

**Minutes of the Meeting
of the
Board of Directors
of
Buffalo Urban Development Corporation**

Via Video Conference Call & Live Stream Audio

**December 21, 2021
12:00 p.m.**

Directors Present:

Mayor Byron W. Brown (Chair)
Trina Burruss
Daniel Castle
James W. Comerford
Janique S. Curry
Dennis W. Elsenbeck
Darby Fishkin
Dottie Gallagher
Thomas Halligan
Thomas A. Kucharski
Brendan R. Mehaffy
Dennis M. Penman (Vice Chair)
Darius G. Pridgen
Maria R. Whyte

Directors Absent:

Michael J. Finn
Kimberley A. Minkel
David J. Nasca

Officers Present:

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

Guests Present: Cristina Cordero, Gardiner & Theobald; Alexis M. Florczak, Hurwitz & Fine, P.C.; Ellen E. Grant, Deputy Mayor, City of Buffalo; Kevin Gulvin, Gardiner & Theobald; Arthur Hall, BUDC Senior Project Manager; Lisa Hicks, Office of Strategic Planning; Jamee Lanthier, ECIDA Compliance Officer; and Antonio Parker, BUDC Project Manager.

1.0 Roll Call – Mayor Brown called the meeting to order at 12:06 p.m. The Secretary called the roll, and a quorum of the Board was determined to be present. Ms. Burruss and Mr. Halligan joined the meeting prior to the presentation of agenda item 3.1. Agenda item 4.5 was presented prior to agenda items 4.1 and 4.2.

The meeting was held via Zoom in accordance with the provisions of Part E of Chapter 417 of the Laws of 2021, which amended Article 7 of the Public Officers Law to authorize public entities 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 Approval of Minutes – Meeting of November 30, 2021** – The minutes of the November 30, 2021 meeting of the Board of Directors were presented. Ms. Gallagher made a motion to approve the meeting minutes. The motion was seconded by Ms. Curry and unanimously carried (12-0-0).

Following the presentation and approval of the minutes, Mayor Brown recognized Mr. Comerford for his service to the City of Buffalo and as a member of the Board of Directors and wished him well in his retirement. Mayor Brown also informed the Board that Mr. Hall is leaving BUDC for the private sector and thanked him for his contributions as BUDC Senior Project Manager.

3.0 Monthly Financial Reports

- 3.1 683 Northland Master Tenant, LLC Financial Statements** – Ms. Profic presented for information purposes the financial statements for 683 Northland Master Tenant, LLC for the period ending November 30, 2021.

- 3.2 BUDC Consolidated Financial Statements** – Ms. Profic presented the consolidated financial statements for BUDC and its affiliates, 683 Northland LLC and 683 WTC, LLC for the period ending November 30, 2021. Mr. Kucharski made a motion to accept the BUDC consolidated financial statements. The motion was seconded by Mr. Comerford and unanimously carried (14-0-0).

4.0 New Business

- 4.1 Ralph C. Wilson, Jr. Centennial Park – Gardiner & Theobald CD Phase Cost Estimate** – Mr. Parker presented his December 21, 2021 memorandum regarding a proposed change order to the Gardiner & Theobald agreement. The change order is for a cost estimate at the 50 percent construction document (CD) phase of the project in the amount of \$50,000. These services are recommended by the Centennial Park project team, which includes Gardiner & Theobald, BUDC and the City of Buffalo and are necessary to ensure the project is completed within its current budget. This item was reviewed by the Downtown Committee at its December 15, 2021 meeting and recommended for Board approval. Following Mr. Parker's presentation, Mr. Mehaffy made a motion to: (i) approve an amendment to the agreement in order for Gardiner & Theobald to provide the Construction Documents Cost Estimate in the amount of \$50,000; and (ii) authorize the President or Executive Vice President to execute such documents and take such actions as may be necessary to implement this action. The motion was seconded by Mr. Pridgen and unanimously carried (14-0-0).

- 4.2 Ralph C. Wilson, Jr. Centennial Park – Gardiner & Theobald Contract Extension Amendment** – Mr. Parker presented his December 21, 2021 memorandum regarding a proposed amendment to the Gardiner & Theobald agreement. The initial agreement, approved by the BUDC Board on November 26, 2019, provided for Gardiner & Theobald's project and cost management services through December 2021. An amendment to the agreement in the amount of \$1,885,000 is requested for Gardiner & Theobald to continue its services through the procurement and construction phases of the project. This item was reviewed by the Downtown Committee at its December 15, 2021 meeting and recommended for Board approval. Following Mr. Parker's presentation, Mr. Mehaffy made a motion to: (i) approve the amendment to the Agreement to extend Gardiner & Theobald's project and cost management services through the procurement and construction phases of the Centennial Park project in the amount of \$1,885,000; and (ii) authorize the President or Executive Vice President to execute such documents and take such actions as

may be necessary to implement this action. The motion was seconded by Mr. Penman and unanimously carried (14-0-0).

4.3 Buffalo Lakeside Commerce Park– Property Owners Association – Ms. Gandour presented her December 21, 2021 memorandum regarding the proposed governance structure for Buffalo Lakeside Commerce Park Property Owners Association, Inc (POA). Following Ms. Gandour's presentation, Mr. Kucharski made a motion to: (i) approve the proposed slate of Directors and Officers for the POA; (ii) authorize the calling of a membership meeting of the POA for the purpose of electing the POA Board of Directors; and (iii) authorize the calling of a POA Board of Directors meeting for the purpose of electing officers. The motion was seconded by Ms. Burruss and unanimously carried (14-0-0).

4.4 Buffalo Lakeside Commerce Park – Project Update – Ms. Gandour reported that the Zephyr Investors project continues to move forward. It is anticipated that the multi-party agreement approved by the Board at the November meeting will be executed soon.

4.5 Ralph C. Wilson, Jr. Centennial Park – Project Update – Ms. Gandour reported that representatives from Gardiner & Theobald team presented a detailed project update at the December 15, 2021 meeting of the Downtown Committee, which included a report that the schematic design and design development phases have been completed, and that the project team is currently at the 50% completion mark for the construction documents phase. Coordination with Harbor Pointe HOA has continued, and two options have been presented with respect to the grading and flooding conditions in the area. Ms. Gandour also noted that the work completed by the Army Corp of Engineers on the shoreline has held up well, even with respect to recent inclement weather. Ms. Gandour also noted that representatives from Gardiner & Theobald were available to address any questions regarding the project.

4.6 Northland Beltline Corridor Update – Mr. Hall presented the Northland Beltline Corridor Project update as follows:

Northland Central – NWTC/ESD/BUDC Memorandum of Understanding: The report on the inventory update has not yet been made available but will be reviewed once received.

683 Northland: GURF #20 in the amount of \$47,272.85 is under review by ESD, and it is anticipated that a response will be received soon.

Solar Microgrid (Substation): Frey and BUDC recently met to discuss clean energy and community benefit standards. Testing has been completed on the substation and cleaning of debris is expected to move forward shortly.

Management/Maintenance: Bank on Buffalo continues to move forward with the design for its 683 Northland location and is anticipated to open in January 2022. The Mancuso Group has scheduled a tenant meeting for January 26, 2022. Garwood Medical has installed the red shed ramp and railing gate. The Mancuso Group has selected Fox Fence to restore and repair the gate at 631 Northland. Murals by Albright Knox at the Chelsea lot at 714 Northland have been completed. The landscaping/snow removal contractor (Landscape Associates) has transitioned its services to snow removal.

Build Back Better Grant Update: Western New York was selected as a finalist in the Build Back Better grant competition and will compete in the second stage of the competition for additional grant funding.

Northland Video Series (“A Neighborhood of Opportunity Video”): Sandy White and her marketing team have scheduled meetings with videographers to capture video footage and drone shots of the Northland Corridor. There will be four videos which are currently being edited.

4.7 Race for Place Project Update – Ms. Merriweather presented an update regarding the Race for Place initiative. Review of proposals for the Smart Corridor RFP issued by the City of Buffalo are underway. Go Bike Buffalo, Wendel and others are exploring implementation options with respect to the Ellicott Street Placemaking Strategy. A Loan Committee meeting will be rescheduled for January to discuss proposed changes to the BBRP loan program. The holiday edition of Queen City Pop-Up recently wrapped up and was very successful for the participating small businesses.

4.8 308 Crowley Project Update – Mr. Parker reported that Regional Environmental Demolition continues to work through the SHPO process. The phase 2 demolition work is anticipated to begin in early January. Ms. Merriweather added that BUDC counsel continues to work through the appraisal process with respect to the sale of another parcel of land to Enterprise Folding Box.

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. Comerford and seconded by Ms. Fishkin, the December 21, 2021 Board of Directors meeting was adjourned at 12:47 p.m.

Respectfully submitted,

Kevin J. Zanner, Secretary