for the 631 Northland building. BUDC and Colliers Engineering & Design recently held its first stakeholder meeting regarding the BOA nomination plan. Manna's lease at Northland is set to expire October 31<sup>st</sup>. Manna has requested a 30-day extension to finalize the lease extension. The Northland Workforce Training Center will complete its construction on its auto-tech space within the next month.

**4.7 Ralph Wilson Park Project Update** – Kelly Maloney presented an update regarding the Ralph Wilson Park project. Land sub-grading and soil and landscaping work continues. Painting and the application of anti-graffiti coating is nearly complete. The new pedestrian bridge was successfully erected, and the concrete deck of the bridge is being poured before handrails, mesh and lighting are installed in the upcoming months. In response to a question from Mr. Penman, Ms. Maloney indicated that the City is working to determine whether the Park will be reopened in phases to the public. A GMP amendment for the playground equipment has been approved with the City, which is part of Phase 2A of the construction.

**4.8 Buffalo's Race for Place Project Update** – Ms. Merriweather presented an update regarding Buffalo's Race for Place. BUDC received four responses to its RFP for project and cost management services to oversee implementation and coordinate infrastructure improvement projects in the City of Buffalo. Interviews with the four teams were completed, and the selection committee is obtaining additional information from all teams before a recommendation for a project manager is made. The latest quarterly waterfront coordination meeting was held recently to discuss infrastructure and development along the waterfront. The City of Buffalo Department of Public Works is undertaking a tactical urbanism project to create crosswalk improvements to improve walkability. It is anticipated the first improvements will take place near the Explore and More and Children's Museum. Work on the Queen City Hub Revisited initiative continues, with data collected from stakeholders being compiled. Ms. Merriweather recently participated in the Buffalo Niagara Association of Realtors to discuss development in Downtown Buffalo and the Northland Corridor.

**4.9 Buffalo Lakeside Commerce Park – Project Update** – Ms. Merriweather presented an update regarding Buffalo Lakeside Commerce Park. RAS Development has paid its outstanding exclusivity fees and associated legal costs. Uniland has also paid its outstanding invoice for POA expenses. CBRE continues to market the available properties at BLCP.

**5.0 Late Files** – None.

**6.0 Tabled Items** – None.

**7.0 Executive Session** – Mr. Kucharski made a motion to enter executive session in order to discuss pending litigation regarding the HVAC Work claim. The motion was seconded by Ms. MInkel and unanimously carried (13-0-0). Advice of counsel was sought during executive session. A motion was made in executive session by Mr. Nasca relating to the HVAC litigation. The motion was seconded by Ms. Curry and unanimously carried (13-0-0). The details of the motion are protected from disclosure pursuant to applicable law. Mr. Kucharski then made a motion to exit executive session. The motion was seconded by Mr. Penman and unanimously carried (13-0-0).

- 8.0 Adjournment** – There being no further business to come before the Board, the October 29, 2024 meeting of the Board of Directors was adjourned at 1:21 p.m.

Respectfully submitted,



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Kevin J. Zanner  
Secretary