

**Minutes of the Meeting
of the
Board of Directors
Buffalo Urban Development Corporation
Via Video Conference Call & Live Stream Audio**

**September 29, 2020
12:00 p.m.**

1.0 Call to Order

Directors Present:

Trina Burruss
James W. Comerford
Janique S. Curry
Dennis W. Elsenbeck
Darby Fishkin
Thomas R. Hersey, Jr.
Thomas A. Kucharski
Amanda Mays
Brendan R. Mehaffy
Kimberley A. Minkel
David J. Nasca
Dennis M. Penman (Vice Chair)
Darius G. Pridgen

Directors Absent:

Hon. Byron W. Brown (Chair)
Michael J. Finn
Dottie Gallagher
Thomas Halligan
Craig A. Slater
Maria R. Whyte

Officers Present:

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

Others Present: Jenna Bichler, BURA Director of Operations; Evan Y. Bussiere, Hurwitz & Fine, P.C; and Arthur Hall, BUDC.

Roll Call – The Secretary called the roll of directors and a quorum was determined to be present. Ms. Curry, Mr. Hersey and Mr. Pridgen joined the meeting during the presentation of item 4.1.

The meeting was held via video/telephone conference in accordance with the provisions of Executive Order 202.1, 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.

- 2.0 Presentation of the Minutes** – The minutes of the August 25, 2020 meeting of the Board of Directors were presented. Ms. Burruss made a motion to approve the meeting minutes. The motion was seconded by Mr. Comerford and unanimously carried (10-0-0).

- 3.0 Monthly Financial Reports** – Ms. Profic presented the consolidated financial statements for 683 Northland Master Tenant LLC and for BUDC and its affiliates, 683 Northland LLC and 683 WTC, LLC for the period ending August 31, 2020. Mr. Kucharski made a motion to accept the financial report. The motion was seconded by Ms. Mays and unanimously carried (10-0-0).

4.0 New Business

- 4.1 Reimbursement of Expenses from the Buffalo Brownfields Redevelopment Fund (BBRF)** – Ms. Profic presented her September 29, 2020 memorandum regarding a request for reimbursement from the Buffalo Brownfields Redevelopment Fund (BBRF). Ms. Profic explained that BUDC is obligated to pay unrelated business income tax (UBIT) due to interest income received from a loan to 683 WTC, LLC as part of the 683 Northland tax credits structure. The amount of UBIT due to federal and NYS taxing authorities from the 2019 tax returns totaled \$57,796. Estimated tax payments totaling \$40,640 must be deposited during 2020 toward the 2020 UBIT liability. To date, BUDC has made \$30,480 in estimated tax payments. In consideration of BUDC's cash flow interruptions during the COVID-19 pandemic, Ms. Profic requested authorization to immediately reimburse BUDC the amount of \$98,436 from the BBRF. This item was recommended for approval by the Audit & Finance Committee at its September 21st meeting. Mr. Nasca made a motion to approve the reimbursement to BUDC from the BBRF of \$98,436 for unrelated business income tax payments for the 683 Northland project. The motion was seconded by Mr. Comerford and unanimously carried (13-0-0).
- 4.2 Northland Corridor – 2020-2023 Snow Removal Contract Approval** – Mr. Cammarata presented his September 29, 2020 memorandum regarding the proposed award of a three-year contract for snow removal services for the Northland Corridor. Mr. Cammarata explained the solicitation process undertaken by Mancuso Management Inc. BUDC received four responses to the request for proposals. Landscape Associates of WNY, a women-owned business, submitted the lowest cost proposal in the amount of \$120,000 per year. This item was recommended for approval by the Real Estate Committee at its September 22nd meeting. Mr. Pridgen made a motion to authorize a contract between Mancuso Management Inc. and Landscape Associates of WNY to provide snow removal services at the Northland Beltline campus, for the total cost of \$120,000 per year, for three consecutive snow removal seasons. The motion was seconded by Mr. Comerford and unanimously carried (12-0-0). Ms. Curry's vote was not recorded.
- 4.3 Northland Corridor – Amended and Restated Leasing Policy** – Mr. Cammarata noted that the final version of the Amended and Restated Leasing Policy as approved by the Board is included in the meeting agenda packet.
- 4.4 Northland Beltline Corridor Project Update** – Mr. Cammarata began his update with a report on a modification of the Manna Culinary lease that was approved by the Real Estate Committee at its September 22nd meeting. The COVID-19 pandemic has significantly impacted Manna's operations. To assist the company, a revised rent schedule was developed to back-load a greater portion of the base rent into the final thirty-six months of the lease term and reduce the total base rent payments for the sixty month term by \$23,890. No adjustments were made to Manna's obligation to pay monthly additional rent. Mr. Cammarata noted that the modification was approved in accordance with the recently approved Amended and Restated Leasing Policy. He then presented a detailed update regarding Northland Beltline project funding as follows:

631 Northland: BUDC continues to compile data for a potential grant application to the U.S. Economic Development Administration (EDA) for building rehabilitation. Staff has resubmitted information and the grant application for the \$300,000 Brownfield Redevelopment Grant to National Grid.

612 Northland: BUDC submitted the final reimbursement request for Restore NY IV grant funds in the amount of \$384,069.49.

777 Northland: BUDC received a \$100,000 National Grid Brownfield Redevelopment Grant for the select demolition project. The budget for the first phase of site clearance is approximately \$650,000 and will be primarily funded with Restore NY V funds, with a local match.

541 E. Delavan: The first reimbursement request for Restore NY V funds was submitted in May in the amount of \$815,467.37 and is expected shortly. BUDC staff is finalizing the second reimbursement request, which will total \$1,171,547.08.

683 Northland: BUDC has submitted three reimbursement requests to ESD related to the Northland Workforce Training Center equipment grant. Staff is expecting a small reimbursement from NYSERDA in the amount of \$7,827. BUDC has provided the final documents required for the fourth installment of historic tax credits, which will total \$3.1 million dollars. Ms. Profic continues to work with Freed Maxick to respond to the audit request from NYS regarding the Phase I (2018) brownfield tax credits.

Northland Solar/Microgrid Project: The potential two million dollar Buffalo Billion grant for this project is expected to be considered by the ESD Board sometime this fall. Discussions with National Grid continue with respect to utilization of their economic development and infrastructure programs for the solar/microgrid project.

Mr. Hall then presented additional Northland Corridor updates as follows:

LISC Grant – The supplemental grant agreement with the Local Initiatives Support Corporation expired at the end of September. BUDC has submitted the final report and an action strategy.

683 Northland Avenue: Retech Systems is working on the tenant improvements to its space, with base rent payments anticipated to begin as of January 1, 2021. Rodriguez Construction is constructing its tenant improvements, which are expected to be completed by October 31, 2020. Base rent will begin as of November 1, 2020. The Mancuso Group is actively marketing the red shed building and BUDC staff is working with a potential tenant for the vacant first floor space.

Brick by Brick Awards: Northland Central Phase 2 was selected as the winner of this year's Business First Brick by Brick Award under the Adaptive Re-Use category.

612 Northland: Albright Knox Art Gallery (AKAG) reopened as of September 26th with a special exhibition. Attendance is by reservation only. AKAG continues to develop neighborhood engagement projects.

537 and 541 E. Delavan: BUDC counsel is in the final stages of the subdivision for 537 E. Delavan parcel. Core and shell rehabilitation work continues at 541 E. Delavan, with 34 Group providing construction management services for the project. Apollo Steel is presently on site and its work is anticipated to be completed by October 15th. All other Phase 1(C) work remains on hold.

Northland Corridor Property Management: The Mancuso Group continues to coordinate a parking plan for the corridor as well as the bid process for snow removal. Mancuso is also scheduling a tenant meeting for early October.

Property Exchanges. BUDC counsel continues to work on two property exchange transactions, one involving an exchange of properties with Plesh Industries and the other an exchange of properties with the City of Buffalo.

Neighborhood Planning and Development: The BOA nomination document has received comments from the New York Department of State (NYSDOS). BUDC staff, along with OSP, BURA and the Buffalo Sewer Authority are preparing responses to those comments. Next steps

include the receipt of nomination document comments from NYSDOS and holding a final public meeting.

Community Outreach: The next Business Network Series is set for November 19, 2020.

4.5 Waterfront/Ralph C. Wilson, Jr. Centennial Park Project Update – Ms. Merriweather reported that the grant agreement with the Great Lakes Commission has been executed. This grant funding will be used for design and engineering services for shoreline and aquatic habitat work at Centennial Park. Design work on the project continues to advance.

4.6 BBRP/Race for Place Project Update – Ms. Merriweather presented an update regarding BBRP and the Race for Place. She reported on a shared mobility event held at Cathedral Park last week promoting electric bicycles and scooters. She also noted that a public session for the Ellicott Node project is scheduled for October 21st. Mr. Mehaffy indicated that the Congress for the New Urbanism (CNU) will release its report on the multi-day program and workshop sessions that were held in Buffalo in late February to examine the future of transportation and mobility. Mr. Kucharski commented on the Be-in-Buffalo initiative of Invest Buffalo Niagara, which has pivoted to virtual meetings and outreach due to the pandemic.

4.7 Buffalo Lakeside Commerce Park Project Update – Mr. Cammarata presented an update regarding Buffalo Lakeside Commerce Park. The land sales to Project Flora and Uniland remain subject to due diligence contingencies. BUDC is working with a prospect that is interested in 193 Ship Canal Parkway. A draft land sale agreement has been provided to the prospect. A request for proposals for snow removal services at BLCP has been issued. A proposed award for this work will be presented at the next meeting of the Board.

4.8 308 Crowley Project Update – Mr. Cammarata presented an update on the 308 Crowley project. Enterprise Folding Box Company is interested in purchasing the adjacent cinderblock building to accommodate the company's need for additional space for the expansion of its business operations.

4.9 2021 BUDC Board of Directors Meeting Schedule - Mr. Cammarata noted that copies of the 2021 Board of Directors meetings were included in the meeting agenda packet.

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, upon motion made by Mr. Hersey, seconded by Ms. Curry and unanimously carried, the September 29, 2020 meeting of the Board of Directors was adjourned at 12:51 p.m.

Respectfully submitted,


Kevin J. Zanner, Secretary