

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

**95 Perry Street  
Buffalo, New York  
November 20, 2023  
12:30 p.m.**

**Committee Members Present:**

Scott Bylewski  
Janique S. Curry  
Elizabeth A. Holden  
Thomas A. Kucharski  
Brendan R. Mehaffy

**Committee Members Absent:**

Kimberley A. Minkel, Chair  
Dennis M. Penman

**Officers Present:**

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

**Guests Present:** Alexis M. Florczak, Hurwitz Fine P.C.; Talia Johnson-Huff, ECIDA Project and Facilities Manager; Antonio Parker, BUDC Project Manager; and Angelo Rhodes II, Northland Project Manager.

**Roll Call:** The meeting was called to order at 12:39 p.m. A quorum of the Committee was determined to be present. Ms. Curry joined the meeting during the presentation of agenda item 2(d).

**1.0 Approval of Minutes – Meeting of September 21, 2023** – The minutes of the September 21, 2023 Real Estate Committee meeting were presented. Mr. Kucharski made a motion to approve the meeting minutes. The motion was seconded by Mr. Bylewski and unanimously carried (4-0-0).

**2.0 Northland Beltline Corridor**

**(a) Northland Corridor – Tenant & Property Management Updates** – Mr. Rhodes presented the tenant and property management updates for the Northland Corridor. The final fall cleaning is being completed at Northland. Mr. Rhodes reported that Northland is experiencing an increase in stolen Kias and removal of personal items from vehicles parked in Northland parking lots. The property management team has been in communication with the Buffalo Police Department (BPD) and has been exploring options for increased security measures. Ms. Gandour noted that one tenant, Buffalo Manufacturing Works, is required as part of its operating practices to report incidences to the U.S. Department of Homeland

Security. Additional security would be a BUDC cost and it does not appear that these costs can be passed on to tenants through their leases. Additional security for two individuals to patrol the parking lot during the weekends, which is when these incidents generally occur, would cost approximately \$10,000 per month. The Committee expressed reluctance about this option given the magnitude of the cost and effectiveness in terms of patrolling the entire campus. The Committee suggested exploring other more cost-effective strategies to limit access to the parking lots during the weekends.

- (b) **Northland Corridor – Tenant & Property Management RFP Update** – Mr. Rhodes reported that six proposals were received in response to the request for proposals issued for tenant and property management services at Northland. The selection committee will include representatives from BUDC, the City of Buffalo Office of Permits and Inspections, and the Office of Strategic Planning. The selection committee may select up to four firms to advance to interviews with the selection committee, which will be held on December 11<sup>th</sup>.
- (c) **Northland Central – Build Back Better Challenge Grant A&E, Inspection and Grant Administration Services Update** – Mr. Rhodes presented an update regarding A&E, inspection, and grant administration services for the Build Back Better Challenge grant. LaBella Associates met with representatives from the Buffalo Sewer Authority regarding Northland sewer lines. The substation design for the campus microgrid was approved by National Grid. Bids are anticipated to be released in spring 2024.
- (d) **Northland Central – 631 Northland Update** – Ms. Gandour reported that staff is working with BUDC legal counsel regarding the contract with Wendel for the A&E, inspection and grant administration services for 631 Northland. The contract is expected to be finalized and signed within the next few weeks. Ms. Gandour also noted that Wendel will be asked to make a presentation to Northland stakeholders regarding the project.
- (e) **Northland Corridor – Northland Workforce Training Center Proposed Lease Update** – Ms. Gandour presented an update regarding lease negotiations with the Northland Workforce Training Center (NWTC). NWTC has requested that the lease commence as of January 1, 2024 instead of October 1, 2024, as was originally envisioned. NWTC also requested removal of the 2.5% annual increase in rent. Instead, NWTC proposed pre-paying rent on an annual basis and allowing BUDC to invest these funds in order to make up the 2.5% deficit. BUDC staff noted that they are not in favor of this change. The Committee agreed with staff to reject the proposal.
- (f) **Northland Corridor – Phase I Construction Additional HVAC Work Claim Update** – Mr. Zanner reported that a virtual conference with Judge Chimes' confidential law clerk was held November 9<sup>th</sup>. The court has issued a scheduling deadline for discovery for all materials to be exchanged by the parties on or before December 31, 2023. Counsel for Popli has claimed that it has 13,500 documents that will be provided to BUDC's legal counsel in the upcoming weeks. These documents have not been received to date. BUDC has confirmed that it does not have any additional documents to be disclosed to defense counsel. The next conference with the court will take place on January 31, 2024.

### **3.0 Buffalo Lakeside Commerce Park**

- (a) **BLCP Landscape and Snowplow Services RFP** – Ms. Johnson-Huff reported that a contract has been executed by BUDC and DMJ Property Services for snowplowing and landscaping services at BLCP. Fall cleanup at BLCP began this week and is anticipated to be complete by the end of the week. Ms. Johnson-Huff indicated that she has discussed with DMJ the snow plan for BLCP in order to prevent damage to the Park.

- (b) **193 Ship Canal Parkway Update** – Ms. Gandour reported that Robert Savarino, on behalf of RAS Development Co., has executed the exclusivity agreement. Ms. Gandour noted that the company did not sign the indemnity exhibit to the agreement, which she believes to be an oversight and is requesting this portion of the agreement also be signed.
- (c) **80, 134, 158 and 200 Ship Canal Parkway** – Ms. Gandour reported that there are no new updates regarding these parcels.
- (d) **Buffalo Lakeside Commerce Park Property Owners Association** – Ms. Gandour reported that the Board of Directors of the POA will meet following the conclusion of the Real Estate Committee meeting. Mr. Bylewski will be joining the Board, and a proposal to expand the Board to include a Zephyr representative will be reviewed. Partial assessment bills through September 30, 2023 have been issued to property owners, and 2024 assessment notices will be issued by the end of the month. Uniland has requested additional information regarding ownership percentages relating to a possible modification of the Declaration of Covenants. To date, an acceptable proposal to modify the methodology for calculating Uniland's regular assessment has not been received.
- (e) **Zephyr Compliance** – Ms. Merriweather reported that the three-party MOU has been executed by all parties. Landon & Rian is preparing a baseline to determine Zephyr's employment numbers for compliance purposes. Preliminary information from Landon & Rian indicates that Zephyr's numbers are lower than anticipated, though the extent of that is unclear.

4.0 **Executive Session** – None.

5.0 **Adjournment** – There being no further business to come before the Committee, the November 20, 2023 meeting of the Real Estate Committee was adjourned at 1:11 p.m.

Respectfully submitted,



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Kevin J. Zanner, Secretary