

**Minutes of the Real Estate Committee Meeting**  
**Buffalo Urban Development Corporation**  
**95 Perry Street**  
**Buffalo, New York 14203**  
**July 19, 2016**  
**12:00 p.m.**

**Call to Order**

Committee Members Present:

Janique S. Curry  
Thomas A. Kucharski  
Brendan R. Mehaffy  
Kimberley A. Minkel  
Dennis M. Penman  
Christopher J. Schoepflin  
Craig A. Slater (Chair)

Committee Members Absent:

Maria R. Whyte

Officers Present:

Peter M. Cammarata, President  
David A. Stebbins, Executive Vice President  
Brandy Merriweather, Vice President  
Kevin J. Zanner, Secretary  
Bradley Bach, Assistant Treasurer

Others Present: Dawn Boudreau, ECIDA; Grant Lesswing, ECIDA; Thomas Mancuso, Mancuso Business Development Group, Inc.; and Dennis Sutton, City of Buffalo.

**Roll Call** – The meeting was called to order at 12:05 p.m. The Secretary called the roll and a quorum was determined to be present. Ms. Curry joined the meeting during the presentation of item 3(c). Mr. Penman joined the meeting during the presentation of item 4(b).

- 1.0 Approval of Meeting Minutes** – The minutes of the June 22, 2016 meeting of the Real Estate Committee were presented. Mr. Mehaffy made a motion to approve the meeting minutes. The motion was seconded by Ms. Minkel and unanimously carried.
- 2.0 Brownfield Property Opportunities** – There was no update on this item.
- 3.0 Northland Corridor Updates**
- (a) **ESD Grant Disbursement Agreement II (Z415)** – Mr. Cammarata informed the Committee that the ESD Board of Directors approved a grant disbursement agreement with BUDC in the amount of 10.3 million dollars for the Northland Corridor project. The NYS Public Authorities Control Board approved the grant on May 25<sup>th</sup>. In order to process the grant funding, BUDC is required to authorize acceptance of the grant funding and execution of the grant disbursement agreement. Mr. Mehaffy made a motion to recommend that the Board of Directors accept ESD grant funding in the amount of 10.3 million dollars for the Northland Corridor project and authorize the President or Executive Vice President to execute the grant disbursement agreement with ESD. The motion was seconded by Ms. Minkel and (with Mr. Schoepflin abstaining) carried with five affirmative votes (5-0-1).

- (b) **537 East Delavan – NYSDEC Order on Consent** – Mr. Cammarata presented the proposed NYSDEC Order on Consent with respect to the voluntary inclusion of the 537 East Delavan Avenue site in the NYS Superfund program. Mr. Cammarata indicated that the NYSDEC recently reclassified the property from a class IV site to a class II site, which was necessary in order for the property to qualify for the NYS Superfund program. Mr. Zanner then reviewed the Order on Consent with the Committee, noting that the terms of the Order are unchanged from the terms negotiated with NYSDEC counsel earlier this year. In response to a question from Mr. Mehaffy, Mr. Stebbins indicated that Brownfield Cleanup Program tax credits would not be available because the Superfund project work is expected to result in an environmentally remediated site. Mr. Cammarata added that a private cleanup is unlikely given the scope of the site's environmental challenges.

There being no further discussion, Mr. Kucharski made a motion to recommend that the Board of Directors approve the Order on Consent and authorize the President or Executive Vice President to execute and deliver the Order on Consent to NYSDEC. The motion was seconded by Ms. Minkel and unanimously carried.

- (c) **537 East Delavan (Heat Treatment Building Design)** – Mr. Cammarata and Mr. Stebbins reported on a proposal to engage Kathleen Kinan, R.A. to perform limited design services for the heat treatment building at 537 East Delavan Avenue. The property on which this building is situated will not require environmental remediation, and the building, with some work, can be repurposed as a pilot project for the Northland Corridor. Mr. Mancuso explained that one of the goals of this pilot project is to design and redevelop this building to position it for use by start-ups, entrepreneurs and neighborhood groups. Copies of Ms. Kinan's July 12, 2016 proposal were circulated and reviewed to the Committee. The scope includes completion of preliminary drawings and code change work at a cost not to exceed \$9000. The Committee discussed the proposal. In response to a question from Mr. Schoepflin, Mr. Cammarata indicated funding for this work would come from the Buffalo Brownfields Redevelopment Fund, not the ESD grant. Mr. Mancuso indicated that the space could be utilized for a single tenant, but noted that there are other buildings in the Northland Corridor project area, specifically 631 Northland, that are more appropriate for single tenant users. Mr. Mancuso estimated that it would cost in the range of \$350,000 to \$500,000 for the building shell. Mr. Mehaffy suggested that the consultant provide a design for both a multiple tenant scenario and a single tenant scenario. There being no further discussion, Ms. Minkel made a motion to approve the retention of Kathleen Kinan, R.A. to provide the design and consulting services as specified in her July 12, 2016 proposal at a cost not to exceed \$9000. The motion was seconded by Mr. Schoepflin and unanimously carried.
- (d) **683 Northland – Rehabilitation Tax Credit RFP** – Mr. Stebbins reviewed the proposed request for proposals for legal and accounting services relating to historic tax credits work for 683 Northland Avenue. The Committee discussed the inclusion of an M/WBE requirement in the RFP, and Ms. Curry indicated that she would provide Mr. Stebbins with sample documentation from a similar solicitation. At the conclusion of the discussion, Ms. Minkel made a motion to approve issuance of the request for proposals. The motion was seconded by Mr. Kucharski and unanimously carried.
- (e) **683 Northland – BCP Application/RIWP Task Order** – Mr. Cammarata presented proposed Task Order No. 6 for LiRo Engineers to prepare a remedial investigation work plan for 683 Northland Avenue at a cost of \$3846.00. Mr. Cammarata noted that this work will be performed under the original LiRo contract, which requires Board approval of all task orders. Ms. Minkel made a motion to recommend that the Board of Directors approve Task Order No. 6 with LiRo Engineers in the form presented to the Committee. The motion was seconded by Mr. Kucharski and (with Mr. Schoepflin abstaining) carried

with five affirmative votes (5-0-1).

- (f) **683 Northland – NEPA Compliance** – Mr. Stebbins reported on the completion of a noise study as required for NEPA compliance. He also reported that a meeting with consulting parties is scheduled for July 27<sup>th</sup> at Mount Olive Baptist Church, which is required for Section 106 compliance.
- (g) **683 Northland – Construction Management RFQ** – Mr. Stebbins informed the Committee that BUDC received ten submissions for construction management services. Many of the teams included significant M/WBE participation. The next steps in the process include developing a shortlist and interviewing candidates in August.
- (h) **683 Northland – ESD Training Center RFP & SUNY Partners** – Mr. Schoepflin reported that ESD received three proposals in response to the ESD training center RFP. Interviews will take place on July 20<sup>th</sup>.
- (i) **683 Northland – NYSERDA Energy Modeling - Pathfinder** – Mr. Cammarata reported on BUDC's June 28<sup>th</sup> informational meeting with Sustainable Performance Consulting. BUDC's project consultant, Watts Architecture & Engineering, also participated in the meeting.
- (j) **577 Northland – Pre-development Services Contract** – Mr. Cammarata reviewed with the Committee the supplemental work authorization form issued by LaBella Associates to complete the environmental remediation work at 577 Northland relating to the removal of an underground storage tank. This work will be performed under BUDC's contract with the consultant at a cost of \$11,925.00 and is within the original budgeted amount under the contract.
- (k) **SHPO & Federal Section 106 Compliance** – This item was covered as part of the update in 3(f).
- (l) **Northland Avenue Road & ROW Infrastructure Design** – Mr. Stebbins reported on the coordination between BUDC's consultant, Watts Architecture & Engineering, and the City's consultant, Clark Patterson Lee with respect to the Northland Avenue road and right-of-way improvements project. The preliminary cost estimate for the project is three million dollars and will include green infrastructure elements that utilize the property at 577 Northland Avenue.
- (m) **National Grid Economic Development Program Applications** – Mr. Stebbins reported that BUDC submitted two applications for National Grid grant funding for the Northland Corridor project. National Grid recently approved the grant application relating to the Northland Avenue road and right-of-way improvements project. Approval of the second application, relating to the 683 Northland Avenue workforce training center, is pending.
- (n) **Community & Business Outreach/Neighborhood Plan** – There was no update on this item.
- (o) **M/WBE and Workforce Participation** – There was no update on this item.

#### 4.0 **Buffalo Lakeside Commerce Park Updates**

- (a) **Parcel 4 Superfund Site** – Mr. Cammarata reported that according to NYSDEC's contractor, there is now a sense of urgency on the part of NYSDEC to begin work on this project during this construction season.
- (b) **Parcel 3 Cap Verification for ERP Close-out** – Mr. Cammarata circulated the June 29,

2016 proposal from Arcadis to complete the cap verification work at Ship Canal Commons as required by the NYSDEC in order to close out the ERP project. The total cost of the work is \$12,900.

(c) **Development Prospects** – Mr. Cammarata reported on two development prospects for Buffalo Lakeside Commerce Park properties.

(d) **193 Ship Canal Parkway – BCP** – There was no update on this item.

**5.0 Adjournment** – Upon motion made by Mr. Mehaffy, seconded by Ms. Minkel and unanimously carried, the July 19, 2016 meeting of the BUDC Real Estate Committee was adjourned at 1:05 p.m.

Respectfully submitted,



Kevin J. Zanner, Secretary