

**Buffalo Urban Development Corporation**

95 Perry Street  
Suite 404  
Buffalo, New York 14203

phone: 716-856-6525

fax: 716-856-6754

web: [buffalourbandevelopment.com](http://buffalourbandevelopment.com)



**BUDC Downtown Committee  
Wednesday, October 19, 2022  
City Hall – Room 901  
12:00 Noon**

Agenda

1. Approval of Minutes from August 17, 2022 *(Action)(Encl.)*
2. Ralph C. Wilson, Jr. Centennial Park – Project Update Presentation *(Informational)*
3. Ralph C. Wilson, Jr. Centennial Park – Biohabitats Proposal for Shoreline Monitoring Services *(Informational)(Encl.)*
4. Buffalo Building Reuse Project – Loan Program Payment Resolution *(Action)(Encl.)*
5. Buffalo's Race For Place – General Update *(Informational)*
6. Partner Updates *(Informational)*
7. Adjournment *(Action)*

**Minutes of the Meeting  
of the  
Downtown Committee  
of  
Buffalo Urban Development Corporation**

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

**August 17, 2022  
12:00 p.m.**

**Committee Members Present:**

Trina Burruss  
Daniel Castle  
Darby Fishkin  
Dottie Gallagher  
Brendan R. Mehaffy (Committee Chair)  
Kimberley Minkel

**Committee Members Absent:**

Michael Finn  
Darius G. Pridgen

**Officers Present:**

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

**Guests Present:** Thomas E. Baines, Deputy Commissioner of Planning & Economic Development, Erie County; Cristina Cordero, Gardiner & Theobald; Alexis Florczak, Hurwitz Fine P.C.; Soma Hawramee, ECIDA Compliance Officer; Lisa Hicks, Mayor's Office of Strategic Planning; Antonio Parker, BUDC Project Manager; and Seth Piccirillo, Buffalo Niagara Partnership.

**Roll Call:** The meeting was called to order at 12:08 p.m. A quorum of the Committee was present by Ms. Minkel served as Chair of the meeting until Mr. Mehaffy joined the meeting during the presentation of item 2.0.

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.

**1.0 Approval of Minutes of the May 18, 2022 Meeting** – The minutes of the May 18, 2022 meeting of the Downtown Committee were presented. Ms. Gallagher made a motion to approve the meeting minutes. The motion was seconded by Mr. Castle and unanimously carried (5-0-0).

**2.0 Ralph C. Wilson, Jr. Centennial Park – Project Update Presentation by Gardiner & Theobald** – Ms. Merriweather introduced Christina Cordero from Gardiner & Theobald to present the Ralph C. Wilson, Jr. Foundation Centennial Park project update. Ms. Cordero provided an overview of the project milestones to date, noting that the last remaining design milestone, 100% Construction

Documents Phase, is anticipated to be complete by late August. The joint application for shoreline permitting is progressing, with October 2022 as the target for obtaining the permit. G&T has been working with construction manager Gilbane to develop the construction project schedule. Ms. Cordero provided an overview of preliminary milestones to be completed. In response to a question from Ms. Minkel, Ms. Cordero indicated that the preliminary milestones account for potential supply chain issues.

- 3.0 Ralph C. Wilson, Jr. Centennial Park – MVVA Master Service Agreement Amendment: Pre-Construction Services** – Mr. Parker presented his August 17, 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, Ms. Minkel made a motion to recommend that the Board of Directors: (i) approve an amendment to the MVVA Master Service Agreement in the amount of \$412,401 for pre-construction services at Ralph C. Wilson 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. Burruss and unanimously carried (6-0-0).
- 4.0 Buffalo's Race for Place – General Update** – Ms. Merriweather presented an update regarding Buffalo's Race for Place. A request for proposals (RFP) in connection with the Inner Harbor and Waterfront Public Realm master plan was released yesterday. Proposals are being sought for planning and design work to explore potential streetscape and public realm improvements that could potentially include public spaces, multi-modal transportation and connecting present and future developments along Buffalo's waterfront. BUDC is working with New York State on M/WBE outreach for participation in the RFP. Responses are due September 9<sup>th</sup>. Ms. Merriweather reported that BUDC continues work with the Project for Public Spaces and GoBike Buffalo on the placemaking grant received for the Ellicott Node. The scope and budget are being finalized for the project. 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 reported on a request to the Common Council to approve 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.
- 5.0 Partner Updates** – Mr. Castle reported that Erie County expects to announce next week the names of businesses selected for storefront grant awards. Erie County set aside \$10 million from increased sales tax revenue to provide grants to small businesses for storefront renovations. It is anticipated that there will be 260 storefront grant recipients, with 150-180 to be awarded to businesses in the City of Buffalo. The facade work on the Convention Center is progressing, and substantial completion should be achieved in late October/early November.
- 6.0 Adjournment** – There being no further business to come before the Downtown Committee, upon motion made by Ms. Minkel and seconded by Mr. Castle, the August 17, 2022 meeting of the Downtown Committee was adjourned at 12:30 p.m.

Respectfully submitted,

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Kevin J. Zanner  
Secretary

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**Item 3**

**MEMORANDUM**

**TO: BUDC Downtown Committee**

**FROM: Brandye Merriweather, President**  
**Rebecca Gandour, Executive Vice President**

**SUBJECT: Ralph C. Wilson, Jr. Centennial Park –Biohabitats Proposal for Shoreline Monitoring Services**

**DATE: October 19, 2022**

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The New York State Department of Environmental Conservation and Great Lakes Commission have identified several monitoring requirements (the “Shoreline Monitoring Requirements”) associated with the restoration of vegetation as part of the Ralph C. Wilson, Jr. Centennial Park (“Ralph Wilson Park”) project. The Shoreline Monitoring Requirements include permitting work in the upcoming months as well as pre-construction assessments, review of construction work completed by construction manager at-risk Gilbane, and reporting and monitoring of plant survivability. These reporting requirements are anticipated to extend approximately four (4) years from the completion of Phase 1 of Ralph Wilson Park construction. The cost of this work is for an amount not to exceed \$70,000 and would be paid for with funding from the Ralph C. Wilson Jr. Foundation core park grant #5.

Gardiner & Theobald (“G&T”) and Michael Van Valkenburgh Associates (“MVVA”) are recommending that the Shoreline Monitoring Requirements be performed by Biohabitats, an MVVA subcontractor. Biohabitats is currently part of MVVA’s design team and its specific knowledge of and involvement in the Ralph Wilson Park project makes the company an appropriate single source procurement for the monitoring work.

There have been discussions among the Ralph Wilson Park project team members regarding the appropriate party to contract with Biohabitats. One option discussed was to have the Ralph Wilson Park Conservancy hold the contract as this work involves post-construction monitoring services which would appear consistent with the Conservancy’s role as the manager of the park. We have

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been informed that the Conservancy is not yet in a position to hold the contract from a staffing perspective. Also explored was to have Gilbane hold the contract, but the project team was not comfortable with having Gilbane in that role as the monitoring would involve reviewing work that Gilbane is responsible for in its role as construction manager at risk for the project. Ultimately, the project team determined that BUDC would appear to be in the best position to enter into this agreement, which would be in the form of an amendment to BUDC's existing agreement with MVVA.

BUDC's involvement in the redevelopment of Ralph Wilson Park is principally to act as a funding conduit and to contract for project management and design services through G&T and MVVA, respectively. BUDC's role is not intended to include post-construction obligations relating to the park, for which the Conservancy was formed. The monitoring work includes post-construction obligations, which appears to be a departure from and potential expansion of BUDC's role in the project. Entering into this contract has the potential to establish a precedent with respect to BUDC's role in the project and BUDC is seeking Committee input regarding this matter.

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**Item 4**

**MEMORANDUM**

**TO:** BUDC Downtown Committee  
**FROM:** Brandye Merriweather, President  
Kevin J. Zanner, Secretary  
**SUBJECT:** Buffalo Building Reuse Loan Program Payment Resolution  
**DATE:** October 19, 2022

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On June 15, 2015, the Buffalo Urban Development Corporation (BUDC) entered into a Funds Custodian and Administration Agreement (Agreement) with Pursuit (f/k/a NYBDC Local Development Corporation) to administer the Buffalo Building Reuse Loan Program (BBLRP).

Following staff review of the program and in accordance with Section 11 of the Agreement, BUDC invoiced Pursuit for deal sourcing, screening, approvals, closing and the annual BUDC administrative fee. A detailed break-down of the project loans are below:

Deal sourcing	Main/Cathedral	\$ 5,000
Deal sourcing	Phoenix Brewery	5,000
Deal sourcing	Alexandre Apartments	5,000
Annual fee*	2015	11,250
Annual fee	2016 – 2021	90,000
	<b>Total due</b>	<b>\$ 116,250</b>

\* Beginning April 1, 2015, consistent with Administrator annual fee.

BUDC staff requested that Pursuit, as Administrator, approve the payment in accordance with the terms of the Agreement. Pursuit has been paid in full for all their fees. After review, Pursuit asked that the invoice be presented to the BUDC Board as some of the fees go back several years.

**ACTION:** We are requesting that the Committee recommend that the invoice be presented to the Board of Directors for approval and for the Board to authorize the President or Executive Vice President to take such actions as are necessary to facilitate prompt payment.

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