

Buffalo Urban Development Corporation

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Buffalo Urban Development Corporation Real Estate Committee Meeting Tuesday, May 19, 2020, Noon Via Video Conference Call & Live Stream Audio

Agenda

- 1) Approval of Minutes – Meeting of April 21, 2020 (*Action*) (*Enclosure*)
- 2) Northland Beltline Corridor
 - a) Northland Corridor – Mancuso Group Contract Extension (*Discussion*)
 - b) Northland Corridor – Community Solar & Microgrid Project Update (*Information*)
 - c) Northland Corridor – Beltline BOA, LISC Grant & Misc. Updates (*Information*)
 - d) Northland Corridor – National Grid Economic Development Programs (*Information*)
 - e) Northland Central – Phase 2 Construction Update (*Information*)
 - f) Northland Central – Facility & Tenant Update (*Information*)
 - g) Northland Central – Rodriguez Construction Update (*Information*)
 - h) 612 Northland – Facility & Tenant Update (*Information*)
 - i) 631 Northland – Rehabilitation Project Financing Update (*Information*)
 - j) 714 Northland – Facility & Tenant Update (*Information*)
 - k) 541 E. Delavan – Construction & Budget Update (*Information*)
 - l) 777 Northland – Security, Select Demolition & Budget Update (*Information*)
 - m) Plesh / BUDC Land Exchange Update (*Information*)
 - n) COB / BUDC (NorDel II) Land Exchange Update (*Information*)
- 3) Buffalo Lakeside Commerce Park
 - a) 193 Ship Canal Parkway – NYSDEC Request / LaBella (*Information*) (*Enclosure*)
 - b) Parcel 3 – NYSDEC Request / Arcadis (*Information*) (*Enclosure*)
 - c) Uniland Development Co. Land Sale Agreement Update (*Information*)
 - d) Zephyr Investors, LLC Land Sale Agreement Update (*Information*)
 - e) BLCP – Parcel 4 Easement 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**

**95 Perry Street
Buffalo, New York
April 21, 2020
12:00 p.m.**

Committee Members Present:

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

Committee Members Absent:

Maria R. Whyte

Officers Present:

Peter M. Cammarata, President
Brandye Merriweather, Vice President
Kevin J. Zanner, Secretary
Atiqa Abidi, Assistant Treasurer

Guests Present: Dawn Boudreau, ECIDA; Evan Y. Bussiere, Hurwitz & Fine, P.C.; Rebecca Gandour, City of Buffalo Office of Strategic Planning; Arthur Hall, BUDC; Thomas Mancuso, Mancuso Business Development Group; and Paul Tronolone, Empire State Development.

Roll Call: The meeting was called to order by the Chair at 12:15 p.m. with a quorum of the Committee present. The meeting was held via Zoom video/tele conference pursuant to New York State Executive Order 202.1.

1.0 Approval of Minutes – Meeting of March 24, 2020 – The minutes of the March 24, 2020 Real Estate Committee meeting were presented. Ms. Minkel made a motion to approve the meeting minutes. The motion was seconded by Ms. Curry and unanimously carried (6-0-0).

2.0 Northland Beltline Corridor

(a) 631 Northland – Rehabilitation Project Financing RFP Proposal – Mr. Cammarata presented the April 21, 2020 memorandum regarding the Request for Proposals (RFP) for legal and accounting services for project financing for the rehabilitation of 631 Northland Avenue. The RFP was advertised in the New York State Contract Reporter and distributed to more than a dozen firms. Two responses were received, but only one of the responses included a proposed team of legal and accounting professionals. A review team comprised of representatives from BUDC, ECIDA and Hurwitz & Fine reviewed the proposals, and on March 19th interviewed the team led by Cannon Heyman Weiss (CHW). The review team is recommending that BUDC retain the CHW team. Mr. Cammarata stated that the initial cost of

the project for pre-development planning and analysis is estimated at \$8,000 and the estimated total cost of the services is \$316,000. He added that these costs would be paid out of the project financing. In response to a question from Mr. Slater, Mr. Cammarata stated that the costs proposed by the CHW team for this project are consistent with the costs for the 683 Northland project. Ms. Curry made a motion to recommend that the Board of Directors approve the selection of the team led by Cannon Heyman Weiss, Freed Maxick and RubinBrown, with Divitta Alexander, for legal and accounting services for rehabilitation financing for 631 Northland Avenue, and for an initial pre-development contract in an amount not-to-exceed \$8,000. The motion was seconded by Ms. Minkel and unanimously carried (6-0-0).

- (b) **Northland Corridor – Mowing & Landscaping Service Proposal** – Mr. Cammarata and Mr. Mancuso reviewed the one-page report included in the meeting agenda packet outlining the proposals for the mowing and landscaping services for the Northland Corridor. Mr. Mancuso explained the contractor solicitation process. Two proposals were received; one from the current vendor, Scott Lawn Yard/LAWNY, a WBE company, and the other from Hall Services, a minority-owned business enterprise. Nine other companies were invited to submit proposals but did not. Mr. Cammarata noted that the proposed contract award is for a term of three years, which is the same duration for similar services at Buffalo Lakeside Commerce Park. Mr. Mancuso commented that Scott Lawn Yard/LAWNY had provided exceptional service in 2019. Mr. Penman made a motion to approve a contract with Scott Lawn Yard/LAWNY for mowing and landscaping services in the Northland Corridor for an annual cost of \$16,500. The motion was seconded by Mr. Kucharski and unanimously carried (6-0-0).
- (c) **Northland Corridor – Community Solar & Microgrid Update** – Mr. Cammarata presented an update regarding the design and implementation of a campus energy microgrid and community solar project for the Northland Corridor. BUDC counsel is preparing the contract for the project work to be performed by the team led by Frey Electric Construction Company. Mr. Zanner explained that the contract will be a design-build agreement, with Frey Electric as the principal contracting party. Mr. Tronolone noted that initial funding for this project is subject to ESD Board approval.
- (d) **Northland Corridor – Brownfield Opportunity Area Update** – Mr. Hall updated the Committee regarding the Brownfield Opportunity Area (BOA) project for the Northland Corridor. Revisions to the BOA plan have been circulated to the Office of Strategic Planning for review and the final draft is pending. Once this review is complete, the next step is to submit the plan to the Department of State.
- (e) **Northland Central (683 Northland) – NYSDEC Periodic Review Report (PRR) Proposal** – Mr. Cammarata reviewed the April 15, 2020 letter from the NYSDEC regarding the obligation of 683 Northland LLC to prepare and submit a Periodic Review Report (PRR) for the 683 Northland Brownfield Cleanup Program project. This is an annual reporting requirement. Mr. Cammarata also reviewed a one-page proposal from LiRo Engineers to prepare the report at a cost of \$4,626. Mr. Slater suggested that next year BUDC should pursue with NYSDEC a modification of the annual reporting requirement so that the report is required on a triennial basis. Ms. Minkel made a motion to approve a contract with LiRo Engineers to prepare the PRR for the 683 Northland Brownfield Cleanup Program project in the amount of \$4,626. The motion was seconded by Mr. Kucharski and unanimously carried (6-0-0).
- (f) **Northland Central – Phase 2 Construction Updates** – Mr. Cammarata reported that Gilbane was granted a waiver by ESD to continue Phase 2 construction activities at 683 Northland. It is anticipated that the concrete work for the red shed building and punch-list items

will be completed this week. The work on the 1981 building remains on schedule for a May 15th turn over delivery to the tenant.

- (g) **Northland Central – Facility & Tenant Prospects Update** – Mr. Cammarata reported that a limited number of Mancuso Business Development staff remain on site at 683 Northland to provide essential building maintenance and security services. One employee of the NWTC is also on site, along with limited BMW staff. Appropriate social distancing and safety protocols are being employed. Mr. Cammarata also reported that SparkCharge is working remotely and that Manna may re-open for limited takeout operations in the next several days.
- (h) **612 Northland – Facility & Tenant Update** – Mr. Cammarata reported that Albright-Knox has suspended operations at 612 Northland due to COVID-19.
- (i) **714 Northland – Facility & Tenant Update** – Mr. Cammarata reported that the tenant at 714 Northland, Well Worth Products, has suspended operations as it does not qualify as an essential business. The tenant has applied for funding through the federal Paycheck Protection Program.
- (j) **541 E. Delavan – Construction & Budget Update** – Mr. Cammarata reported that construction work at 541 East Delavan has been suspended due to COVID-19. He also informed the Committee that ESD is requiring that a portion of Restore NY V funds that BUDC has anticipated to use for 541 East Delavan project be reallocated toward the 777 Northland site. Mr. Cammarata also reported that BUDC has decided not to contract with Datz Dat after further due diligence regarding the company came to light. 34 Group has been asked to submit a proposal to perform the work.
- (k) **Plesh Gate & Land Exchange** – Mr. Bussiere informed the Committee that drafts of the land exchange agreement, easement, access agreement and an agreement regarding the preservation of the current gate have all been drafted and are being reviewed by counsel for Plesh. He also noted the surveyor completed final legal descriptions for the parcels to be exchanged.
- (l) **NorDel II/COB Land Exchange Update** – Mr. Bussiere provided an update regarding the land exchange transaction. New surveys have been ordered in accordance with City of Buffalo ALTA survey requirements.

3.0 **Buffalo Lakeside Commerce Park**

- (a) **BLCP – Uniland Development Co. Land Sale Agreement Update** – Mr. Cammarata reported on the execution by BUDC and Uniland of a contract amendment to extend the due diligence period through August 31, 2020.
- (b) **BLCP – Thinking Robot Studios Inc. Land Sale Agreement Update** – Mr. Cammarata reported that Thinking Robot Studios has opted to relocate its proposed project from BLCP to a larger site on Elk Street in the City of Buffalo. The company opted for a different location because of the additional acreage and more lucrative Brownfield Cleanup Program tax credits available at the Elk Street site. Mr. Cammarata noted that the company's announcement came as a surprise but also stressed the importance of the company's decision to keep its project in the City of Buffalo.

(c) **BLCP – Zephyr Investors, LLC Land Sale Agreement Update** – Mr. Cammarata reported that BUDC received another \$2000.00 from escrow as payment for the monthly non-refundable exclusivity fee. He also commented that the Thinking Robot Studios parcel is now available to Zephyr if the company desires additional acreage for its project.

(d) **BLCP – Parcel 4 Easement Update** – Mr. Bussiere reported that the environmental easement package submitted to NYSDEC is being reviewed by NYSDEC counsel.

4.0 308 Crowley Update – Mr. Cammarata reported on recent discussions with the NYS State Historic Preservation Office (SHPO) regarding the 308 Crowley site. The initial position of SHPO is that main plant building should be preserved. Mr. Cammarata commented on the dilapidated condition of the main plant building, and suggested that the lack of a site visit may have impacted SHPO's initial view. Mr. Mehaffy noted that the surrounding community has expressed the desire for the main plant building to be demolished.

5.0 Adjournment – There being no further business to come before the Committee, upon motion made by Ms. Curry, seconded by Ms. Minkel and unanimously carried, the April 21, 2020 meeting of the Real Estate Committee was adjourned at 1:00 p.m.

Respectfully submitted,



Kevin J. Zanner
Secretary

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 9
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April 27, 2020

Mr. Peter Cammarata
 Buffalo Urban Development Corp.
 95 Perry St., Suite 404
 Buffalo, NY 14203

Dear Mr. Cammarata:

Radioactive Fill and Emerging Contaminants
 193 Ship Canal Parkway, Site #C915240
 Buffalo, Erie County

During an April 24, 2020 telephone conversation, we discussed the steps necessary for deciding upon an environmental remedy for the subject brownfield site.

Field instrumentation used in the past Remedial Investigation found that some of the fill material on site displayed radioactive properties. In order to evaluate remedial alternatives for the site, a more accurate determination of these radioactive properties must be made; samples of the fill material will need to be collected for laboratory analysis. Please submit a work plan and schedule for this sampling and testing, for the Department's review, no later than August 25, 2020.

We also discussed the Department's State-wide initiative, requiring the sampling and testing of groundwater, at all environmental remediation sites, for the contaminants: 1,4-Dioxane and per- and polyfluoroalkyl substances (PFASs), so-called Emerging Contaminants (ECs). You might be familiar with the initiative, from other BUDC brownfield sites. Information pertaining to the sampling and testing of ECs is found in the Department's guidance document: *Guidelines for Sampling and Analysis of PFAs*, January 2020 (attached). Additional information is also available on the Department's website at <https://www.dec.ny.gov/chemical/108831.html>. Please include this sampling and testing in the work plan described above.

If you have any questions, please contact me by phone (716-851-7260) or email (david.locey@dec.ny.gov).

* LaBella work plan.
 * Revised Alternatives Analysis Report.

Sincerely,



David P. Locey
 NYSDEC Project Manager

DPL:

cc with attachment:

David Stebbins, BUDC
 Andrea Caprio, NYSDEC



Department of
 Environmental
 Conservation

Peter Cammarata

From: Locey, David (DEC) <david.locey@dec.ny.gov>
Sent: Wednesday, April 29, 2020 1:04 PM
To: pcammarata@buffalourbandevelopment.com
Subject: Hanna Furnace, Subparcel 3 - Site #B00164 Final Engineering Report
Attachments: DPL - Report.ERP.B00164.2013-05-21.DRAFT FER.pdf



Peter,

Attached is the FER for the Hanna 3 site, with DEC's comments/remarks included as sticky notes. Is Arcadis still under contract to BUDC – how soon can the report be revised, certified and resubmitted?

David P. Locey
Assistant Engineer, Division of Environmental Remediation

** revised SMP.*

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