

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

**95 Perry Street  
Buffalo, New York  
November 16, 2018  
9:00 a.m.**

Committee Members Present:

Thomas A. Kucharski  
Brendan R. Mehaffy  
Craig A. Slater (Chair)  
Maria R. Whyte

Committee Members Absent:

Janique S. Curry  
Kimberley A. Minkel  
Dennis M. Penman

Officers Present:

Peter M. Cammarata, President  
David A. Stebbins, Executive Vice President  
Brandye Merriweather, Vice President  
Mollie Profic, Treasurer  
Atiqa Abidi, Assistant Treasurer

Guests Present: Dawn Boudreau; ECIDA Compliance Officer; Evan Y. Bussiere, Esq., Hurwitz & Fine, P.C.; John Cleary, Gilbane Building Company; Douglas W. Dimitroff, Esq., Phillips Lytle LLP; James Fink, *Buffalo Business First*; Rebecca Gandour, City of Buffalo Office of Strategic Planning; and Brett Stiehler, Gilbane Building Company.

**Roll Call** – Evan Y. Bussiere, serving as acting Secretary, called the roll at 9:10 a.m. A quorum of the Committee was present. The Chair requested that items 1-4 of the meeting agenda be deferred until after the presentation of the matters in item 5.0.

**1.0 BLCP & Northland Central Prospect Presentation** - Mr. Cammarata stated that the Committee will hear a presentation regarding a project involving the proposed sale of land at Buffalo Lakeside Commerce Park and leasing of space at 683 Northland. He also reported that there are updates to present to the Committee regarding a Northland property acquisition opportunity (item 2.0 of the meeting agenda), a proposed BLCP sale transaction (item 3.0 of the meeting agenda) and proposed sublease transactions at 683 Northland (item 4.0 of the meeting agenda). Ms. Whyte made a motion for the Committee to enter into executive session to discuss the proposed real estate sales, acquisitions and leasing transactions on the basis that discussion of these proposed transactions could substantially affect the value of the properties. Ms. Whyte's motion was seconded by Mr. Kucharski and unanimously carried. At the conclusion of executive session, Mr. Kucharski made a motion to exit executive session. The motion was seconded by Ms. Whyte and unanimously carried. No votes were taken during executive session.

**2.0 Northland Property Acquisition Opportunity** – This item was covered as part of the executive session for item 1.0.

**3.0 BLCP Property Sale Transaction** - This item was covered as part of the executive session for item 1.0.

**4.0 Northland Central Subleases** - This item was covered as part of the executive session for item 1.0.

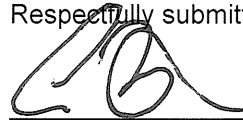
**5.0 Northland Beltline Project**

- (a) **Start-Up NY Affiliation Agreement** – Mr. Stebbins presented the draft Affiliation Agreement between the University of Buffalo and NorDel II, LLC for the Start-Up NY program. Under this agreement, certain vacant space at 631 Northland will be designated as tax free areas under the Start-Up NY program. Mr. Stebbins stated that the designation will provide for increased marketing opportunities. An affiliation agreement is necessary due to the not-for-profit status of NorDel II, LLC, the owner of the 631 Northland property. He also indicated that UB is also seeking to designate the remaining vacant space at 683 Northland as tax free areas, although an affiliation agreement would not be necessary because the 683 Northland property is owned by 683 Northland LLC, a for-profit entity. Mr. Kucharski made a motion to recommend that the Board of Directors approve the Affiliation Agreement for the 631 Northland property. The motion was seconded by Mr. Mehaffy and unanimously carried.
- (b) **683 Northland Phase 1 Contingency Authorization** – Mr. Stebbins presented a handout which sets forth the shared savings that has been realized to date in connection with Phase I of the project. Mr. Stebbins requested that the Committee consider transferring \$210,000 of the savings back into the owner's contingency to cover additional expenses incurred by the project for temporary weather protection, HVAC and plumbing changes, access control revisions and emergency power expenses. Ms. Whyte made a motion to recommend that the Board of Directors approve the transfer of \$210,000 from savings to the owner's contingency in order to fund the additional expenses. The motion was seconded by Mr. Mehaffy and unanimously carried.
- (c) **683 Northland Phase I – Gilbane Change Order #7 Update** - Mr. Cammarata presented a handout regarding change order No. 7. The construction costs remain within the \$600,000 change order amount. He also stated that there will be a need for additional temporary weather protection and that Gilbane will re-purpose some of the Phase 1 weather protection materials for use in Phase 2.
- (d) **683 Northland Phase I – GMP & Construction Update** - Mr. Cammarata presented a handout and stated that Phase 1 of the project is 98% complete. Unit heaters have been added in cool spots at the project and Gilbane has been adjusting the ductwork as necessary now that the cold weather has arrived. He also stated that Phase I M/WBE utilization and minority/women workforce participation percentages are still on track.
- (e) **683 Northland Phase II – GMP & Construction Update** – Mr. Cammarata presented a brief update on Phase II of the project. Select demolition and remediation work is ongoing and the 1964 section of the roof has been replaced. Underground plumbing and electrical work is underway and the Gilbane field office has been relocated from the exterior trailers to a temporary interior space. He also noted that the WBE utilization percentages were waning due to the limited number of available qualified WBE contractors.
- (f) **683 Northland – BMW Sub-Lease Update** – Mr. Stebbins reported that the final version of the sublease had been circulated to BMW for signature.

- (g) **683 Northland – BCP Update** – Mr. Stebbins reported that BUDC is still waiting for the environmental easement, but that the easement is expected to be recorded by the end of the year.
- (h) **612 Northland – Construction, Contracting & Change Order Update** – Mr. Stebbins informed the Committee that the roof and masonry work is 98% complete and that the windows are expected to be delivered and installed on the west and south walls of the building by February.
- (i) **577 Northland – Public Art Contract Update** – Mr. Stebbins reported that the public art agreement with John Baker is progressing and will be finalized and executed soon.
- (j) **Restore NY Funding Update** – Mr. Stebbins reported that the Restore NY IV grant disbursement agreement with ESD has been executed by the City of Buffalo. The Restore NY V grant disbursement agreement will be presented to the ESD Board for approval shortly. He also noted that a construction manager will need to be hired for the 541 East Delavan project.
- (k) **Northland Avenue Road & ROW Construction Update** – Mr. Stebbins reported that the road is now officially open to traffic and that temporary striping has been laid down with permanent striping to be added when the weather permits. An additional traffic signal is expected to be installed, and National Grid is in the process of changing out the old streetlight bulbs with LED lighting.
- (l) **Nordel II (BUDC)/City of Buffalo Land Swap Update** – Mr. Stebbins reported that the appraisal for the City of Buffalo parcels has been completed and that BUDC and the City are striving to complete the transfer sometime after the first of the year.
- (m) **Plesh Gate & Land Swap Issues** – Mr. Bussiere reported that BUDC and legal counsel will be conducting a site walkthrough with the owners of Plesh and their counsel on November 20<sup>th</sup> to map out the final swap dimensions and finalize the new location of the Chelsea gate.
- (n) **Northland Marketing** – Mr. Stebbins stated that press for the Northland Workforce Training Center has been widespread and that the open house event held on November 15<sup>th</sup> was a success. He also stated that there will be a new NWTC ad in the next Buffalo Business First Book of Lists.

**6.0 Adjournment** – Upon motion made by Ms. Whyte, seconded by Mr. Kucharski and unanimously carried, the November 16, 2018 meeting of the Real Estate Committee was adjourned at 11:05 a.m.

Respectfully submitted,



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Evan Y. Bussiere  
Acting Secretary