Buffalo Urban Development Corporation

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Buffalo Urban Development Corporation Real Estate Committee Meeting Tuesday, November 17, 2020, Noon Via Video Conference Call & Live Stream Audio

Agenda

- 1) Approval of Minutes Meeting of October 20, 2020 (Action) (Enclosure)
- 2) Northland Beltline Corridor
 - a) Northland Central "Red Shed" Lease Negotiation Update (Information)
 - b) Northland Central BCP SMP 2021 Soil Vapor Intrusion Sampling Work Plan (Information) (Enclosure)
 - c) Northland Central Rodriguez Construction Build-out Update/Lease Amendment (Info.)
 - d) Northland Central Retech Systems Build-out Update (Information)
 - e) Northland Central NYSERDA Grant Update (Information) (Enclosure)
 - f) Northland Central NWTC Sale of Equipment (Information) (Enclosure)
 - g) Northland Corridor Property Management Agreement Renewal (Recommendation)
 - h) Northland Corridor Business Networking Series & Misc. Updates (Info.) (Encl.)
 - i) Northland Corridor Community Solar & Microgrid Project Update (Information)
 - j) 537 E. Delavan NYSDEC Superfund Update (Information)
 - k) Plesh / BUDC Land Exchange Update (Information)
 - 1) COB / BUDC (NorDel II) Land Exchange Update (Information)
- 3) Buffalo Lakeside Commerce Park
 - a) NYSDOT Skyway Alternatives Study (Information)
 - c) 193 Ship Canal Parkway Prospect & LaBella SIWP Update (Information)
 - d) Parcel 3 Arcadis FER/SMP Certification Project Update (Information)
 - e) Zephyr Investors, LLC Land Sale Agreement Update (Information)
- 4) 308 Crowley Project Update (Information)
- 5) Adjournment (Action)

Minutes of the Meeting of the Real Estate Committee of Buffalo Urban Development Corporation

Via Video Conference Call & Live Stream Audio

October 20, 2020 12:00 p.m.

Committee Members Present:

Committee Members Absent:

Janique S. Curry Thomas A. Kucharski Kimberley A. Minkel Dennis M. Penman Craig A. Slater, Chair Brendan R. Mehaffy Maria R. Whyte

Officers Present:

Peter M. Cammarata, President Brandye Merriweather, Vice President, Downtown Development Rebecca Gandour, Vice President, Finance & Development Mollie Profic, Treasurer Kevin J. Zanner, Secretary Atiga Abidi, Assistant Treasurer

<u>Guests Present</u>: Jenna Bichler, Buffalo Urban Renewal Agency; Evan Y. Bussiere, Hurwitz & Fine, P.C.; Arthur Hall, BUDC; Thomas Mancuso, Mancuso Business Development Group; and Paul Tronolone, Empire State Development.

Roll Call: The meeting was called to order at 12:02 p.m. A quorum of the Committee was present. Ms. Curry joined the meeting during discussion of agenda item 2(b).

The meeting was held via video/telephone conference in accordance with the provisions of Executive Order 202.15, issued by Governor Andrew Cuomo on March 12, 2020, as amended. The meeting was also live-streamed to the general public and recorded. A transcript of the meeting will be made available at a later date.

1.0 Approval of Minutes – Meeting of September 22, 2020 – The minutes of the September 22, 2020 Real Estate Committee meeting were presented. Mr. Penman made a motion to approve the meeting minutes. The motion was seconded by Ms. Minkel and unanimously carried (4-0-0).

2.0 Northland Beltline Corridor

(a) Northland Central – BCP SMP Additional Groundwater Sampling – Mr. Cammarata reviewed the October 7, 2020 proposal from LiRo Engineers to perform additional groundwater sampling at 683 Northland. NYSDEC has requested that this work be performed as part of the Brownfield Cleanup Program project for the site. The cost of the work is \$4,704 and is within the threshold for purchases that may be authorized by the BUDC President.

- (b) Northland Central Retech Construction Update Mr. Cammarata updated the Committee regarding the Retech tenant improvements and referred the Committee to the photograph of the tenant space that was included in the meeting materials. Retech has begun moving equipment into its leased space.
- (c) Northland Central Rodriguez Construction Update Mr. Cammarata reported that Rodriguez Construction has commenced its tenant build-out work, including HVAC installation and drywall installation. The tenant is currently on schedule to complete the work by November 1, 2020.
- (d) Northland Corridor "Red Shed" Prospect Mr. Penman made a motion for the Committee to enter into executive session to discuss a proposed lease of the "red shed" building at Northland Central on that the basis that public discussion of the lease terms would substantially affect the value of the property. The motion was seconded by Mr. Kucharski and unanimously carried (5-0-0). Mr. Cammarata informed the Committee that Garwood Medical Devices, LLC, a medical device manufacturer that is currently located at 77 Goodell Street, is seeking to lease the "red shed" building, which consists of approximately 5,866 square feet of space at Northland Central, Mr. Cammarata reviewed the proposed lease terms. The lease is for a five year term commencing as of November 1, 2020. The lease is structured as a "triple-net" lease, with monthly base rent payments in the amount of \$3,300.00. The building would be leased to the tenant in "as-is" condition, with no further landlord improvements required. The Committee discussed the proposed financial and other terms of the lease, including the amount of the proposed monthly base rent payment in relation to other Northland tenancies and prevailing market rates. At the conclusion of the discussion, Mr. Penman made a motion to recommend that the Board of Directors approve a five-year triple-net lease with Garwood Medical Devices, LLC at a monthly base rent of \$3,300. The motion was seconded by Mr. Kucharski and unanimously carried (5-0-0). Ms. Minkel then made a motion to exit executive session, which was seconded by Ms. Curry and unanimously carried (5-0-0). Mr. Slater then reported in open session that the Committee had approved a recommendation for the Board of Directors to approve a sublease of the redshed building, which will be presented at the October 27th Board meeting.
- (e) Northland Corridor Beltline BOA, Networking Series & Misc. Updates Mr. Hall presented the Northland Corridor update. BUDC staff continues to make changes to the draft BOA, which when complete will be submitted to the NYS Department of State for final approval. The next session of the business networking series will take place on November 19th. This session will focus on recovery, relaunching and rebuilding in a post-COVID-19 economy. Mr. Hall noted that the UB School of Architecture is coordinating with BUDC and local groups to develop a plan for the Northland Corridor. He also reported that BUDC's \$289,000 National Grid grant application has been approved. The proceeds of this grant will be used for the redevelopment of 631 Northland. Mr. Hall completed his report with an update on the Albright-Knox Outdoor Fall Film Series.
- (f) <u>537 E. Delavan Subdivision Update</u> Mr. Bussiere reported that the deeds for the separate parcels have been recorded and the subdivision process is complete.
- (g) <u>541 E. Delavan Construction Update</u> Mr. Cammarata reported that Apollo Steel is working through punch-list items and is expected to complete its work by the November 15th. All other contractors remain on pause until Restore NY V funds are received.

- (h) 631 Northland EDA Grant Application Mr. Cammarata informed the Committee that staff will present a resolution at the next meeting of the Board of Directors to authorize BUDC to apply for a three million dollar EDA grant, the proceeds of which will be used for the 631 Northland rehabilitation project.
- (i) <u>Plesh/BUDC Land Exchange Update</u> Mr. Bussiere presented a brief report on the Plesh land exchange transaction. Title commitments have been circulated and draft closing documents are being prepared and reviewed.
- (j) <u>COB/BUDC Land Exchange Update</u> Mr. Bussiere presented a brief report regarding the City of Buffalo/NorDel II, LLC land exchange transaction, noting that all required documents have been provided to City of Buffalo counsel for review and that closing is anticipated very soon.

3.0 Buffalo Lakeside Commerce Park

- (a) Lawncare, Landscape and Snowplowing (RFP) Mr. Cammarata reported on the results of a request for proposals (RFP) that BUDC issued for lawncare, landscape and snowplowing services at BLCP. Four proposals were received in response to the RFP. T&R Seasonal Services is current service provider and was one of the four respondents. DMJ Property Services (DMJ) submitted the lowest cost proposal in the amount of \$135,200 per year, and staff is recommending that DMJ be retained to perform the work. Mr. Kucharski made a motion to recommend the DMJ proposal for lawncare, landscape and snowplowing services at BLCP in the amount of \$135,200 per year. The motion was seconded by Mr. Penman and unanimously carried (5-0-0).
- (b) NYSDOT Skyway Alternatives Study Mr. Cammarata presented a map denoting the proposed traffic patterns that could be established if the Skyway were removed. He noted that BUDC received a notice from the NYSDOT that a portion of the northern wetlands at BLCP could be impacted by one or more alternatives under consideration with respect to the Skyway project. Mr. Cammarata further noted that NYSDOT has requested permission to perform soil testing.
- (c) 193 Ship Canal Parkway Prospect & LaBella SIWP Update Mr. Cammarata referred the Committee to the September 30, 2020 letter from NYSDEC acknowledging receipt by the agency of the supplemental investigation work plan prepared by LaBella Associates. The prospect for this parcel remains interested, pending its review of the LaBella report.
- (d) <u>Parcel 3 Arcadis FER/SMP Certification Project Update</u> Mr. Cammarata reported that Arcadis submitted the final engineering report and soil management plan to NYSDEC on August 7th. NYS Department of Health has not completed its review of the report and SMP.
- (e) <u>BLCP Uniland Development Co. Land Sale Agreement Update</u> Mr. Cammarata reported that Uniland's due diligence with respect to the 255 Ship Canal Parkway site has resulted in questions regarding existing site conditions, principally with respect to soil quality and existing foundations and spoils on the site. Given these conditions, Uniland is exploring the possibility of utilizing the parcel for a solar array. The Committee discussed the possible use of the site for a solar project. Mr. Cammarata indicated that this item would be discussed in more detail at a future meeting of the Committee.
- (f) <u>BLCP Zephyr Investors</u>, <u>LLC Land Sale Agreement Update</u> No update was presented for this item.

- (g) <u>Canal Wall Lighting Repairs</u> Mr. Cammarata informed the Committee that BUDC decided to decommission the lighting for the winter season, except for lighting on the bridge which will be retained. The cost to decommission the canal lighting was \$900.00. The cost to repair the lighting was estimated at \$20,000.
- 4.0 308 Crowley Update Mr. Cammarata presented a map of the 308 Crowley site and discussed the potential sale of the cinder block building to Enterprise Folding Box Company for an expansion of its business operations. An appraisal and a survey have been ordered, and discussions continue regarding the proposed partial demolition. Mr. Cammarata also indicated that he would be participating in the Section 106 process for the site, starting with a Zoom meeting on October 21st.
- 5.0 2020 NY PSC Hearing National Grid Mr. Cammarata reported that last month he testified at the 2020 NYS Public Service Commission hearing in support of the National Grid rate proposal. Mr. Cammarata's hearing testimony was included as part of the Committee meeting packet.
- **6.0** Real Estate Committee Meeting Schedule Mr. Cammarata reviewed the 2021 Real Estate Committee meeting schedule, copies of which were included in the meeting packet.
- 7.0 Adjournment There being no further business to come before the Committee, upon motion made by Mr. Penman, seconded by Mr. Kucharski and unanimously carried, the October 20, 2020 meeting of the Real Estate Committee was adjourned at 1:05 p.m.

Respectfully submitted,

Kevin J. Zanner Secretary



690 Delaware Avenue, Buffalo, NY 14209 Telephone 716.832.5476 Facsimile 716.882.9640

November 5, 2020

Mr. Benjamin McPherson New York State Department of Environmental Conservation Division of Environmental Remediation, Region 9 270 Michigan Avenue Buffalo, New York, 14203

Re: Work Plan – Supplemental Soil Vapor Intrusion Sampling, 2020-2021 Western New York Workforce Training Center, C915310 Buffalo (C), Erie County

Dear Mr. McPherson,

LiRo Engineers Inc. (LiRo) has prepared this Work Plan on behalf of 683 Northland, LLC to perform Soil Vapor Intrusion (SVI) sampling at the Western New York Workforce Training Center.

The scope of work for the SVI sampling will consist of the following activities:

- 1. Installation of one additional sub-slab vapor monitoring point (VMP-14) in the former shed structure located to the west of the main plan building;
- 2. Collection of vacuum measurements from all sub-slab vacuum monitoring points within the active depressurization system area (VMP-1 through VMP-8);
- 3. Conduct an inventory of products stored and used in the vicinities of the VMPs in order to identify potential air sampling interference;
- 4. Inspection of building floor slab to identify any areas of potential leaks (i.e., cracks, floor joints, pipe penetrations) within the area;
- 5. Collection of sub-slab soil vapor samples from all sub-slab monitoring points (VMP-1 through VMP-14):
- 6. Collection of 14 indoor air samples paired with each of the sub-slab soil vapor samples;
- 7. Collection of one outdoor air sample;
- 8. Laboratory analysis of all collected samples; and,
- 9. Preparation of a final report summarizing the SVI sampling event.

All sampling described in this work plan will be conducted in accordance with the SMP (Appendix F) and the New York State Department of Health (NYSDOH) *Guidance for Evaluating Soil Vapor Intrusion in the State of New York*, dated October 2006. The following subsections present the specific details and procedures that will be utilized during the SVI sampling event:

VMP Installation

The proposed new VMP will be a permanent installation and will be installed by coring a 1-1/2-inch diameter hole through the concrete floor and vapor barrier. The VMP, will consist of a length of polyethylene tubing and threaded brass compression fitting, placed within the corehole such that the bottom end of tubing is sitting on top of the gravel subfloor and that the top of the compression fitting is level with the existing floor. The bottom 2-inches of the corehole will then be backfilled with washed "pea gravel" and the remainder of the

corehole will be sealed with cement. The compression fitting will be capped to prevent debris from entering the monitoring point.

Vacuum Measurements

Vacuum measurements from the active depressurization system area will be collected at VMP-1 through VMP-8 (Figure 1) prior to turning off the sub-slab depressurization system in advance of the vapor testing. Vacuum measurements will be collected with the Phase I construction area sub-slab depressurization system (SSDS) operating. Vacuum measurements will be collected over a period of at least 60 seconds using a micromanometer capable of measuring differential pressures with a resolution of 0.001 inches of water or a high resolution magnehelic differential pressure gauge. The micro-manometer will be zeroed between measurements at each location.

Soil Vapor and Air Sampling

As per the request of the New York State Department of Health, the SSDS will be shut down for at least one month (30 days) prior to collecting samples. All soil vapor and air samples will be collected with the use of 6-liter Summa® canisters equipped with calibrated regulators and certified clean by the laboratory. The regulators will be calibrated for a flow rate of approximately 0.0125 liters per minute which will allow for collection of all samples over a period of approximately eight hours.

Sub-slab soil vapor, indoor air, and outdoor air samples will be collected concurrently during a weekend or at a time when the work can be coordinated to not interfere with Site tenant operations and prior to the end of the 2020-2021 heating season. It is anticipated that the sampling will take two days to complete with paired Phase 1 construction area monitoring points (VMP-1 through VMP-8) sampled on the first day and all remaining area (VMP-9 – VMP-14 sampled on the second day. The outdoor air sample will be collected concurrently with the Phase I construction area sampling.

Sub-Slab Soil Vapor

Sub-slab soil vapor samples will be collected from all site VMPs (VMP-1 through VMP-14) shown on Figure 1. Immediately prior to sample collection, one to three implant volumes (i.e., the volume of the sample tube) will be purged using a hand-held photoionization detector (PID) acting as a low volume pump to minimize outdoor air infiltration during the sampling. PID readings will be recorded for each location.

Sampling tubing will be installed between the VMPs and Suma® canisters with brass and/or stainless steel compression fittings. Time of deployment, initial canister pressure, and time that sampling started will be recorded for each location.

After approximately eight hours of sampling, the canister valves will be closed and time of valve closure, ending canister pressure, and canister status will be recorded for each location.

Indoor Air

Paired indoor air samples will be collected from each VMP location shown on Figure 1. Approximately three feet of sample tubing will be installed on the Suma® canisters and the canisters will be placed such that the tubing inlet is positioned at a height of approximately three feet above the floor. Time of deployment, initial canister pressure, and time that sampling started will be recorded for each location.

After approximately eight hours of sampling, the canister valves will be closed and time of valve closure, ending canister pressure, and canister status will be recorded for each location.

Outdoor Air

One outdoor air sample will be collected at the location (OA-3) shown on Figure 1. This location was chosen as a representative up-wind location, adjacent to the building.

Approximately three to five feet of sample tubing will be installed on the Suma canister and the canister will be placed such that the tubing inlet is positioned at a height above the ground to represent breathing zones (three to five feet). Time of deployment, initial canister pressure, and time that sampling started will be recorded for this location.

After approximately eight hours of sampling, the canister valve will be closed and time of valve closure, ending canister pressure, and canister status will be recorded for each location.

Analysis of Soil Vapor and Air Samples

Samples will be submitted to a NYSDOH accredited laboratory for analysis of VOCs using USEPA Method TO-15. Samples will be submitted using standard chain of custody procedures. An ASP-B data package and a NYSDEC electronic data deliverable (EDD) will be requested with the laboratory deliverables.

Following receipt of the laboratory data package, the data will be submitted to an independent, third-party reviewer for data validation and preparation of a Data Usability Summary Report (DUSR).

Reporting

Within 30-days following receipt of the laboratory analytical reports, LiRo will submit a draft letter report summarizing the VMP installation, vacuum measurements, sampling results, and provide a comparison of analytical results to NYSDOH air guideline values and decision matrices. After receipt of comments from the NYSDEC, LiRo will submit a final letter report. Following submittal of the final report, LiRo will process the laboratory supplied EDD and upload the data into the NYSDEC Equis database.

Please call me at 716-882-5476 ext. 423 if you have any questions or require further information.

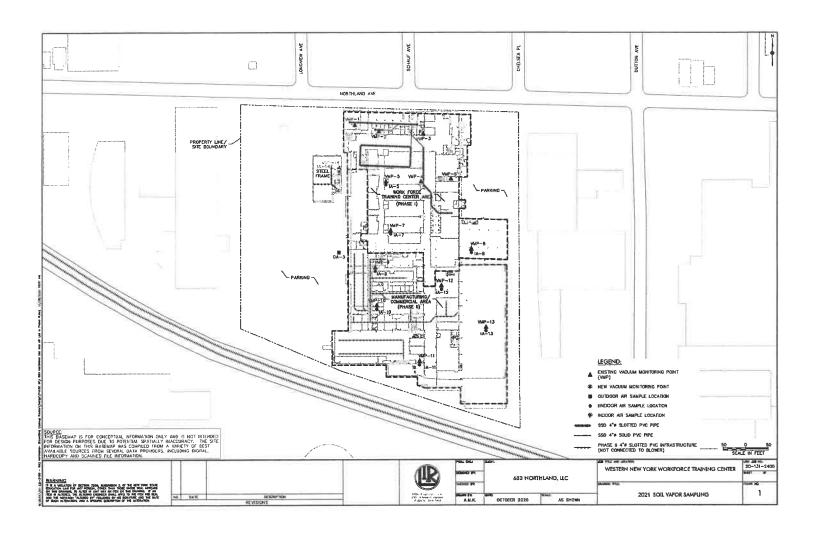
Sincerely,

LiRo Engineers, Inc.

Styphu Frank

Stephen Frank, P.G. Senior Geologist

Cc Peter Cammarata



Peter Cammarata

From: Finkle, Stephen (NYSERDA) <Stephen.Finkle@nyserda.ny.gov>

Sent: Monday, November 2, 2020 4:02 PM

To: pcammarata@buffalourbandevelopment.com

Cc: erda.sm.NewConstructionProgram; Patterson, Jesse (NYSERDA); Rebecca L Gandour - Buffalo

Urban Development Corporation (rgandour@buffalourbandevelopment.com)

Subject: SF106868 - Western NY Workforce Training Center - Commissioning & LEED status?

Attachments: Building Commissioning Certification Form guideline 6-5-2018.pdf; Building Commissioning

Certification Form.doc

Peter:

I'm following up on earlier correspondence with David Stebbins. NYSERDA is anxious to release the remaining incentives for the subject project. Please update the status of the commissioning and LEED® certification.

As a reminder, NYSERDA needs the following:

- Completed commissioning certification form the form and a guideline for completing it are attached
- Copy of the LEED® certification checklist this is issued by the US Green Building Council when the project is certified. It shows the points achieved.

Once NYSERDA receives and approves the signed commissioning form and the LEED® checklist the remaining incentives will be released. The commissioning incentive is \$7,827.00 and the LEED® incentive is \$23,136.00.

If commissioning and/or LEED® certification were abandoned please let me know and NYSERDA will cancel the remaining incentives and close out the project application.

Thank you

Steve

E. Stephen Finkle

Senior Project Manager Commercial New Construction

NYSERDA

17 Columbia Circle | Albany, NY 12203-6399

P: 518-862-1090 x3505 | F: 518-862-1091 | E: stephen.finkle@nyserda.ny.gov

nyserda.ny.gov

follow: friend: connect with NYSERDA

Peter Cammarata

From: Stephen Tucker <stucker@northlandwtc.org>

Sent: Friday, October 30, 2020 12:11 PM

To: Peter Cammarata; peterc@bnmalliance.com; 'Tronolone, Paul (ESD)'; Jon Sieminski

Cc: Profic, Mollie; Abidi, Atiqa; 'David Stebbins'

Subject: RE: 3 Manual Lathes Sold

Okay,

Thanks Peter.

From: Peter Cammarata <pcammarata@buffalourbandevelopment.com>

Sent: Friday, October 30, 2020 10:56 AM

To: Stephen Tucker <stucker@northlandwtc.org>; peterc@bnmalliance.com; 'Tronolone, Paul (ESD)'

<Paul.Tronolone@esd.ny.gov>; Jon Sieminski <jsieminski@northlandwtc.org>

Cc: Profic, Mollie <mprofic@ecidany.com>; Abidi, Atiqa <aabidi@ecidany.com>; 'David Stebbins' <bisonwing@gmail.com>

Subject: RE: 3 Manual Lathes Sold

Good Morning all! The check for the lathes should be made out to 683 Northland LLC. Please keep in mind that the \$22,500 that 683 Northland receives will not be the amount that is passed back to Northland Workforce Training Center. 683 Northland needs to cover a potential tax liability cost related to the Brownfield Tax Credit financing for the project. PMC

Peter M. Cammarata
President
Buffalo Urban Development Corp.
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Buffalo, NY 14203
716-362-8361

pcammarata@buffalourbandevelopment.com

From: Stephen Tucker [mailto:stucker@northlandwtc.org]

Sent: Thursday, October 29, 2020 3:42 PM

To: Peter Cammarata < pcammarata@buffalourbandevelopment.com >; peterc@bnmalliance.com; 'Tronolone, Paul (ESD)'

<Paul.Tronolone@esd.ny.gov>; Jon Sieminski <jsieminski@northlandwtc.org>

Cc: Profic, Mollie <mprofic@ecidany.com>

Subject: RE: 3 Manual Lathes Sold

[Message is from an external source]

Hello Peter, Peter and Paul,

Thanks for your responses. Jon, we received approval to sale 3 manual lathes for \$7,500.00 each. Technically, BUDC owns the equipment and their CFO Mollie Profic will let us know how to document the sale. In the meantime, Jon can you please complete the following items below;

Take individual photo of each machine Document the serial numbers Document brand and model type

Peter and Mollie, please let us know if you'd need anything else.

JOIN MAYOR BYRON W. BROWN AND BUFFALO URBAN DEVELOPMENT CORP. (BUDC)

THE NORTHLAND SMALL BUSINESS NETWORKING SERIES

RECOVER, RE-LAUNCH, AND REBUILD

PRESENTED BY BANK ON BUFFALO

THURSDAY, NOVEMBER 19, 2020

6:00 pm to 8:00 pm

Register at Eventbrite to receive the zoom conference link https://buffalobusinessnetwork.eventbrite.com

HOW TO MAXIMIZE YOUR BUSINESS DURING THE HOLIDAY SEASON

BREAK-OUT SESSIONS INCLUDE:

Retail/ Restaurant Professional Services

Manufacturing

Business Service Organizations

FOR QUESTIONS, CONTACT ART HALL: ahall@buffalourbandevelopment.com

















