

Buffalo Urban Development Corporation

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Buffalo Urban Development Corporation Real Estate Committee Meeting

Tuesday, August 22, 2023 at 12:00 p.m.
95 Perry Street, 4th Floor Vista Room

Agenda

- 1) Approval of Minutes – Meeting of July 20, 2023 (*Approval*) (*Enclosure*) (Pages 2-4)
- 2) Northland Corridor – Acceptance of NYSDOS Grant for BOA Designation (*Recommendation*) (Pages 5-6)
- 3) Northland Beltline Corridor - (*All Are Information Items*)
 - a) Northland Central – Northland Workforce Training Center Proposed Lease
 - b) Northland Central – Phase I Construction Additional HVAC Work Claim Update
 - c) Northland Corridor – Tenant & Property Management Updates
 - d) Northland Corridor – Build Back Better Challenge Grant A&E, Inspection and Grant Administration Services Update
 - e) Northland Corridor – 631 Northland A&E, Inspection and Grant Administration Services RFP
- 4) Buffalo Lakeside Commerce Park - (*All Are Information Items*)
 - a) Draft DEC TENORM Policy Update
 - b) Buffalo Lakeside Commerce Park Property Owners Association
 - c) Zephyr Compliance
 - d) 193 Ship Canal Parkway Update
 - e) 80, 134, 158 and 200 Ship Canal Parkway Update
- 5) BUDC Office Sub Lease Update (*Information*)
- 6) Executive Session
- 7) Adjournment (*Approval*)

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

**95 Perry Street
Buffalo, New York
July 20, 2023
12:00 p.m.**

Committee Members Present:

Scott Bylewski
Elizabeth A. Holden
Thomas A. Kucharski
Kimberley A. Minkel, Chair
Dennis M. Penman

Committee Members Absent:

Janique S. Curry
Brendan R. Mehaffy

Officers Present:

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

Guests Present: Michael Alexander, BBRC Board member (via Zoom); Alexis M. Florczak, Hurwitz Fine P.C.; Talia Johnson-Huff, ECIDA Project/Facilities Manager; Thomas Mancuso, Mancuso Business Development Group; Michael Montante, Uniland; Antonio Parker, BUDC Project Manager; Angelo Rhodes, Northland Project Manager; and Paul Tronolone, Empire State Development.

Roll Call: The meeting was called to order at 12:06 p.m. A quorum of the Committee was not present. Informational items 3(b) and (c) were presented first. Mr. Kucharski joined the meeting during the presentation of item 3(c), at which time a quorum of the Committee was present. Mr. Bylewski joined the meeting during the presentation of item 3(d).

1.0 Approval of Minutes – Meeting of June 15, 2023 – The minutes of the June 15, 2023 Real Estate Committee meeting were presented. Ms. Holden made a motion to approve the meeting minutes. The motion was seconded by Mr. Kucharski and unanimously carried (4-0-0).

2.0 Northland Beltline– Community Outreach – Marketing Services Agreement– Ms. Merriweather presented her July 20, 2023 memorandum regarding a proposed Community Outreach Marketing Services Agreement for the Northland Beltline Corridor. Following this presentation, Mr. Penman made a motion to: (i) approve BUDC entering into a consulting agreement with Mustard Seed Consulting at an hourly rate of \$100 per hour, with total payments not to exceed \$25,000; and (ii) authorize the President or Executive Vice President to execute the consulting agreement and take such actions as may be necessary to implement this authorization. The motion was seconded by Mr. Kucharski and unanimously carried (4-0-0).

3.0 Northland Beltline Corridor

- (a) **Northland Central – Northland Workforce Training Center Proposed Lease** – Ms. Gandour and Mr. Mancuso reported that The Economic Development Group, Inc. d/b/a Northland Workforce Training Center (NWTC) has submitted a letter of intent to lease the former SparkCharge space at 683 Northland. NWTC is proposing a ten-year lease on a triple net basis, with the initial base rent set at \$3,600 per month. The Training Center has asked for its proposed lease to be contingent on its receipt of grant funding by September 30th. Following this presentation, Mr. Kucharski made a motion to recommend that the BUDC Board of Directors: (i) authorize 683 Northland Master Tenant, LLC to enter into a lease with The Economic Development Group, Inc. upon the terms set forth in this memorandum; and (ii) authorize the President or Executive Vice President to execute a lease agreement with The Economic Development Group, Inc. and take such other actions as are necessary and appropriate to implement this authorization. The motion was seconded by Mr. Penman and unanimously carried (4-0-0).
- (b) **Northland Central – Phase I Construction Additional HVAC Work Claim Update**
Mr. Zanner reported that an initial litigation budget has been prepared and circulated to BUDC staff. Ms. Gandour added that the budget includes estimates for pre-trial and trial costs. The budget will be shared and reviewed with the Audit & Finance Committee when preparing the 2024 budget.
- (c) **Northland Corridor – Tenant & Property Management Updates** – Mr. Mancuso presented the Northland Corridor tenant and property management updates. A tenant cookout was held June 23rd. Tenants held a safety committee meeting to discuss text-based communications in the event of emergencies. The feed to the substation was lost on July 6th for 36 hours as the result of a grid supply cable failure. Snowstorm debris removal was completed in order for architectural and geological work to move forward for Northland Phase 3.
- (d) **Northland Corridor – Build Back Better Challenge Grant A&E, Inspection and Grant Administration Services Overview** – Ms. Gandour presented an update regarding A&E, inspection, and grant administration services for the Build Back Better Challenge Grant. The second Northland Stakeholder Advisory Committee meeting was held on July 20th. A project update was presented to community members. Questions were received regarding the community solar aspect of the project and its benefit to residents. Ms. Merriweather added that housing projects within the area and collaborative efforts to elevate the Northland Campus were also discussed. The Northland Beltline Taxpayers Association's National Night Out will take place in August. BUDC staff is working with LaBella Associates to determine timing on regulatory board approval for Phase 3 design. Construction is anticipated to start in 2024.
- (e) **Northland Corridor – 631 Northland A&E, Inspection and Grant Administration Services RFP** – Ms. Merriweather introduced Northland Project Manager Angelo Rhodes, who provided an update to the Committee regarding the 631 Northland A&E, inspection and grant administration services RFP. Responses to the request for proposals for A&E, inspection and grant administration services for 631 Northland is due Monday, July 24th. BUDC has posted a Q&A from questions received from several interested companies regarding the project.

4.0 Buffalo Lakeside Commerce Park

- (a) **Buffalo Lakeside Commerce Park Property Owners Association** – Ms. Gandour reported that the Property Owners Association will be meeting after the Real Estate Committee meeting.

- (b) **Zephyr Compliance** – Ms. Merriweather introduced Talia Johnson-Huff, who has succeeded Phil Riggs in overseeing property management at BLCP and was on the selection committee for Zephyr’s compliance monitoring services. A kick-off meeting for the compliance monitoring services was held on July 13th. The three-party MOU for the compliance monitoring services is anticipated to be fully executed by the end of the week.
- (c) **80, 134, 158 and 200 Ship Canal Parkway** – Ms. Gandour indicated that there was no update on this item.
- (d) **193 Ship Canal Parkway Update** – Ms. Gandour reported that Savarino has executed the exclusivity agreement relating to the property. Ms. Gandour also noted that the NYSDEC has issued a draft TENORM policy and written comments are being accepted for a period of sixty days.

5.0 Executive Session – None.

6.0 Adjournment – There being no further business to come before the Committee, on motion made by Mr. Kucharski, seconded by Mr. Penman and unanimously carried, the July 20, 2023 meeting of the Real Estate Committee was adjourned at 12:29 p.m.

Respectfully submitted,

Kevin J. Zanner
Secretary

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Item 2

MEMORANDUM

TO: BUDC Real Estate Committee
FROM: Angelo Rhodes II, Project Manager
SUBJECT: Northland Corridor – NYSDOS Grant for BOA Designation
DATE: August 22, 2023

In 2022, and in furtherance of development in the Northland Corridor, BUDC submitted a grant application to the New York State Department of State (NYSDOS) for funding to hire a professional consultant to update, complete and submit the Brownfield Opportunity Area (BOA) Nomination Plan for the Northland Corridor that was previously drafted by BUDC staff. A BOA designation for the Northland Corridor will expand economic and environmental opportunities within the area and would be the first BOA to benefit East Buffalo.

The NYSDOS approved BUDC’s grant application for an award in the amount of \$87,750. BUDC will receive 25% of the grant award as an advance payment from the NYSDOS, with the remaining funding reimbursed to BUDC on a quarterly basis based on costs incurred. The NYSDOS has circulated a grant agreement and agency and program specific terms and conditions (the “Grant Agreement”). Under the terms of the Grant Agreement, BUDC is required to provide a ten percent (10%) match of funds in the amount of \$9,750. This match will be provided through the Buffalo Brownfields Redevelopment Fund and will be included in the proposed 2024 BUDC budget, contingent on approval from the BUDC Board of Directors. The terms of the Grant Agreement also specify that BUDC achieve MWBE utilization and participation goals set by NYSDOS and submit semi-annual project status reports and MWBE utilization reports throughout the life of the project. The term of the grant will run from November 1, 2023 through October 31, 2028.

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

ACTION:

I am requesting that the BUDC Real Estate Committee recommend that the Board of Directors: (i) approve the New York State Department of State grant award in the amount of \$87,750; (ii) approve BUDC's 10% match of funds in the amount of \$9,750, to be provided through the Buffalo Brownfields Redevelopment Fund and reflected in the proposed 2024 BUDC budget; 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.