

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

Via Video Conference Call & Live Stream Audio

**May 31, 2022
12:00 p.m.**

Directors Present:

Catherine Amdur
Trina Burruss
Daniel Castle
Janique S. Curry
Dennis W. Elsenbeck
Michael J. Finn
Darby Fishkin
Thomas Halligan
Thomas A. Kucharski
Brendan R. Mehaffy
Kimberley A. Minkel
David J. Nasca
Dennis M. Penman (Vice Chair)
Darius G. Pridgen

Directors Absent:

Mayor Byron W. Brown (Chair)
Dottie Gallagher
Maria R. Whyte

Officers Present:

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

Guests Present: Zaque Evans, Senior Economic Development Specialist, Office of the Erie County Executive; Alexis M. Florczak, Hurwitz & Fine, P.C.; Laurie Hendrix, ECIDA Administrative Coordinator; and Antonio Parker, BUDC Project Manager.

- 1.0 Roll Call** – The meeting was called to order at 12:04 p.m. The Secretary called the roll of directors and a quorum of the Board was determined to be present. Mr. Kucharski joined the meeting during the presentation of item 2.0. Mr. Pridgen joined the meeting during the presentation of item 3.2 and left the meeting during the presentation of item 4.3.

The meeting was held via Zoom in accordance with the provisions of Article 7 of the Public Officers Law, as amended effective January 14, 2022, which authorizes public bodies 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.

2.0 Approval of Minutes – Meeting of March 29, 2022 – The minutes of the March 29, 2022 meeting of the Board of Directors were presented. Mr. Halligan made a motion to approve the meeting minutes. The motion was seconded by Ms. Burruss and unanimously carried (13-0-0).

3.0 Monthly Financial Reports

3.1 683 Northland Master Tenant, LLC Financial Statements – Ms. Profic presented the financial statements for 683 Northland Master Tenant, LLC for the period ending April 30, 2022.

3.2 BUDC Consolidated Financial Statements – Ms. Profic presented the consolidated financial statements for BUDC and its affiliates, 683 Northland LLC and 683 WTC, LLC for the period ending April 30, 2022. Mr. Kucharski made a motion to accept the BUDC consolidated financial statements. The motion was seconded by Mr. Castle and unanimously carried (14-0-0).

4.0 New Business

4.1 Ralph C. Wilson, Jr. Centennial Park – Third Amendment to BUDC/COB Subgrant Agreement – Ms. Merriweather presented her May 31, 2022 memorandum regarding a proposed third amendment to the BUDC-City of Buffalo Subgrant Agreement. Following the presentation, Mr. Pridgen made a motion to: (i) approve the Third Amendment to the BUDC-City of Buffalo Subgrant Agreement allowing BUDC to move funds to the City for Phases 1 and 1A construction of Centennial Park; and (ii) authorize the BUDC President or Executive Vice President to execute the Third Amendment to the Subgrant Agreement and take such other actions as are necessary to implement this authorization. The motion was seconded by Mr. Nasca and unanimously carried (14-0-0).

4.2 Buffalo’s Race for Place – Project for Public Space Community Placemaking Grant Agreement – Ms. Merriweather presented her May 31, 2022 memorandum regarding the Project for Public Spaces Community Placemaking Grant Agreement for improvements near the Buffalo and Erie County Public Library. BUDC will be involved in the community engagement elements of the project as well as the coordination of placemaking elements. It is anticipated that this project will be completed in October-November 2022. Following the presentation, Ms. Fishkin made a motion to: (i) accept the \$40,000 grant award from the Project for Public Spaces, Inc.; and (ii) authorize the BUDC President or Executive Vice President to execute the Grant Agreement and take such other actions as are necessary to implement this authorization. The motion was seconded by Ms. Amdur and unanimously carried (14-0-0).

4.3 Buffalo Lakeside Commerce Park – Sale to Zephyr Investors – Brownfield Cleanup Program – Ms. Gandour presented her May 31, 2022 memorandum regarding Zephyr’s request to submit a Brownfield Cleanup Program (BCP) application for the parcel located at 24 Laborers’ Way. Following the presentation, Mr. Finn made a motion to: (i) authorize BUDC and BLCP-I to enter into an amendment of the multi-party agreement with Zephyr and its affiliates consistent with the terms set forth in the May 31st memorandum; (ii) upon execution of the amendment to the multi-party agreement, authorize the President or Executive Vice President to execute the consent authorizing Zephyr or its affiliates to submit a BCP application for 24 Laborers’ Way; and (iii) authorize the President or Executive Vice President to execute the amendment to the multi-party agreement, the consent, and such other documents as may be necessary to implement this action. The motion was seconded by Mr. Halligan and unanimously carried (13-0-0).

4.4 Buffalo Lakeside Commerce Park – Project Update – Ms. Gandour reported that BUDC staff is working with prospects for the remaining parcels at BLCP and staff has received input from the Real Estate Committee regarding the process to move forward on the sale of the remaining parcels.

4.5 Ralph C. Wilson, Jr. Centennial Park – Project Update – Mr. Parker reported that the RFQ process for the construction manager at risk for Centennial Park is complete. BUDC, the City of Buffalo and Gardiner & Theobald conducted interviews on May 24th for the companies that responded to the RFP. Construction Documents are 50% complete and are anticipated to be 100% complete in August 2022. Mr. Parker also reported that BUDC is working with the City of Buffalo to secure a grant for the shoreline elements of the project.

4.6 Northland Corridor Project Update – Ms. Gandour reported that after receiving feedback and approval from the Real Estate Committee, BUDC is moving forward with a \$25,000 National Grid study to confirm costs for the substation and community feeder upgrades. With respect to the Build Back Better application, EDA requested that the Western New York region submit an additional application based on a funding award reduced by 50% in the event that full funding could not be awarded. BUDC reduced their portion of the proposal based on time and not scope. BUDC focused its portion of the proposal on the substation upgrades and the 537 East Delavan site. It is anticipated that more information regarding the status of the region's proposal will be received in late fall.

4.7 Race for Place Project Update – Ms. Merriweather presented the Race for Place project update. The Entertainment District project continues to move forward. The Department of Public Works will present to the Common Council for approval a pass-through agreement between BUDC and the City for National Grid funding, which will be used for the Court Street improvements project. BUDC is also working with the City on the Waterfront Public Realm study which will incorporate previous planning initiatives.

4.8 308 Crowley Project Update – Ms. Gandour reported that the sale to Douglas Development of the remaining parcel of land at 308 Crowley is expected to close in the next few days.

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, on motion made by Mr. Kucharski, seconded by Ms. Curry and unanimously carried (13-0-0), the May 31, 2022 meeting of the Board of Directors was adjourned at 12:29 p.m.

Respectfully submitted,



Kevin J. Zanner, Secretary