

**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**

**February 25, 2025
12:00 p.m.**

Directors Present:

Mayor Christopher P. Scanlon (Chair)
Bryan J. Bollman
Janique S. Curry
Dennis W. Elsenbeck
Elizabeth A. Holden
Nadine Marrero
Nathan Marton
Crystal Morgan
Dennis M. Penman (Vice Chair)
Karen Utz

Directors Absent:

Catherine Amdur
Scott Bylewski
Daniel Castle
Darby Fishkin
Thomas Halligan
Dottie Gallagher
Thomas A. Kucharski
Kimberley A. Minkel
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: Katie Campos, Ralph Wilson Park Conservancy; Jonathan Epstein, *The Buffalo News*; Zachary 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; Sean Najewski, Gilbane Building Company; Angelo Rhodes II, Northland Project Manager; and Mike Rogalski, LaBella Associates.

- 1.0 Roll Call** – The meeting was called to order at 12:09 p.m. by Mayor Scanlon. A quorum was not present at this time. Agenda items 4.9, 4.10 and 4.11 were presented first for informational purposes only. Mr. Bollman, Ms. Curry and Ms. Holden joined the meeting during the presentation of items 4.9, 4.10 and 4.11, respectively.
- 2.0 Approval of Minutes – Meeting of January 28, 2025** – The minutes of the January 28, 2025 meeting of the Board of Directors were presented. Ms. Utz made a motion to approve the meeting minutes. The motion was seconded by Mr. Marton and unanimously carried (10-0-0).
- 3.0 Monthly Financial Reports –**

- 3.1 Finance Update & Audit Plan for Year Ended December 31, 2024** – Ms. Profic reported that Freed Maxick completed its field work for the 2024 year-end audit and anticipates having the draft audited financial statements prepared by the end of the week. The draft audited financial statements will be reviewed by the Audit & Finance Committee in March before being presented to the BUDC Board of Directors later that month.

Ms. Profic then presented for information purposes the financial statements for 683 Northland Master Tenant, LLC for the period ending January 31, 2025 and the consolidated financial statements for BUDC and its affiliates, 683 Northland LLC and 683 WTC, LLC for the period ending January 31, 2025. Ms. Profic also presented the updated cash flow forecast for BUDC. Ms. Curry made a motion to accept the BUDC consolidated financial statements. The motion was seconded by Mr. Penman and unanimously carried (10-0-0).

4.0 New Business

- 4.1 Buffalo Lakeside Commerce Park – Proposal for Environmental Services at 193 Ship Canal Parkway** – Ms. Gandour presented her February 25, 2025 memorandum regarding a proposal to retain LaBella Associates to provide environmental services at 193 Ship Canal Parkway. This item was reviewed by the BUDC Real Estate Committee and recommended for approval. Mr. Penman made a motion to: (i) approve BUDC entering into an environmental services agreement with LaBella Associates, Inc. for a lump sum fee of \$24,999; (ii) approve BUDC's use of funds from the Buffalo Brownfields Redevelopment Fund in the amount of \$24,999 to pay LaBella Associates, Inc. for its services; and (iii) authorize the President or Executive Vice President to execute the environmental services agreement and take such actions as may be necessary to implement this action. The motion was seconded by Mr. Bollman and unanimously carried (10-0-0).

- 4.2 Northland Corridor – Exclusivity Agreement with Lighthouse Center Inc. for 1669-1681 Fillmore Avenue, 572-574 Northland Avenue and 162-168 Winchester Avenue** – Ms. Gandour presented her February 25, 2025 memorandum regarding a proposed exclusivity agreement with Lighthouse Center Inc. for 1669-1681 Fillmore Avenue, 572-574 Northland Avenue and 162-168 Winchester Avenue. This item was reviewed by the BUDC Real Estate Committee and recommended for approval. Ms. Curry made a motion to: (i) approve BUDC entering into an exclusivity agreement with Lighthouse Center Inc. regarding 1669-1681 Fillmore Avenue, 572-574 Northland Avenue and 162-168 Winchester Avenue parcels, consistent with the terms set forth in the Board memorandum; and (ii) authorize the President or Executive Vice President to execute the exclusivity agreement and take such other actions as may be necessary or appropriate to implement this action. The motion was seconded by Mr. Marton and unanimously carried (10-0-0).

- 4.3 Northland Corridor – Contractor Selection for Phase 3 General Construction** – Mr. Rhodes presented his February 25, 2025 memorandum regarding the contractor selection for Phase 3 general construction. The funding sources for this work include federal EDA grant funding. This item was reviewed by the BUDC Real Estate Committee and recommended for approval. Ms. Marrero made a motion to: (i) authorize BUDC to enter into an agreement with LeChase Construction Services, LLC for the general construction of Phase 3 of Northland Corridor Redevelopment, for an amount not to exceed \$25,444,400.00; and (ii) authorize the President or Executive Vice President to execute the agreement with LeChase Construction Services, LLC and take such other actions as may be necessary or appropriate to implement this authorization. The motion was seconded by Mr. Marton and unanimously carried (10-0-0).

- 4.4 Northland Corridor – Contractor Selection for Construction of Phase 3 Energy Components** – Mr. Rhodes presented his February 25, 2025 memorandum regarding the contractor selection for Phase 3 energy components. This item was reviewed by the BUDC Real Estate Committee and recommended for approval. A discussion regarding the item ensued. In response to a question

from Mr. Penman, Ms. Gandour discussed potential tax credit eligibility for energy components of the Phase 3 project. Mr. Elsenbeck commented that the community solar component is not being integrated with the substation component of the project. At the conclusion of the discussion, Ms. Utz made a motion to: (i) authorize BUDC to enter into an agreement with Frey Electric Construction Co. for the construction of energy components of Northland Phase 3 redevelopment, for an amount not to exceed \$4,676,000.00; (ii) authorize BUDC and/or its affiliates to enter into an agreement with Solar Liberty for the operation and maintenance of the community solar arrays, at a cost not to exceed 2,545.00 in the first year, and with two percent (2%) increases in years two and three of the contract; (iii) authorize BUDC and/or its affiliates to enter into an agreement with Solar Simplified for the enrollment and management of community solar subscribers; and (iv) authorize the President or Executive Vice President to execute agreements with Frey Electric Construction Co., Solar Liberty, and Solar Simplified, and take such other actions as may be necessary or appropriate to implement this authorization. The motion was seconded by Mr. Penman. Mr. Elsenbeck indicated that he opposed the motion due to the lack of integration of the energy components. It was clarified that the motion would not carry unless the Board acted unanimously. Mr. Elsenbeck indicated he would vote in the affirmative in order for the project to move forward. A vote on the motion then followed, with the motion unanimously carried by vote of the ten Board members present (10-0-0).

4.5 Northland Central – Short-Term Lease to Professional Culinary Academy, LLC – Ms. Gandour presented her February 25, 2025 memorandum regarding a proposed short-term lease of the former Manna Culinary space to Professional Culinary Academy, LLC. Mr. Marton then made a motion to: (i) authorize 683 Northland Master Tenant, LLC to enter into a lease with Professional Culinary Academy, LLC upon the terms outlined in the Board memorandum; and (ii) authorize the President or Executive Vice President of BUDC to execute the lease on behalf of 683 Northland Master Tenant, LLC and take such other actions as are necessary and appropriate to implement this authorization. The motion was seconded by Ms. Curry and unanimously carried (10-0-0).

4.6 Buffalo's Race for Place – COB-BUDC Memorandum of Understanding – Ms. Merriweather presented her February 25, 2025 memorandum (distributed to the Board as a handout) regarding the BUDC-City of Buffalo memorandum of understanding. Ms. Merriweather thanked the Mayor's Office of Strategic Planning, Department of Public Works, and legal counsel for their work in preparing the outline of the memorandum of understanding. Following the presentation, Ms. Marrero made a motion to: (i) approve the memorandum of understanding between BUDC and the City of Buffalo consistent with the terms outlined in the Board memorandum; and (ii) authorize the President or Executive Vice President to execute the memorandum of understanding and take such actions as may be necessary or appropriate to implement this authorization. The motion was seconded by Mr. Bollman and unanimously carried (10-0-0).

4.7 Buffalo's Race for Place – Downtown and Waterfront Infrastructure Improvements Project & Cost Management Consultant Selection – Ms. Merriweather presented her February 25, 2025 memorandum regarding the downtown and waterfront infrastructure improvements project & cost management consultant selection. Following this presentation, Mr. Marton made a motion to: (i) authorize BUDC to enter into contract negotiations with Buffalo Construction Consulting for Project and Cost Management Services for Downtown & Waterfront area infrastructure improvements, pending funding authorization as provided in the Accelerator Funding Infrastructure Agreement; and (ii) authorize the President or Executive Vice President to execute the agreement with Buffalo Construction Consulting and take such actions and take such other actions as may be necessary or appropriate to implement this authorization. The motion was seconded by Mr. Bollman and unanimously carried (10-0-0).

4.8 Queen City Hub Revisited – Marketing and Advocacy Support Services – Ms. Merriweather presented her February 25, 2025 memorandum regarding Queen City Hub Revisited marketing and advocacy support services. In response to a question from Ms. Curry, Ms. Merriweather provided an overview of the work completed under the initial 2003 Queen City Hub plan. Following this discussion, Ms. Marrero made a motion to: (i) authorize BUDC to enter into a contract with the

University at Buffalo Rudy Bruner Center for Urban Excellence for marketing and advocacy support services in connection with the Queen City Hub Revisited Initiative, at a cost not to exceed \$20,000.00; (ii) authorize BUDC to enter into a funding agreement with Buffalo Place Foundation in order for Buffalo Place Foundation to pay the Center for Urban Excellence; and (iii) authorize the President or Executive Vice President to execute the agreement and take such actions and take such other actions as may be necessary or appropriate to implement this authorization. The motion was seconded by Ms. Curry and unanimously carried (10-0-0).

4.9 Buffalo's Race for Place Project Update – Ms. Merriweather presented an update regarding Buffalo's Race for Place. BUDC has submitted an application to the Bloomberg Foundation for grant funding to support public realm improvements to the waterfront and Canalside. BUDC anticipates receiving notification of funding from the Bloomberg Foundation in March 2025. BUDC staff is conducting a second round of interviews for the open project manager position. BUDC is collaborating with Buffalo Place, The Exchange at Beverly Gray, and the City's Diversity Office on the Black History Month Downtown Dollars Sweepstakes. The Sweepstakes conducted a series of gift card giveaways to be used at Black-owned businesses in Downtown Buffalo. The Black Business Expo occurred last Thursday, February 20th at Seneca One Tower and was well attended.

4.10 Ralph Wilson Park Project Update – Katie Campos of the Ralph Wilson Park Conservancy shared a video update on the progress of construction of the Park. She noted that the Conservancy is focused on community engagement efforts and planning for operations and management of the Park. Ms. Campos announced that the Conservancy is unveiling an Ambassador Program for the Park, which will provide a stipend to participating community members to help inform others in the community regarding the Park and its programming. Sean Najewski of Gilbane Building Company then presented an update regarding the Park project. Underground electric work at the soccer fields and work relating to storm water lines is taking place. Shoreline work has continued, weather permitting. Gilbane anticipates that work that paused due to weather will be able to re-commence in March.

4.11 Northland Corridor Project Update – Mr. Rhodes presented an update regarding Northland Corridor projects. BUDC staff has been in contact with EDA, which has indicated there are currently no changes to federal funding for the Project. Mr. Zanner then provided an update on the petition to the Public Service Commission (PSC) regarding the substation, noting that a ruling from PSC is expected in late March. With respect to Phase 4, BUDC has conditional approval from the National Park Service for 631 Northland, allowing the project to move forward into the construction document phase. A mockup of window replacements for the 631 Northland building will be completed and submitted to SHPO for conditional approval. With respect to 741 Northland and 777 Northland, Mr. Rhodes noted that BUDC has submitted a letter to SHPO outlining the updated building conditions report and its recommendation to demolish the buildings due to continued deterioration. With respect to the Brownfield Opportunity Area (BOA) plan, a second public meeting will take place March 5th. Ms. Gandour added the second stakeholder meeting was well attended. Stakeholders expressed interest in housing opportunities, and an understanding of the environmental conditions. A draft BOA Plan is anticipated to be submitted to the Department of State in March. Ms. Gandour then congratulated Mr. Rhodes for his acceptance into the Leadership Buffalo program.

4.12 Buffalo Lakeside Commerce Park – Project Update – Ms. Gandour presented an update regarding Buffalo Lakeside Commerce Park. CBRE continues to market the available properties at BLCP. With respect to the Property Owners Association, Zephyr owes its third assessment payment for 2024 and Uniland owes its second and third assessment payments for 2024.

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, the February 25, 2025 meeting of the Board of Directors was adjourned at 1:17 p.m.

Respectfully submitted,



Kevin J. Zanner, Secretary