

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

***Center for Excellence in Bioinformatics & Life Sciences
701 Ellicott Street, 2nd Floor—The Event Space Conference Room B2-205
Buffalo, New York 14203***

**September 26, 2023
12:00 p.m.**

Directors Present:

Catherine Amdur
Scott Bylewski
Daniel Castle
Dennis W. Elsenbeck
Thomas Halligan
Thomas A. Kucharski
Brendan R. Mehaffy
Kimberley A. Minkel
David J. Nasca
Dennis M. Penman (Vice Chair)
Karen Utz

Directors Absent:

Mayor Byron W. Brown (Chair)
Trina Burruss
Janique S. Curry
Darby Fishkin
Dottie Gallagher
Elizabeth Holden
Nathan Marton
Darius G. Pridgen

Officers Present:

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

Guests Present: Jonathan Epstein, *The Buffalo News*; Alexis M. Florczak, Hurwitz Fine P.C.; Soma Hawramee, ECIDA Compliance Officer; Laurie Hendrix, ECIDA Administrative Coordinator; Brian Krygier, Director of IT, ECIDA; Antonio Parker, BUDC Project Manager; Angelo Rhodes, Northland Project Manager.

- 1.0** **Roll Call** – The meeting was called to order at 12:09 p.m. by Vice Chair Penman. The Secretary called the roll of directors and a quorum of the Board was determined to be present. Ms. Utz left the meeting during the presentation of agenda item 4.4.
- 2.0** **Approval of Minutes – August 29, 2023 Meeting** – The minutes of the August 29, 2023 meeting of the Board of Directors were presented. Mr. Kucharski made a motion to approve the meeting minutes. The motion was seconded by Mr. Nasca and unanimously carried (11-0-0).
- 3.0** **Monthly Financial Reports** – Ms. Abidi presented for information purposes the financial statements for 683 Northland Master Tenant, LLC for the period ending August 31, 2023. She then presented the consolidated financial statements for BUDC and its affiliates, 683 Northland LLC and 683

WTC, LLC for the period ending August 31, 2023. Ms. Minkel made a motion to accept the BUDC consolidated financial statements. The motion was seconded by Ms. Utz and unanimously carried (11-0-0).

4.0 New Business

4.1 BUDC Office Sublease Amendment – Ms. Merriweather presented her September 26, 2023 memorandum regarding the amendment to the BUDC office sublease. Following the presentation, Mr. Bylewski made a motion to: (i) approve the sublease arrangement with ECIDA upon the terms and conditions described in the September 26, 2023 Board memorandum and contingent on the ECIDA Board of Directors' approval of the sublease arrangement with BUDC at its September 27, 2023 meeting; and (ii) authorize the BUDC President or Executive Vice President to execute the amendment and extension to the sublease with such modifications as may be necessary or appropriate and take such other actions as are necessary to implement this authorization. The motion was seconded by Ms. Amdur and unanimously carried (11-0-0).

4.2 Ralph Wilson Park – Sixth Amendment to BUDC-COB Wilson Foundation Subgrant Agreement – Mr. Parker presented his September 26, 2023 memorandum regarding the proposed sixth amendment to the BUDC-City of Buffalo subgrant agreement. Following the presentation, Mr. Halligan made a motion to: (i) approve the sixth amendment to the BUDC-City of Buffalo subgrant agreement allowing BUDC to transfer up to \$8,760,053.00 from Wilson Grant #7 to the City of Buffalo for Phase 1 of the Project's construction; (ii) modify the allocation of Wilson Grant #5 funding in the Third Amendment to the Subgrant Agreement from \$3,280,416.00 to \$3,219,251.00; and (iii) authorize the BUDC President or Executive Vice President to execute the Sixth Amendment to the Subgrant Agreement and take such other actions as are necessary to implement this authorization. The motion was seconded by Mr. Castle and unanimously carried (11-0-0).

4.3 Northland Corridor – ESD Solar Microgrid GDA Amendment – Mr. Rhodes presented his September 26, 2023 memorandum regarding a proposed amendment to the ESD Solar Microgrid grant disbursement agreement. Following the presentation, Ms. Amdur made a motion to: (i) approve the Empire State Development grant award in the amount of \$1,800,000; (ii) approve BUDC's 1% commitment fee in the amount of \$18,000, to be paid through the Buffalo Brownfields Redevelopment Fund; and (iii) authorize each of the BUDC President or Executive Vice President to execute the Grant Agreement and any related grant documents and agreements, and to take such other actions as may be necessary or appropriate to implement this authorization. The motion was seconded by Mr. Eisenbeck and (with Ms. Utz abstaining) carried with ten affirmative votes (10-0-1).

4.4 Northland Corridor Project Update – Mr. Rhodes and Ms. Gandour provided an update regarding Phase 3 of the Northland Corridor project. LaBella Associates recently completed work to determine the cost of design, and pricing for certain design aspects came back higher than expected. BUDC staff will meet with LaBella next week to discuss value engineering that may be available to design Phase 3 within the budget. Ms. Merriweather added that the selection committee completed interviews for 631 Northland's A&E and grant administration services RFP. It is anticipated that the selection committee will present its recommendation at the October Real Estate Committee meeting.

4.5 Ralph Wilson Park – Project Update Presentation – Mr. Parker presented an update regarding the Ralph Wilson Park project. Dredging work continues at the shoreline. Demolition of the existing concrete wall is underway, and stone is being installed near the Park's concourse. Ms. Gandour added that the Ralph Wilson Park Conservancy has been working to keep the public informed of the project. Mr. Mehaffy and Mr. Penman added that the Conservancy's outreach to the community has been robust.

4.6 Buffalo’s Race for Place Project Update – Ms. Merriweather presented an update regarding Buffalo’s Race for Place. Work on the Waterfront Improvement Plan continues, as additional outreach sessions were recently held with neighborhood organizations. BUDC has extended the timeframe for project deliverables. BUDC is working with MIG and the City on a survey tool to obtain public feedback on the Waterfront Improvement and Smart Streets Design plans. Installation of the new lighting system for the library underpass is complete and will operate with the City’s lighting system. Additional lighting elements are anticipated to be incorporated in the future. Ms. Merriweather thanked the City of Buffalo, Project for Public Spaces, General Motors, and the Buffalo and Erie County Public Library for their assistance and contributions towards this project. Mr. Mehaffy noted that a public meeting will take place Thursday, September 28, 2023 regarding the City’s Smart Streets Design Plan. Mr. Kucharski also noted that Invest Buffalo Niagara has coordinated with the Buffalo Bills and Buffalo Sabres to host out-of-state events in connection with Buffalo’s Race for Place initiative to identify Buffalo natives looking to return to the area.

4.7 Buffalo Lakeside Commerce Park Project Update – Ms. Gandour presented an update regarding Buffalo Lakeside Commerce Park. The exclusivity agreement for 193 Ship Canal Parkway with Savarino was terminated due to Savarino’s lack of payment. BUDC has been in contact with one prospect that has expressed interest in 193 Ship Canal Parkway. Ms. Gandour thanked Invest Buffalo Niagara for quickly updating BLCP’s brochure to re-market the property. Ms. Gandour also reported that the City submitted comments to the draft TENORM guidance issued by the NYSDEC, and thanked Ms. Minkel and Jason Paananen from the City of Buffalo for their work on this issue. BUDC staff and counsel continues to work on the property owners association’s solar field assessment. Ms. Merriweather added that discussions continue regarding the three-party MOU between BUDC, Zephyr and Landon & Rian relating to MWBE compliance monitoring.

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, on motion made by Mr. Mehaffy, seconded by Mr. Kucharski and unanimously carried (10-0-0), the September 26, 2023 meeting of the Board of Directors was adjourned at 12:41 p.m.

Respectfully submitted,



Kevin J. Zanner, Secretary