

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

**95 Perry Street– 4th Floor Vista Room
Buffalo, New York 14203**

**September 24, 2024
12:00 p.m.**

Directors Present:

Catherine Amdur
Scott Bylewski
Daniel Castle
Janique S. Curry
Darby Fishkin
Thomas Halligan
Elizabeth A. Holden
Thomas A. Kucharski
Brendan R. Mehaffy
Kimberley A. Minkel
Dennis M. Penman (Vice Chair)
Karen Utz

Directors Absent:

Mayor Byron W. Brown (Chair)
Dennis W. Elsenbeck
Dottie Gallagher
Nathan Marton
Crystal Morgan
David J. Nasca
Christopher P. Scanlon

Officers Present:

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

Guests Present: 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; and JJ Tighe, Ralph C. Wilson, Jr. Foundation (via Zoom).

- 1.0** **Roll Call** – The meeting was called to order at 12:06 p.m. by Mr. Penman who served as Chair of the meeting. The Secretary called the roll of directors and a quorum of the Board was determined to be present. Mr. Mehaffy left the meeting during the presentation of item 4.1 and rejoined the meeting during the presentation of item 4.3. Ms. Curry joined the meeting during the presentation of item 4.2.
- 2.0** **Approval of Minutes – Meeting of August 27, 2024** – The minutes of the August 27, 2024 meeting of the Board of Directors were presented. Ms. Amdur made a motion to approve the meeting minutes. The motion was seconded by Mr. Mehaffy 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 August 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 August 31, 2024. Ms. Gandour commented that staff will present an updated cash flow report at next month's meeting. There being further comments, Ms. Fishkin made a motion to accept the BUDC consolidated financial statements. The motion was seconded by Mr. Kucharski and unanimously carried (11-0-0).

4.0 New Business

4.1 Northland Corridor Project – 631 Northland Avenue Consultant Change Order – Mr. Rhodes presented his September 24, 2024 memorandum regarding the 631 Northland Avenue consultant change order. Following this presentation, Ms. Minkel made a motion to: (i) approve an amendment to the Wendel consulting agreement for a not-to-exceed amount of \$14,670 for additional environmental testing for the 631 Northland redevelopment project; and (ii) authorize the BUDC President or Executive Vice President to execute an amendment to the Wendel agreement and take such other actions as may be necessary or appropriate to implement this authorization. The motion was seconded by Mr. Castle and unanimously carried (10-0-0).

4.2 Northland Corridor Project – Northland Snow Removal Services – Mr. Rhodes presented his September 24, 2024 memorandum regarding Northland snow removal services. In response to a question from Mr. Castle, Ms. Gandour clarified that the proposed contract amount was a flat rate and is not based on a per plow dollar amount. Following the presentation, Mr. Kucharski made a motion to authorize a contract between Comvest Real Estate Management and Landscape Associates of WNY for snowplow services for the Northland Corridor for a total amount up to \$384,077 for the three (3) year contract period. The motion was seconded by Ms. Utz and (with Ms. Fishkin abstaining) carried with ten affirmative votes (10-0-1).

4.3 Ralph Wilson Park Project – Wilson Foundation Grant Agreement #12 and 11th Amendment to BUDC-COB Wilson Subgrant Agreement – Mr. Mullen presented his September 24, 2024 memorandum regarding the 12th Wilson Foundation grant agreement and 11th amendment to the BUDC-City of Buffalo subgrant agreement for Wilson Foundation funds. Following his presentation, Mr. Mehaffy made a motion to: (i) accept the \$4,000,000 grant award from the Wilson Foundation to advance time sensitive components of Phase 2 construction at Ralph Wilson Park as described in the Board memorandum; (ii) approve the eleventh amendment to the BUDC-City of Buffalo subgrant agreement allowing BUDC to transfer up to \$3,700,000 from Wilson Grant Agreement 12 to the City of Buffalo to support construction at Ralph Wilson Park; and; (iii) authorize the BUDC President or Executive Vice President to execute the Wilson Grant Agreement 12 and the eleventh amendment to the subgrant agreement, and take such other actions as are necessary or appropriate to implement this authorization. The motion was seconded by Ms. Fishkin and unanimously carried (12-0-0).

4.4 Ralph Wilson Park Project Update – Kelly Maloney presented an update regarding the Ralph Wilson Park project. Inlet work is complete and scalloping work along the shoreline is complete. Phase 1B construction work has begun with land sub-grading and soil and landscaping work. Painting and the application of anti-graffiti coating is nearly complete. Preliminary work for the demolition of the existing pedestrian bridge has begun. The bridge abutments are being prepared for the erection of the new pedestrian bridge. Fencing and sub-aqueous planting is being completed along the inlet.

4.5 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 will be completed this week. Work on the Queen City Hub Revisited initiative continues. Focus groups with the small business community and restaurant owners will be taking place to identify opportunities and challenges presented by remote work and office conversions. All data is anticipated to be compiled by October. Ms. Merriweather participated in the International Downtown Association Conference in Seattle, WA this past week. She noted that insights were gained from other cities, and reported that Buffalo's downtown strategy is on par with recommendations from national experts. Mr. Mehaffy noted that data collected for the Queen City Hub Revisited initiative will be shared with policymakers. Mr. Kucharski added that Buffalo's tech hub designation is gaining national and international attention.

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 approved by the EDA and were posted to BUDC's website and the NYS Contract Reporter September 23rd, with responses due November 1st. BUDC has been in contact with the Buffalo Sewer Authority, which has been made aware of BUDC's rejection of BSA's incentive proposal for green infrastructure plans for Phase 3. With respect to the substation, Mr. Zanner reported that outside counsel specializing in energy law matters has been engaged as co-counsel to assist BUDC counsel with seeking a declaratory ruling from 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 a meeting regarding community engagement efforts for the BOA nomination plan. The Northland Workforce Training Center will complete its construction on its auto-tech space in mid-October. Marketing signs have been placed on available Northland and Fillmore properties.

4.7 Buffalo Lakeside Commerce Park – Project Update – Ms. Gandour presented an update regarding Buffalo Lakeside Commerce Park. BUDC and CBRE have executed the marketing/broker agreement for the remaining unsold parcels at BLC. CBRE has begun marketing these properties. Counsel sent a letter to Uniland regarding its non-payment of its regular assessment and to remind Uniland of its obligations to the POA. Counsel will draft and send a similar letter to RAS Development regarding unpaid exclusivity fees and associated legal costs. It is anticipated that a meeting of the POA Board will be held in November. BUDC is working with the City of Buffalo to address graffiti and lighting issues within the Park.

5.0 Late Files – Mr. Penman noted that there was a late file item. Ms. Amdur made a motion to accept the late file item, which was seconded by Ms. Minkel and unanimously carried (12-0-0). Ms. Merriweather then presented her September 24, 2024 memorandum regarding the amendment to the BUDC-ESD Northland Corridor Redevelopment Grant Disbursement Agreement. Ms. Gandour and Ms. Merriweather thanked Ms. Utz and her staff at Empire State Development for their work to identify a solution to the reimbursement challenges under the RECAP grant. Ms. Merriweather and Ms. Gandour also thanked the City of Buffalo and Committee chairs Ms. Minkel and Mr. Penman for their support and guidance on this matter, which will keep BUDC sustainable and allow BUDC to continue its economic development mission in the City of Buffalo. Mr. Mehaffy made a motion to: (i) approve the amendment to the Empire State Development RECAP grant disbursement agreement to provide for the use of up to \$6 million dollars of grant funds for BUDC operational costs and working capital, as outlined in the Board memorandum; and (ii) authorize the President or Executive Vice President to negotiate and execute the amendment to the grant disbursement agreement with Empire State Development and take such other actions as may be necessary or appropriate to implement this action. The motion was seconded by Ms. Minkel and (with Ms. Utz abstaining) carried with eleven affirmative votes (11-0-1).

6.0 Tabled Items – None.

7.0 Executive Session – None.

- 8.0 Adjournment** – There being no further business to come before the Board, the September 24, 2024 meeting of the Board of Directors was adjourned at 12:48 p.m.

Respectfully submitted,



Kevin J. Zanner
Secretary