

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

**August 30, 2022
12:00 p.m.**

Directors Present:

Catherine Amdur
Trina Burruss
Dan Castle
Janique S. Curry
Dennis W. Elsenbeck
Darby Fishkin
Dottie Gallagher
Thomas Halligan
Thomas A. Kucharski
Brendan R. Mehaffy
Kimberley A. Minkel
David J. Nasca
Dennis M. Penman (Vice Chair)

Directors Absent:

Hon. Byron W. Brown (Chair)
Michael J. Finn
Elizabeth A. Holden
Darius G. Pridgen
Karen Utz
Maria R. Whyte

Officers Present:

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

Guests Present: Zaque Evans, Senior Economic Development Specialist, Erie County Executive's Office; Alexis M. Florczak, Hurwitz Fine P.C.; Soma Hawramee, ECIDA Compliance Officer; Laurie Hendrix, ECIDA Administrative Coordinator; Lisa Hicks, Mayor's Office of Strategic Planning; Antonio Parker, BUDC Project Manager; and Seth Piccirillo, Buffalo Niagara Partnership.

- 1.0** **Roll Call** – The meeting was called to order at 12:04 p.m. The Secretary called the roll and a quorum of the Board was determined to be present. Agenda items 4.1, 4.2 and 4.3 were presented first. Mr. Halligan joined the meeting during the presentation of item 4.2. Ms. Minkel left the meeting after item 4.2. Ms. Gallagher and Ms. Burruss left the meeting after the presentation of items 3.2 and 4.4, respectively. Ms. Curry joined the meeting during the presentation of item 4.5.

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 Reading of the Minutes – The minutes of the July 26, 2022 meeting of the Board of Directors were presented. Mr. Castle made a motion to approve the meeting minutes. The motion was seconded by Ms. Burruss and unanimously carried (11-0-0).

3.0 Monthly Financial Reports – Ms. Abidi presented for information purposes the financial statements for 683 Northland Master Tenant, LLC for the period ending July 31, 2022. She then presented the consolidated financial statements for BUDC and its affiliates, 683 Northland LLC and 683 WTC, LLC for the period ending July 31, 2022. Mr. Nasca made a motion to accept the BUDC consolidated financial statements. The motion was seconded by Ms. Fishkin and unanimously carried (11-0-0).

4.0 New Business

4.1 Buffalo Lakeside Commerce Park – Exclusivity Agreement with Savarino Companies, LLC Relating to 80, 134, 158 and 200 Ship Canal Parkway – Ms. Gandour presented her August 30, 2022 memorandum regarding a proposed exclusivity agreement with Savarino Companies, LLC relating to 80, 134, 158 and 200 Ship Canal Parkway. Within the last six months, BUDC received inquiries from Savarino Companies and Sonwil Distribution regarding these four contiguous parcels. BUDC staff sought and obtained information from each prospect regarding their prospective projects. Both prospects were made aware of the appraised value of the properties and that a competing proposal was received for the parcels. This information was reviewed with the Real Estate Committee, which completed its final review at its August 23, 2022 meeting and is recommending that the BUDC Board enter into an exclusivity agreement with Savarino regarding its proposed project. The proposed agreement would grant Savarino a six-month exclusivity period to conduct due diligence, advance discussions with its proposed tenant and have limited access in exchange for the payment of a \$2,000 monthly exclusivity fee. The exclusivity period may be extended an additional three months at Savarino’s option. The terms of a Land Sale Agreement will be negotiated by the parties during the exclusivity period. Following the presentation, Ms. Minkel made a motion to: (i) approve BUDC entering into an agreement with Savarino Companies regarding 80, 134, 158 and 200 Ship Canal Parkway, consistent with the terms set forth in the August 30, 2022 memorandum; and (ii) authorize the President or Executive Vice President to execute the agreement and take such other actions as may be necessary or appropriate to implement this authorization. The motion was seconded by Ms. Amdur and unanimously carried (11-0-0).

4.2 Northland Beltline Corridor – Property Management Agreement Renewal Approval – Ms. Gandour presented her August 30, 2022 memorandum regarding a proposed one-year renewal of the property management and leasing services agreement with Mancuso Business Development Group. Ms. Amdur asked a question regarding the property manager’s obligations with respect to the buildings located at 777 and 741. Ms. Gandour indicated that the Mancuso Group is responsible for general property maintenance such as grass cutting and fencing but is not responsible for redeveloping the property. There being no further discussion, Ms. Amdur made a motion to: (i) approve a one-year renewal of the agreement with Mancuso Business Development Group for property management and leasing services for the Northland Beltline Corridor for the period of January 1, 2023 through December 31, 2023, consistent with the provisions outlined in Ms. Gandour’s memorandum; and (ii) authorize the BUDC President or Executive Vice President to execute such documents as may be necessary or appropriate to renew the agreement on behalf of BUDC and 683 Northland Master Tenant, LLC. The motion was seconded by Mr. Kucharski and unanimously carried (12-0-0).

- 4.3 **Ralph C. Wilson, Jr. Centennial Park – MVVA Master Service Agreement Amendment: Pre-Construction Services** – Mr. Parker presented his August 30, 2022 memorandum regarding a proposed amendment to the MVVA Master Service Agreement. The proposed amendment would authorize additional work to assist Gilbane with bid negotiations and pre-construction services. Following the presentation, Mr. Elsenbeck made a motion to: (i) approve an amendment to the MVVA Master Service Agreement in the amount of \$412,401 for pre-construction services at Ralph C. Wilson, Jr. Centennial Park; and (ii) authorize the President or Executive Vice President to execute the amendment to the MVVA Master Service Agreement and take such other actions as are necessary to implement this authorization. The motion was seconded by Ms. Gallagher and unanimously carried (11-0-0).

- 4.4 **Waterfront/RCWJ Centennial Park – Project Update** – Mr. Parker presented an update on the Centennial Park project. Construction manager-at-risk Gilbane is developing a project schedule and cost estimate for Phase 1 of construction. A project labor agreement for the project is expected to be in place by the end of October 2022. Site mobilization is anticipated to begin in March 2023 and Phase 1 construction is projected to be completed by Labor Day 2024.

- 4.5 **BBRP/Buffalo’s Race for Place Project Update** – Ms. Merriweather presented an update on BBRP and Race for Place. A request for proposals in connection with the Inner Harbor and Waterfront Public Realm master plan was released August 16th. Proposals are being sought to develop a comprehensive streetscape and wayfinding strategy for the Inner Harbor and connectivity to Centennial Park. A pre-proposal meeting is scheduled for later today. Ms. Merriweather indicated that there is quite a bit of interest in the RFP, and BUDC is working with New York State on M/WBE outreach for participation in the RFP. Responses are due September 9th. BUDC continues work with the Project for Public Spaces and GoBike Buffalo on the placemaking grant received for the Ellicott Node. BUDC is working with its partners on modifications to the scope of the project due to higher than anticipated costs. The Common Council also recently approved BUDC’s ARPA funding request for \$1.2 million, a portion of the funding which will be utilized for the Queen City Pop-Up program. Mr. Mehaffy added that the Office of Strategic Planning is seeking approval from Common Council on a contract with Stantec for work that will build off the Future of Mobility report and examine innovation and smart corridors in the City of Buffalo.

- 4.6 **Northland Beltline Corridor - Project Update** – Ms. Gandour presented the Northland Beltline Corridor update. The memorandum of understanding between BUDC, NWTC and ESD is now fully executed. BUDC received a visit from EDA representative Ed Hummel and provided Mr. Hummel with a tour of the Northland Corridor and the Northland Workforce Training Center. BUDC is hoping to hear back from EDA regarding grant funding soon.

- 4.7 **Buffalo Lakeside Commerce Park – Project Update** – Ms. Gandour presented an update regarding Buffalo Lakeside Commerce Park. She reported that the Zephyr transaction closed last week. It is anticipated that now that Zephyr is a property owner in the Park, a meeting of the POA will be called. The exclusivity agreement between BUDC and Krog regarding 193 Ship Canal Parkway has been executed and BUDC has received its first payment under the agreement. Ms. Merriweather thanked the Board and staff for their work on the Zephyr transaction.

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 of Directors, on motion made by Mr. Kucharski, seconded by Ms. Amdur and unanimously carried, the August 30, 2022 Board of Directors meeting was adjourned at 12:37 p.m.

Respectfully submitted,



Kevin J. Zanner, Secretary