

Minutes of the Board of Directors Meeting
Buffalo Urban Development Corporation
143 Genesee Street
Buffalo, New York 14203
April 26, 2011
12:00 p.m.

1.0 Call to Order

Directors Present:

Catherine M. Braniecki
Dennis W. Elsenbeck
Darren E. Kempner
Thomas A. Kucharski
Woodrow W. Maggard
Brendan R. Mehaffy
Kimberley Minkel
Benjamin N. Oblatz
Christina P. Orsi
Dennis M. Penman (Vice Chair)
Andrew J. Rudnick
Craig A. Slater

Directors Absent:

Hon. Byron W. Brown (Chair)
James W. Comerford
Thomas P. Dee
Hon. David A. Franczyk
Kathy Konst
Sundra L. Ryce

Officers Present

Peter M. Cammarata, President
David A. Stebbins, Vice President
Andrew Schoepfich, Treasurer
Kevin J. Zanner, Esq., Secretary

ECIDA Staff Present: Dawn Boudreau, Compliance Officer.

Guests Present: Keith Bowers, BioHabitats; Willa Kuh, Sasaki Associates; James Lima, HR&A Advisors; Daryl McPherson, City of Buffalo Comptroller's Office; Michael Pratt, Watts Architects & Engineers; Alan Ward, Sasaki Associates; and Jennifer Zielinski, BioHabitats.

Roll Call: The roll of directors was called by the Secretary at 12:00 p.m. and a quorum was determined to be present. Dr. Rudnick left the meeting following the presentation of item 4.7.

2.0 Reading of the Minutes – The minutes of the March 29, 2011 meeting of the Board of Directors were presented. Upon motion made by Ms. Orsi, seconded by Mr. Elsenbeck and unanimously carried, the minutes of the meeting of March 29, 2011 were approved.

3.0 Monthly Financial Report – Mr. Schoepfich presented the BUDC monthly financial report for the period ending March 31, 2011. The cash balance at the end of the period was \$326,983 and unrestricted net assets at the end of the period were \$11,372,765. Year-to-date revenue was \$110,316 and year-to-date expenses were \$145,276, resulting in a year-to-date net loss of (\$34,961). Upon motion made by Mr. Oblatz, seconded by Mr. Mehaffy and unanimously carried, the Board accepted the monthly financial report for the period ending March 31, 2011.

4.0 New Business

- 4.1 **Ship Canal Commons – Supplemental Bid Results** – Mr. Stebbins presented his April 26, 2011 memorandum to the Board regarding the award of a construction contract to Man O'Trees Inc. for supplemental work relating to the Ship Canal Commons project in the amount of \$383,000. Mr. Stebbins noted that Man O'Trees was the only company to submit a bid for the work. The budget for the work is \$450,000, and will be paid for from grants from the NYSDOS Environmental Protection Fund and the Niagara Greenway Commission. The project engineer reviewed the bid and is recommending award of the contract to Man O'Trees Inc.

Upon motion made by Dr. Rudnick, seconded by Mr. Slater and unanimously carried, it was resolved, that the Board accept the bid of Man O'Trees Inc. for supplemental work for the Ship Canal Commons project in the amount of \$383,000, award a contract to Man O'Trees Inc. for the work and authorize the President or Vice President to take such actions and execute such documents or agreements as may be reasonably necessary to implement the work.

- 4.2 **South Buffalo BOA Step 3 Grant – Lead Applicant Resolution** – Mr. Cammarata presented his April 26, 2011 memorandum and a proposed resolution in the form required by the New York Department of State to authorize BUDC to serve as "lead" contractor for the South Buffalo Brownfield Opportunity Area Program Step 3 grant.

Upon motion made by Mr. Maggard seconded by Ms Minkel and unanimously carried it was resolved, that the Board approve the Lead Applicant Standard Resolution for the South Buffalo BOA Step 3 grant

- 4.3 **National Grid ED Grants – 496 Main Street and 295 Niagara Street** – Mr. Cammarata presented his April 26, 2011 memorandum to the Board regarding National Grid Main Street Revitalization Program grants for adaptive reuse projects to be constructed by Ricotta & Visco at 496 Main Street and Sienna Realty at 295 Niagara Street. BUDC's role will be to serve as applicant and pass-thru agent for \$50,000 grants from National Grid on behalf of each entity. Discussion followed regarding the grant program and whether BUDC should charge grant recipients an administrative fee for serving as applicant and pass-thru agent.

There being no further discussion, upon motion made by Mr. Kucharski, seconded by Ms. Braniecki and (with Mr. Elsenbeck abstaining) carried with eleven affirmative votes (11-0-1), it was resolved, that BUDC is hereby authorized to submit applications and serve as pass-thru agents for \$50,000 National Grid Main Street Revitalization Program grants for the Ricotta & Visco and Sienna Realty projects


- 4.4 **Consulting Agreement with Buffalo Niagara RiverKeeper** – Mr. Stebbins presented his April 26, 2011 memorandum regarding a proposed consulting arrangement with the Buffalo Niagara RiverKeeper relating to a shoreline restoration project being undertaken along the Buffalo River on the former Hydroponics site. Mr. Stebbins explained the role of BUDC as project consultant and noted that BUDC would be compensated in the amount of \$17,680 for its services.

Upon motion made by Mr. Kempner, seconded by Mr. Mehaffy and unanimously carried, it was resolved, that the Board approve the entering into by BUDC of a consulting agreement with Buffalo Niagara RiverKeeper to provide assistance with the implementation of a shoreline restoration project along the RiverBend Buffalo River

shoreline for compensation in the amount of \$17,680, and to authorize the President or Vice President to take such actions and execute such documents or agreements as may be reasonably necessary to enter into the consulting arrangement.

- 4.5 **BLCP Phase IV Road & Infrastructure Project - Update** – Mr. Cammarata updated the Board regarding progress on the Phase IV road and infrastructure project. Installation of the storm, sanitary and water lines is complete. It has been determined that no pH liner will be needed for the storm water retention pond, which will reduce the cost of that component of the project by approximately \$45,000. The contractor is working on sanitary pump station, which is about 70% complete. The road will be boxed out this week, and curbing should be installed within the next few weeks. A June 30th completion date is anticipated, weather permitting.
- 4.6 **BLCP Ship Canal Commons/Parcel 3 Open Space Project - Update** – Mr. Cammarata updated the Board regarding progress on the Ship Canal Commons project. The contractor has resumed work on the project, and tree plantings have begun. The foundations for the pedestrian bridge have been poured, and the bridge installation should be complete by the end of the summer. A June 30th completion date is anticipated for the balance of the project.
- 4.7 **BLCP – Erie County Sewer District No. 6 Force Main Project** – Mr. Stebbins updated the Board regarding the Erie County Sewer District No. 6 Force Main project. Erie County is serving as project engineer. The project design is complete. Construction of the project has been bid out, with bids due on May 19th. A contract award recommendation will be presented at the next meeting of the Board. Funding for this project will be provided through the Buffalo Brownfields Redevelopment Fund.
- 4.8 **RiverBend Development Plan – Consultant Presentation** – Mr. Stebbins introduced members of the Sasaki Associates project team. The project team then presented to the Board a detailed overview of the RiverBend Development Plan. A question and answer period followed the presentation.
- 5.0 **Late Files** – None.
- 6.0 **Tabled Items** – None.
- 7.0 **Executive Session** – None.
- 8.0 **Adjournment** – Upon motion made by Mr. Obletz, seconded by Mr. Slater and unanimously carried, the Board of Directors meeting of April 26, 2011 was adjourned at 1:30 p.m.

Respectfully submitted by:


Kevin J. Zanner, Secretary