

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

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

**October 25, 2022  
12:00 p.m.**

Directors Present:

Catherine Amdur  
Dan Castle  
Janique S. Curry  
Darby Fishkin  
Thomas A. Kucharski  
Brendan R. Mehaffy  
Kimberley A. Minkel  
David J. Nasca  
Dennis M. Penman (Vice Chair)  
Karen Utz

Directors Absent:

Hon. Byron W. Brown (Chair)  
Trina Burruss  
Dennis W. Elsenbeck  
Dottie Gallagher  
Thomas Halligan  
Darius G. Pridgen

Officers Present:

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

**Guests Present:** Thomas E. Baines, Deputy Commissioner of Planning & Economic Development, Erie County; Alexis M. Florczak, Hurwitz Fine P.C.; Soma Hawramee, ECIDA Compliance Officer; Elizabeth Holden, BUDC Board member (via Zoom); and Antonio Parker, BUDC Project Manager.

- 1.0** **Roll Call** – The meeting was called to order by the Vice Chair at 12:16 p.m. A quorum was not present. Items 4.5 and 4.6 were presented first for informational purposes. Mr. Kucharski joined the meeting during the presentation of agenda item 4.6. At 12:28 p.m., the Secretary called the roll and a quorum of the Board was determined to be present.
- 2.0** **Reading of the Minutes** – The minutes of the September 27, 2022 meeting of the Board of Directors were presented. Mr. Mehaffy made a motion to approve the meeting minutes. The motion was seconded by Ms. Minkel and unanimously carried (10-0-0).
- 3.0** **Monthly Financial Reports** – Ms. Profic presented for information purposes the financial statements for 683 Northland Master Tenant, LLC for the period ending September 30, 2022. She then presented the consolidated financial statements for BUDC and its affiliates, 683 Northland LLC and 683 WTC, LLC for the period ending September 30, 2022. Ms. Minkel made a motion to accept the BUDC

consolidated financial statements. The motion was seconded by Ms. Utz and unanimously carried (10-0-0).

#### **4.0 New Business**

**4.1 2023 683 Northland Master Tenant Budget** – Ms. Profic presented the proposed 2023 budget for 683 Northland Master Tenant, LLC. The budget projects a net cash increase of approximately \$76,853.00. Ms. Fishkin made a motion to approve the 2023 budget for 683 Northland Master Tenant, LLC. The motion was seconded by Mr. Castle and unanimously carried (10-0-0).

**4.2 2023 BUDC Proposed Budget & Three-Year Forecast** – Ms. Profic presented the proposed 2023 budget and 2024-2026 forecast. The Audit & Finance Committee met in September and October to review the proposed budget. While a quorum was not present at the Committee's October meeting, members of the Committee reviewed the proposed budget and are recommending approval. Ms. Profic reviewed the budget narrative and the budgeted sources and uses of funds. Key projected revenue sources in 2023 include \$927,205,000 in grant revenue from the Ralph C. Wilson, Jr. Foundation and Great Lakes Commission for the Centennial Park project, \$5,500,000 in grant revenue from Empire State Development and the Restore NY program, \$4,600,000 in grant revenue from other various sources, rental income of \$1,959,000, and other miscellaneous income as set forth in the proposed budget. Ms. Profic then reviewed the specific sources and uses for each of the BUDC projects and corporate operations and the separate budget detail for the 683 Northland project. The Board discussed the budget. Mr. Penman commented on the 2024-2026 forecast and the importance of focusing on organizational sustainability. There being no further discussion, Ms. Amdur made a motion to approve the 2023 budget and the 2024-2026 forecast. The motion was seconded by Ms. Curry and unanimously carried (10-0-0).

**4.3 Northland Central – 612 Northland Lease with Zephyr** – Ms. Gandour presented the October 25, 2022 memorandum regarding the proposed lease of 612 Northland to Zephyr. Following the presentation, the Board discussed Zephyr's proposed use of Building "A" at 612, the job training needed within the emerging cannabis industry and overall need for additional land and buildings. Ms. Merriweather noted that the Northland Workforce Training Center Board will discuss the proposed memorandum of understanding between Zephyr and the Training Center this month. There being no further discussion. Ms. Minkel made a motion to: (i) authorize NorDel I, LLC to enter into a lease with Zephyr consistent with the terms set forth in the October 25<sup>th</sup> memorandum, including the contingency that Zephyr execute a memorandum of understanding with the Northland Workforce Training Center no later than December 1, 2022; and (ii) authorize the President or Executive Vice President to execute a lease agreement with Zephyr and take such other actions as are necessary and appropriate to implement this authorization. The motion was seconded by Mr. Kucharski and unanimously carried (10-0-0).

**4.4 Buffalo Building Reuse Project – Loan Program Payment Resolution** – Ms. Merriweather presented her October 25, 2022 memorandum regarding invoicing for past due fees owed to BUDC relating to the Buffalo Building Reuse Loan Program. Following the presentation, Mr. Nasca made a motion to approve the invoice and authorize the President or Executive Vice President to take such actions as are necessary to facilitate prompt payment. The motion was seconded by Mr. Mehaffy and unanimously carried (10-0-0).

**4.5 Waterfront/ Ralph C. Wilson, Jr. Centennial Park Project Update** – Mr. Parker presented an update on the Ralph C. Wilson, Jr. Centennial Park Project. Bids for the phase 1 tree clearing are due today. Signage will be placed around the Park starting November 4<sup>th</sup> to inform visitors of the tree removal. This work is anticipated to commence in mid-November and take three to four weeks to complete. On November 3<sup>rd</sup>, an M/WBE matchmaking session will take place at the Bell Center.

- 4.6 BBRP/Buffalo’s Race for Place Project Update** – Ms. Merriweather presented an update regarding Buffalo’s Race for Place. The selection process in connection with the Inner Harbor and Waterfront Public Realm master plan continues, with four respondents from the ten proposals received having been selected for interviews. BUDC continues its work with the Project for Public Spaces on the placemaking grant received for the Ellicott Node project. BUDC is working with Wendel to develop a library underpass lighting concept that fits within the grant’s budget. Construction in the Entertainment District and Court Street continues to move forward. Mr. Parker is working on a location for the holiday edition of the Queen City Pop-Up. On October 20<sup>th</sup>, Ms. Merriweather presented at the AIA annual meeting and highlighted Race for Place, Centennial Park and Build Back Better. Mr. Mehaffy reported on a meeting with the Buffalo Niagara Partnership Board of Directors and its Development Advisory Council that took place earlier today.
- 4.7 Northland Beltline Corridor - Project Update** – Ms. Gandour presented the Northland Beltline Corridor update. She provided an overview of the Build Back Better scope of work and project schedule, including the projected timing on design, construction and completion of each project component. BUDC’s Grant Administration Plan was presented to the Economic Development Administration last week. Once approved, BUDC’s request for proposals (RFP) for A/E and Project Administration will be finalized. Ms. Amdur suggested that the Department of Permits & Inspection Services be consulted early in the process with respect to the battery storage system component of the 541 E. Delavan project.
- 4.8 Buffalo Lakeside Commerce Park – Project Update** – Ms. Gandour presented an update regarding Buffalo Lakeside Commerce Park. Krog and Savarino are both current on payments under their respective exclusivity agreements with BUDC. The Property Owners Association held a Board meeting last week to approve its 2023 budget. 2023 assessments are being prepared by staff and counsel, and proposed assessment changes were also discussed at the POA Board meeting.
- 5.0 Late Files** – Mr. Penman asked Mr. Zanner to present an update regarding the use of videoconferencing for Board and committee meetings. Mr. Zanner provided an overview of recent amendments to the Open Meetings Law that permit the use of videoconferencing. A public hearing is required and the Board would need to adopt a resolution and procedural rules governing videoconferencing. He noted that a quorum of the Board must be present in person in order to permit other Board members to participate via videoconference. Members of the Board agreed that this requirement makes the videoconferencing option less practical and that implementation may pose a challenge. After a discussion, Mr. Kucharski recommended that this item be addressed at the next meeting of the Governance Committee.
- 6.0 Tabled Items** – None.
- 7.0 Executive Session** – None.
- 8.0 Adjournment** – There being no further business to come before the Board of Directors, the October 25, 2022 meeting of the Board of Directors was adjourned at 1:18 p.m.

Respectfully submitted,



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Kevin J. Zanner, Secretary