

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

**Via Video Conference Call & Live Stream Audio**

**November 23, 2021  
12:00 p.m.**

**Committee Members Present:**

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

**Committee Members Absent:**

Brendan R. Mehaffy

**Officers Present:**

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

**Guests Present:** Dennis Elsenbeck, BUDC Board member; Alexis M. Florczak, Hurwitz & Fine, P.C.; Arthur Hall, BUDC Senior Project Manager; Ryan Herrell, Zephyr Investors; Jamee Lanthier, ECIDA Compliance Officer; Thomas Mancuso, Mancuso Business Development Group; Antonio Parker, BUDC Project Manager; Marc Romanowski, Rupp Baase Pfalzgraf Cunningham LLC; Aaron Schauger, LaBella Associates; Brad Termini, Zephyr Investors; and Deb Zarbo, Frey Electric.

**Roll Call:** The meeting was called to order at 12:01 p.m. A quorum of the Committee was not present. Information item 2(a) was presented in the absence of a quorum. Mr. Kucharski and Ms. Whyte joined the meeting during the presentation of agenda item 2(a). Following the presentation of item 2(a), the Secretary called the roll and a quorum of the Committee was determined to be present.

The meeting was held via Zoom in accordance with the provisions of Part E of Chapter 417 of the Laws of 2021, which amended Article 7 of the Public Officers Law to authorize public entities to conduct meetings and take such action authorized by law without permitting in public in-person access to meetings and to authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

**1.0 Approval of Minutes – Meeting of October 19, 2021** – The minutes of the October 19, 2021 Real Estate Committee meeting were presented. Mr. Penman made a motion to approve the meeting minutes. The motion was seconded by Ms. Curry and unanimously carried (5-0-0).

## **2.0 Northland Beltline Corridor**

(a) **Northland Corridor – Community Solar & Microgrid Project Update** – Ms. Gandour introduced representatives from Frey Electric and LaBella Associates for a presentation regarding the Community Solar & Microgrid Project. Ms. Zarbo provided an overview of progress through the pre-development phase of the project. A revised site plan reflecting the new substation proposal was reviewed, as well as pre-development milestones that have been achieved for the substation and solar roof portions of the project. Ms. Zarbo then discussed three proposals for the substation, the aggregate cost of which will range from 1.7 to 2.15 million dollars. Mr. Schauger then reported on the Flex Tech Energy Study. Electric performance at the campus was monitored as part of the study which will be used to determine cost-effectiveness and feasibility. Frey Electric proposed using the remaining \$1.8 million in ESD grant funds for the community solar project on the roof of 683 Northland, upgrades to the substation and a curriculum for the NWTC. A question-answer session followed the presentation. Frey Electric will move forward with the scope as presented.

(b) **Northland Corridor – Other Tenant & Property Management Updates** – Mr. Mancuso provided an update on Northland Corridor tenant matters. SparkCharge appears to have resolved supply chain issues that were impacting its business. Mr. Mancuso reported on a Garwood project, which was completed in accordance with SHPO requirements. Design work for the Bank on Buffalo location is ongoing. A tenant meeting is planned for January 2022. Murals have been completed at 714 Northland.

(c) **Northland Corridor – Misc. Project Management Updates** – Mr. Hall presented the following Northland Corridor updates:

Northland Central MOU: Equipment has been re-tagged and a report will be available in December for the inventory that was recently completed.

683 Northland: GURF #1 for the Microgrid Capital Grant in the amount of \$50,261.88 has been submitted to ESD and BUDC responded to a request for additional information. Dennis Conroy is following up on the status of GURF #1 and GURF #20. The Restore NY V #3 reimbursement request has also been approved in the amount of \$372,374.95. The Office of Strategic Planning is reviewing this reimbursement request.

Northland Video Series: The first video in this marketing series has been posted on BUDC's YouTube page. An additional four videos are in the works, with one video anticipated to showcase the Northland campus as well as the 631 Northland property.

(d) **Northland Central – Phase I Construction Additional HVAC Work Claim Update**– Mr. Zanner reported that discussions with counsel for Watts and Popli are ongoing. It is expected that BUDC's consultant will complete its written analysis within the next few weeks.

(e) **Northland Central – 683 Northland PRR Update**– Ms. Gandour reported that NYSDEC has requested an additional round of testing of the groundwater wells at 683 Northland. The costs associated with the additional testing are covered under the 2022 proposal prepared by BUDC's consultant, LiRo Engineers. The proposal will be presented to the Committee for its review at the December meeting. NYSDEC has agreed that testing will be conducted on a biennial basis going forward.

### **3.0 Buffalo Lakeside Commerce Park**

- (a) **Various Parcels – Zephyr Investors Update**– Ms. Gandour introduced representatives from Zephyr Investors for a presentation on the status of the project and information on Zephyr’s Brownfield Cleanup Program (BCP) applications. Mr. Herrell provided an overview of the project, noting that Planning Board approval was obtained on October 26, 2021 and building permits are anticipated to be issued in the first quarter of 2022. Zephyr has completed BCP applications for the properties located at 15 Laborer’s Way and 310 Ship Canal Parkway and is seeking BUDC’s consent to submit to these applications to NYSDEC.

Ms. Gandour then presented her November 23, 2021 memorandum regarding the Zephyr request. Mr. Zanner reviewed the material terms of the proposed agreement between BUDC, Zephyr and its affiliates. These material terms include no remedial activities being conducted on the parcels until after the closing of the land sale and Zephyr and its affiliates agreeing to indemnify BUDC and BLCP-I from all liabilities arising out of Zephyr’s participation in the BCP.

Following a discussion, Mr. Kucharski made a motion to recommend that the Board authorize BUDC and Buffalo Lakeside Commerce Park-I, LLC enter into a multi-party agreement with Zephyr Investors, LLC and its affiliates consistent with the terms set forth in November 23<sup>rd</sup> memorandum and to authorize the President or Executive Vice President to execute and deliver the multi-party agreement on behalf of BUDC and Buffalo Lakeside Commerce Park-I, LLC. The motion was seconded by Mr. Penman and unanimously carried (5-0-0).

- (b) **255 Ship Canal Parkway – Uniland Update** – Ms. Gandour reported that site work continues with respect to the Uniland solar project at 255 Ship Canal Parkway.
- (c) **193 Ship Canal Parkway - Prospect Update** – Ms. Gandour reported that NYSDEC has suggested that G.W. Burnett submit a request to amend the Brownfield Cleanup Program agreement for this site. LaBella Associates is assisting G.W. Burnett with the BCP project.
- (d) **Buffalo Lakeside Commerce Park Property Owners Association** – Ms. Gandour presented her November 23, 2021 memorandum regarding the Buffalo Lakeside Commerce Park Property Owners Association (“POA”). Based on last month’s discussions and input received from the Committee, a five-member Board structure for the POA is being proposed, consisting of Mr. Kucharski and Ms. Whyte, who previously volunteered to serve on the POA Board, along with two other Committee members and a Uniland representative. Ms. Curry and Mr. Penman volunteered to serve on the Board. A slate of proposed officers of the POA was also presented. Ms. Gandour indicated that this proposal will be advanced to the Governance Committee, which will consider the proposal and make a recommendation to the BUDC Board.

- 4.0 **308 Crowley Project Update** – Mr. Parker reported that Regional Environmental Demolition, Inc. was selected by the City of Buffalo for the phase 2 demolition work. The City continues to work through the SHPO process for the project.

**5.0 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 November 23, 2021 meeting of the Real Estate Committee was adjourned at 1:16 p.m.

Respectfully submitted,



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Kevin J. Zanner  
Secretary