

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

**95 Perry Street
Buffalo, New York
May 25, 2021
12:00 p.m.**

Directors Present:

James Comerford
Janique S. Curry
Dennis W. Elsenbeck
Michael J. Finn
Darby Fishkin
Dottie Gallagher
Thomas Halligan
Thomas A. Kucharski
Amanda Mays
Brendan R. Mehaffy
Kimberley A. Minkel
Darius G. Pridgen
Craig A. Slater

Directors Absent:

Mayor Byron W. Brown (Chair)
Trina Burruss
David J. Nasca
Dennis M. Penman (Vice Chair)
Maria R. Whyte

Officers Present:

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

Guests Present: Tuona Batchelor, Director of Business Assistance, Office of Economic Development, Erie County Environment & Planning; Evan Y. Bussiere, Hurwitz & Fine, P.C.; Peter M. Cammarata, Cammarata Consulting, LLC; Cristina Cordero, Gardiner & Theobald; Paloma Garcia, Michael Van Valkenburgh Associates, Inc.; Jamee Lanthier, ECIDA Compliance Officer; Andrew Rabb, Deputy Commissioner for Parks and Recreation, City of Buffalo; Paul Seck, Michael Van Valkenburgh Associates, Inc.; and J.J. Tighe, Ralph C. Wilson, Jr. Foundation.

- 1.0 Roll Call** – The meeting was called to order at 12:04 p.m. by Mr. Mehaffy, who served as chair of the meeting. The Secretary called the roll of directors and a quorum of the Board was determined to be present. Mr. Kucharski joined the meeting during the presentation of item 2.0.

The meeting was held via video/telephone conference in accordance with the provisions of Executive Order 202 issued by Governor Andrew Cuomo on March 12, 2020, as amended. The meeting was also live-streamed to the general public and recorded. A transcript of the meeting will be made available at a later date.

- 2.0 Approval of Minutes – Meeting of April 27, 2021** – The minutes of the April 27, 2021 meeting

of the Board of Directors were presented. Ms. Curry made a motion to approve the meeting minutes. The motion was seconded by Ms. Minkel and unanimously carried (13-0-0).

3.0 Monthly Financial Reports – Ms. Profic presented for information purposes the financial statements for 683 Northland Master Tenant, LLC for the period ending April 30, 2021. She then presented the consolidated financial statements for BUDC and its affiliates, 683 Northland LLC and 683 WTC, LLC for the period ending April 30, 2021. Mr. Comerford made a motion to accept the BUDC consolidated financial statements. The motion was seconded by Mr. Pridgen and unanimously carried (13-0-0).

4.0 New Business

4.1 Ralph C. Wilson, Jr. Centennial Park Project Overview –Ms. Merriweather introduced the Centennial Park project management team for a presentation regarding the project, including an update on the sustainability and maintenance strategy as requested by the Downtown Committee. Mr. Seck and Ms. Garcia of MVVA presented first. The design development stage of the project is now complete. The project is entering the construction documents phase, which will last approximately twelve months. Mr. Seck noted that a great deal of community input regarding the elements to be included in the park was gathered through a series of public meetings. Mr. Seck also provided an overview of the seven design concepts that are being incorporated into the project. Ms. Cordero then explained G&T's role as project manager, noting that part of G&T's role involves working with and coordinating with the multiple regulatory agencies involved in the project.

Mr. Rabb then presented an update on the project sustainability and maintenance. He noted that since the beginning of the project, two project requirements have been stressed—that the project must take a community-driven approach to the park's design, use and access and that the project must include a fully sustainable and funded park maintenance plan. Mr. Rabb noted that the Ralph C. Wilson Parks Conservancy has been formed to manage and preserve the park and will meet in June for the first time. He explained the City of Buffalo's role to provide general park maintenance, refuse removal and pool management, and that additional funding from the endowment fund will fund added amenities, including playgrounds, gardens, and landscaping. The question of what can be maintained with respect to design elements in the Project has been part of all conversations. Mr. Rabb also noted that the City is also looking to address shoreline resiliency with respect to storms, and aims to make the shoreline design sustainable. A vertical seawall will help achieve these goals. J.J. Tighe of the Ralph C. Wilson, Jr. Foundation added that the Foundation has been impressed with the engagement and collaboration among the partners throughout the project. With respect to the project's sustainability, he confirmed that the Foundation's endowment is funded in order to support the park.

Mr. Mehaffy thanked the project team for the detailed presentation and opened the floor to Board member questions and comments. In response to a question from Mr. Pridgen, Mr. Rabb indicated that the construction bid documents will be presented to the Common Council for approval. Mr. Pridgen also commented about constituent concerns relating to present and recurrent flooding in the park and the nearby Harbor Point Commons development and he thanked the project team for addressing resident inquiries. Mr. Halligan asked whether a project labor agreement will be entered into for the construction of the project. Mr. Rabb indicated that discussions are ongoing regarding that issue, M/WBE requirements and other construction requirements.

4.2 Ralph C. Wilson, Jr. Centennial Park – MVVA Master Service Agreement Amendment: Construction Document "Package One" – Ms. Gandour presented her May 25, 2021 memorandum regarding construction document package one, which contains both core park and shoreline elements. Construction document package one will be paid for with funding

from the 4th and 5th grant awards from the Ralph C. Wilson, Jr. Foundation. Mr. Pridgen made a motion to (i) approve an amendment to the Master Service Agreement with MVVA in the amount of \$4,509,042 for preparation of construction document package one in support of the Ralph C. Wilson, Jr. Centennial Park project, and (ii) authorize the BUDC President or BUDC Executive Vice President to execute an amendment to the MVVA Agreement and take such actions as are necessary to implement the authorization. The motion was seconded by Mr. Finn and unanimously carried (11-0-0). Ms. Curry and Ms. Gallagher were not present for this vote.

4.3 Ralph C. Wilson, Jr. Centennial Park – MVVA Master Service Agreement Amendment: Construction Document “Package Two” – Ms. Gandour presented her May 25, 2021 memorandum regarding construction package two, containing both core park and shoreline elements. The design for the shoreline is not yet finalized and more time is needed to secure funding for this package. Ms. Gandour noted that some funding for construction package two will be provided by the Foundation’s 4th grant award, but the grant award will not pay for all of package two. Construction document package two also contains a contingency requiring that a minimum of \$10,000,000 in additional capital funding for the waterfront and seawall be secured before the grant award funding can be released. BUDC is working with its partners to secure and advance the design component and additional funding necessary before MVVA can commence work on construction document package two. Mr. Slater made a motion to (i) approve an amendment to the Master Service Agreement with MVVA in the amount of \$929,386 for preparation of construction document package two in support of the Ralph C. Wilson, Jr. Centennial Park project, with a contingency that additional funds must be secured and approved by the BUDC Board of Directors prior to MVVA’s commencement of the work on package two, and (ii) authorize the BUDC President or BUDC Executive Vice President to execute an amendment to the MVVA Agreement and take such actions as are necessary to implement this authorization. The motion was seconded by Mr. Kucharski and unanimously carried (11-0-0).

4.4 RCWJ Centennial Park – Project Update – Ms. Merriweather noted that this item was covered as part of the project team presentation.

4.5 Northland Corridor - Project Update – Ms. Gandour presented the Northland Beltline Corridor Project update as follows:

Community Solar & Microgrid Project Update: BUDC’s consultant, Frey Electric continues to collect data and advance conversations with National Grid and Frey’s subcontractors in order to develop a scope of work for Phase I, which will include updates to the substation. The team is aiming for the community solar portion of the project to be advanced by the end of 2021.

683 Northland: BUDC’s consulting team has completed and submitted the checklist for LEED certification. Once approved, BUDC will submit to NYSERDA to obtain remaining grant funds of approximately \$30,000.00.

612 Northland: The Albright Knox Art Gallery will begin a new exhibition in the summer focused on African American history and culture and will feature local artists Edreys and Alexa Wajed.

537/541 E. Delavan: BUDC staff continues to explore the restart of construction at 541 E. Delavan.

4.6 BBRP/Race for Place Project Update – Ms. Merriweather presented an update on BBRP and the Race for Place project. She noted that BUDC continues to work with the Mayor’s office and partners at M&T Bank on Race for Place initiatives. BUDC will assist the Office of Strategic Planning in the review of the responses to the RFPs for transportation demand management services and the redevelopment of the Mohawk Ramp site. Work on the entertainment district construction

project continues to advance, along with discussions with BUDC's partners Buffalo Place on business improvement district expansion. Ms. Merriweather noted that she has been invited to discuss Race for Place and the Future of Mobility Report at the Massachusetts Department of Transportation conference on May 27, 2021.

4.7 Buffalo Lakeside Commerce Park – Project Update - Mr. Cammarata presented an update on Buffalo Lakeside Commerce Park as follows:

Zephyr LSA: BUDC has received a request from Zephyr for an extension of the due diligence period to allow for time to fulfill New York State licensing requirements relating to the company's proposed cannabis operation. The Real Estate Committee will review the request at its June 22, 2021 meeting.

255 Ship Canal Parkway: Uniland is eager to close this transaction and proceed with the solar project. BUDC and Uniland are waiting for a decision on the Article 78 proceeding brought by Sonwil challenging the land sale transaction.

193 Ship Canal Parkway: BUDC continues to work with a prospect for this property. A meeting is scheduled with the prospective buyer, consultants and NYSDEC for May 28, 2021.

4.8 308 Crowley – Sale of Land/Building to Enterprise Folding Box – Mr. Cammarata reported that signatures have been secured on the memorandum of agreement with SHPO, with full execution expected today. Once fully executed, the project can move forward with the partial demolition work. Approximately \$506,000 in CDBG funds are available for the partial demolition. Mr. Cammarata also reported that LiRo Engineers is the consultant for the City for this work. Bids for the demolition work will be sought in early June, and anticipate the partial demolition will move forward in July. Mr. Bussiere then provided a brief update on the sale of the cinderblock building at 308 Crowley, noting that due diligence period is about to expire for the purchaser. BUDC has provided the purchaser with the survey and update title for the property and is expecting an updated title commitment next week. The transaction is expected to close quickly once the title commitment is received.

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, upon motion made by Mr. Comerford, seconded by Ms. Minkel and unanimously carried, the May 25, 2021 Board of Directors meeting was adjourned at 1:07 p.m.

Respectfully submitted,



Kevin J. Zanner, Secretary