

## Buffalo Urban Development Corporation

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## Buffalo Urban Development Corporation Real Estate Committee Meeting

**Tuesday, February 15, 2022 at 8:30 a.m.**  
**Via Video Conference Call & Live Stream Audio**

### Agenda

- 1) Approval of Minutes – Meeting of January 18, 2022 *(Approval) (Enclosure)*
- 2) Northland Beltline – Community Outreach - Marketing Services Agreement *(Approval) (Enclosure)*
- 3) Northland Beltline Corridor
  - a) Northland Central – Phase I Construction Additional HVAC Work Claim Update *(Informational)*
  - b) Northland Corridor – Tenant & Property Management Updates *(Informational)*
  - c) Northland Corridor – Community Solar & Microgrid Project *(Informational)*
  - d) Northland Corridor - NWTC/ESD/BUDC MOU *(Informational)*
  - e) Northland Corridor – Build Back Better Update *(Informational)*
  - f) Northland Corridor - Misc. Project Management Updates (631 Northland, 541 E. Delavan, and Albright Knox Northland) *(Informational)*
- 4) Buffalo Lakeside Commerce Park - *(All Are Information Items)*
  - a) Various Parcels – Zephyr Investors Update
  - b) 193 Ship Canal Parkway - Prospect Update
  - c) Buffalo Lakeside Commerce Park Property Owners Association
- 5) 308 Crowley Update *(Information)*
- 6) Adjournment *(Approval)*

**Minutes of the Meeting  
of the  
Real Estate Committee  
of  
Buffalo Urban Development Corporation**

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

**January 18, 2022  
12:00 p.m.**

**Committee Members Present:**

Janique S. Curry  
Thomas A. Kucharski  
Kimberley A. Minkel, Chair  
Dennis M. Penman

**Committee Members Absent:**

Brendan R. Mehaffy  
Maria R. Whyte

**Officers Present:**

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

**Guests Present:** Alexis M. Florczak, Hurwitz & Fine, P.C.; Laurie Hendrix, BUDC Administrative Coordinator; Thomas Mancuso, Mancuso Business Development Group; Antonio Parker, BUDC Project Manager; Phil Riggs, ECIDA; and Paul Tronolone, Empire State Development.

**Roll Call:** The meeting was called to order at 12:16 p.m. A quorum of the Committee was present.

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 – Meeting of December 14, 2021** – The minutes of the December 14, 2021 Real Estate Committee meeting were presented. Mr. Penman made a motion to approve the meeting minutes. The motion was seconded by Ms. Curry and unanimously carried (4-0-0).

**2.0 308 Crowley – Sale of Vacant Land to Enterprise Folding Box Co., Inc.** – Ms. Merriweather presented her January 18, 2022 memorandum regarding the proposed sale to Enterprise Folding Box Co., Inc. of an additional 2.082 +/- acres of vacant land at 308 Crowley. Ms. Merriweather noted that an appraisal was obtained, and the property is being sold at a price that exceeds the appraised value. In response to a question from Mr. Penman, Mr. Zanner confirmed that the land sale agreement includes provisions that protect BUDC from environmental liabilities. At the conclusion of the discussion, Ms. Curry made a motion to recommend that the

Board of Directors (i) approve the sale of a 2.082 +/- acre parcel at 308 Crowley to Enterprise Folding Box Co., Inc. (or an affiliated entity), for the sale price of \$60,000.00; and (ii) authorize each the President and Executive Vice President to execute and delivery any and all agreements, instruments and documents and take all actions that are necessary or appropriate on behalf of King Crow, LLC in connection with the sale of the parcel and closing of the transaction. The motion was seconded by Mr. Kucharski and unanimously carried (4-0-0).

Ms. Merriweather then reported that SHPO has determined that the clock tower and smokestack structures on the property may be included as part of the phase 2 demolition work. The Committee discussed whether the clock tower might serve as an amenity for the site and asked about the cost of maintaining the tower. Ms. Merriweather indicated she would inquire with the City Department of Permits and Inspections.

**3.0 Northland Central – Manna Culinary Second Lease Amendment** – Mr. Penman made a motion for the Committee to enter into executive session to discuss the financial or credit history of Manna Culinary in connection with a proposed lease modification. The motion was seconded by Mr. Kucharski and unanimously carried (4-0-0). At the conclusion of discussion in executive session, Mr. Penman made a motion to exit executive session, which was seconded by Mr. Kucharski and unanimously carried (4-0-0). No votes were taken during executive session.

Ms. Curry then made a motion to (i) recommend that the Board of Directors approve a lease amendment with the Manna Culinary Group Inc. consistent with the terms outlined in Ms. Gandour's January 18, 2022 memorandum to the Committee; and (ii) authorize the President or Executive Vice President to execute the lease amendment on behalf of 683 Northland Master Tenant, LLC. The motion was seconded by Mr. Penman and unanimously carried (4-0-0).

#### **4.0 Northland Beltline Corridor**

**(a) Northland Central – Phase I Construction Additional HVAC Work Claim Update** – Mr. Zanner presented a brief update to the Committee regarding this item.

**(b) Northland Corridor –Tenant & Property Management Updates** – Mr. Mancuso presented the Northland Corridor tenant and property management update. A tenant meeting was held on January 6, 2022, and a safety committee has been formed to coordinate policies and procedures for emergency shutdowns, fire drills and inclement weather. Bank on Buffalo will begin renovations to its Northland location soon and anticipates opening in March 2022. Mr. Mancuso also updated the Committee regarding a drain problem at Retech's space and the retention of a plumbing contractor to re-work the plumbing. Gates for 631 Northland have been ordered, and there is a potential prospect for the building.

**(c) Northland Corridor – Community Solar & Microgrid Project** – Ms. Gandour reported that BUDC staff met with Frey Electric, the Workforce Training Center and ESD to discuss the solar curriculum component of the project. This is the final component to be addressed before BUDC submits its request to ESD for the remaining \$1.8 million in funding for the project. Mr. Tronolone added that once this information is received, ESD's review process is anticipated to take several weeks before the scope of work for phase 2 of the project is finalized.

**(d) Northland Corridor – NWTC/ESD/BUDC MOU** – Ms. Gandour reported that the equipment inventory update has been completed and BUDC received an updated list of equipment at the end of December 2021. BUDC and the Workforce Training Center are reviewing the list and will coordinate with ESD to incorporate the list into the MOU.

- (e) **Northland Corridor – Build Back Better Update** – Ms. Gandour reported that BUDC staff attended a Build Back Better kickoff meeting on January 6<sup>th</sup> with UBRI, ESD, InBN and other partners. The draft phase 1 budget has been prepared for submission to EDA. BUDC's share of the budget is approximately \$46,000, which will primarily be used to cover staff time for pre-development activities associated with Northland Corridor projects at 631 Northland, 777 Northland, 537 E. Delavan and 644 Northland. Phase 2 applications are due March 15<sup>th</sup>, and BUDC will assist with the application process. Mr. Tronolone indicated that grant awards are anticipated to be announced by EDA in late third quarter of 2022.
- (f) **Northland Corridor – Misc. Project Management Updates** – Ms. Gandour reported that 683 Northland was one of three projects featured in the National Parks Service Annual Report on Economic Impact and Historic Tax Credits.

## 5.0 **Buffalo Lakeside Commerce Park**

- (a) **Various Parcels – Zephyr Investors Update** – Ms. Gandour reported that the multi-party agreement with Zephyr Investors has been executed in connection with Zephyr's request for consent to submit applications to the Brownfield Cleanup Program. Mr. Zanner then provided an overview of the community benefits provisions in the Land Sale Agreement between BUDC and Zephyr and the social equity requirements under the Marijuana Regulation and Taxation Act (MRTA) that applicants are required to comply with as part of the initial license application and renewal process.
- (b) **193 Ship Canal Parkway – Prospect Update** – Ms. Gandour indicated that GW Burnett continues to work with its environmental consultant regarding the Brownfield Cleanup Program project for this site. NYSDEC has indicated that it is receptive to subdividing the parcel. Once this issue is resolved, BUDC anticipates moving forward with a land sale agreement with GW Burnett.
- (c) **Buffalo Lakeside Commerce Park Property Owners Association** – Ms. Gandour reported that the POA held its annual Members and Board of Directors annual meetings and a new Board of Directors was appointed.

6.0 **2021 Authority Budget Office Property Report** – Ms. Gandour reviewed the draft property report with the Committee. No properties were acquired by BUDC in 2021. The report reflects that two properties were sold in 2021: 255 Ship Canal Parkway to Uniland and a portion of 308 Crowley to Enterprise Folding Box Co., Inc.

7.0 **2021 Property and Liability Insurance Renewals** – Ms. Gandour reported that she and Ms. Profic met with representatives from Lawley to review BUDC's coverages and have completed the insurance renewal process.

8.0 **Adjournment** – There being no further business to come before the Committee, upon motion made by Mr. Kucharski, seconded by Mr. Penman and unanimously carried, the January 18, 2022 meeting of the Real Estate Committee was adjourned at 1:06 p.m.

Respectfully submitted,

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Kevin J. Zanner  
Secretary

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**Item 2**

**MEMORANDUM**

**TO: BUDC Real Estate Committee**

**FROM: Brandye Merriweather, President**

**RE: Northland Beltline – Community Outreach - Marketing Services Agreement**

**DATE: February 15, 2022**

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Since March 1, 2015, Mustard Seed World Consulting Group (“Mustard Seed Consulting”) has been working with BUDC to provide community outreach and marketing services for the Northland Beltline project. Mustard Seed Consulting has become an integral part of our efforts in the Northland Corridor. Mustard Seed Consulting has provided outreach services under consecutive contracts.

BUDC is looking to enter into an additional contract with Mustard Seed World Consulting for community outreach services, promotion of campus opportunities, coordination of community events and other marketing services, all in a continued effort to attract additional investment to the Northland Corridor. The consulting fee rate is \$85 per hour, which is the same rate agreed to in the initial consulting agreement. Total payments are not expected to exceed \$25,000.

The BUDC procurement policy authorizes the Real Estate Committee to approve contracts that do not exceed the amount of \$25,000, provided that the amount is within budgetary limits as confirmed by the BUDC Treasurer. Should the Committee approve this request, BUDC staff will report on the approval at the February meeting of the BUDC Board of Directors.

**ACTION:**

I am requesting that the BUDC Real Estate Committee approve BUDC entering into a consulting agreement with Mustard Seed Consulting at an hourly rate of \$85 per hour, with total payments not to exceed \$25,000 and authorize the President or Executive Vice President to execute the consulting agreement and take such actions as may be necessary to implement this action.

Hon. Byron W. Brown, Chairman of the Board • Dennis Penman, Vice Chairman • Brandye Merriweather, President  
Rebecca Gandour, Executive Vice President • Mollie Profic, Treasurer • Atiqa Abidi, Assistant Treasurer • Kevin J. Zanner, Secretary