

# **BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION**

BOARD OF DIRECTORS MEETING MINUTES  
December 12, 2014 – 9:00 AM  
Edward A. Rath County Office Building, Room 1004

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Call to Order by Chairwoman Maria Whyte

Board Members Present: Maria Whyte, Frank E. Krakowski, Joseph L. Maciejewski, David Comerford, Joseph Hogenkamp, James Comerford, Jr., Donna J. Estrich, Timothy Ball, Christina Orsi, Brendan Mehaffy

Board Members Excused: Michael Siragusa

Fiscal Agent Present: Robert Keating

#### ATTENDANCE:

Executive Director Jocelyn Gordon

Assistant Program

Coordinator Alex Carducci

GUESTS: Martin Polowy – Erie County Law Dept. (BENLIC Counsel), Jennifer Sepulveda-Beltre (City of Buffalo – OSP), Joy McDuffie (WNYLC)

#### HAND OUTS:

Agenda; Minutes of October 17, 2014 Board Meeting; Treasurer's Report; Board of Directors 2015 Meeting Calendar; Resolution #2014-18 Attorney General Grant Award; Resolution #2014-21 Disposition of 28 Browning; Resolution #2014-22 Disposition of 32 Browning; Resolution #2014-23 Disposition of 58-64 Burnett Place; Resolution #2014-24 Disposition of 20-26 Whittier Place; Resolution #2014-25 Disposition of 3-7 Lardner court; Resolution #2014-19 Disposition of 8820 State Road; Resolution #2014-20 Disposition of 257 Callodine; BENLIC Travel Policy; BENLIC Compensation, Reimbursement & Attendance Policy; BENLIC Investment & Deposit Policy BENLIC Defense and indemnification Policy; BENLIC Organization Chart; BENLIC Performance Measures; BENLIC Environmental Procedure

#### NEW BUSINESS:

1. Roll Call
2. Approval of Minutes: The minutes of the October 17, 2014 Board of Directors Meeting were presented and reviewed. A motion made by Brendan Mehaffy to approve, seconded by James Comerford, Jr. and unanimously carried as approved.

3. Treasurer's Report: Treasurer Joseph L. Maciejewski presented a Treasurer's Report as of November 21, 2014 balance of (Key Bank) \$585,927.09, Balance reflects deposit of proceeds from sale of 39 Fowler of \$15,231.61 and the REO Donation of \$15,000. Balance new Checking Account at (Key Bank) \$56,558.24. A motion made by David Comerford, to approve, seconded by Donna J. Estrich, and unanimously carried as approved.
4. Adoption of Various Policies (required under Public Authorities Law):
  - Defense & Indemnification Policy. A motion made by Timothy Ball, to approve, seconded by James Comerford. Jr., and unanimously carried as approved.
  - Investment Policy. A motion to change language from (Fiscal Agent) to (Treasurer) throughout the document made by Joseph Maciejewski, to approve, seconded by David Comerford, and unanimously carried as approved. A motion made by Joseph Maciejewski, to approve as amended, seconded by David Comerford, and unanimously carried as approved.
  - Compensation, Reimbursement and Attendance Policy. A motion made by Brendan Mehaffy, to approve, seconded by Joseph Hogenkamp, and unanimously carried as approved.
  - Travel Policy: A motion to change added to Item #3 (as per state standards) for reimbursement rates made by David Comerford, to approve, seconded by Joseph Maciejewski, and unanimously carried as approved. A motion made by Donna J. Estrich, to approve as amended, seconded by Joseph Hogenkamp, and unanimously carried as approved.
  - Evaluation of Board Performance: A motion made by David Comerford, to approve, seconded by James Comerford. Jr., and unanimously carried as approved.
  - Organizational Chart: A motion to add the fiscal agent to the chart made by Joseph Hogenkamp, to approve, seconded by Joseph Maciejewski, and unanimously carried as approved. A motion made by Brendan Mehaffy, to approve as amended, seconded by David Comerford and unanimously carried as approved.
  - Measurement Report: A motion made by Joseph Maciejewski, to approve, seconded by Timothy Ball and unanimously carried as approved.
5. Adoption of Board Meeting Schedule 2015:
  - A motion to change the January meeting to January 23 and also to add August 21 meeting, also establishing the March 20 meeting as BENLIC annual meeting made by James Comerford. Jr., to approve, seconded by Brendan Mehaffy, and unanimously carried as approved. A motion made by David Comerford, to approve as amended, seconded by Joseph Maciejewski and unanimously carried as approved.
6. Disposition of 8820 State Road (Resolution 2014-19)
  - Resolution 2014-19 Authorization to dispose of 8820 State Rd, Colden NY. A motion made by Michael Siragusa to approve, seconded by James Comerford. Jr. and unanimously carried as approved motion to approve.

7. Disposition of 257 Callodine Ave.(Resolution 2014-20)
- Resolution 2014-20 Adoption to dispose of the property of 257 Callodine in the Town of Amherst to New Opportunities Community Housing Development Corporation for the amount of back taxes of \$22,348.46. A motion made by Donna J. Estrich to amend first resolved by adding after Town of Amherst's' official designated CHDO (Community Housing Development Organization), New Opportunities Community Housing Development Corporation, seconded by Timothy Ball and unanimously carried as approved motion to approve. A motion made by James Comerford. Jr. to approve as amended, seconded by Timothy Ball and unanimously carried as approved motion to approve.
8. Disposition of five (5) Town of Tonawanda properties (Resolution 2014-21 thru 25)
- Resolution 2014-21 Disposition of 28 Browning. A motion made by Joseph Maciejewski to approve, seconded by James Comerford. Jr., and unanimously carried as approved motion to approve.
  - Resolution 2014-22 Disposition of 32 Browning. A motion made by David Comerford to approve, seconded by Joseph Hogenkamp and unanimously carried as approved motion to approve.
  - Resolution 2014-23 Disposition of 58-64 Burnett Place. A motion made by Christina Orsi to approve, seconded by Timothy Ball and unanimously carried as approved motion to approve.
  - Resolution 2014-24 Disposition of 20-26 Whittier Place. A motion made by Donna J. Estrich to approve, seconded by Joseph Hogenkamp and unanimously carried as approved motion to approve.
  - Resolution 2014-25 Disposition of 3-7 Lardner Court. A motion made by Timothy Ball to approve, seconded by Joseph Maciejewski and unanimously carried as approved motion to approve.
9. Amendment to Procurement Policy
- Change to Current Policy to Change Section B. Procedures Item #2 Subsection B (changing from greater than \$5,000 to \$10,000 per instance). Also the addition of Section (H) General Requirements adding sections a/b/c. as follows:
    - *H. General Requirements.*
    - *a. Regardless of the value of the Procurement Contract, any Procurement Contract involving services to be rendered over a period exceeding one year must be approved by resolution of the Board.*
    - *b. The form of every Procurement Contract shall be approved by the Corporation's counsel prior to execution.*

- *c. Procurement Contracts which require contractors to perform services on premises owned or controlled by the Corporation shall require proof of Worker's Compensation and proof of liability insurance naming the Corporation as additional insured and shall provide that the contractor indemnifies the Corporation for the negligent acts and omissions of the contractor's employees. When appropriate and at the discretion of the Board, these contracts may further require the contractor to provide proof of environmental pollution insurance. OAG Grant Update \$2.5 Million Awarded to BENLIC.*
- A motion made by David Comerford to approve amendments, seconded by James Comerford Jr., and unanimously carried as approved motion to approve.
- A motion made by James Comerford. Jr. to approve as amended, seconded by Joseph Hogenkamp and unanimously carried as approved motion to approve.

#### 10. OAG Funding Award II Contract Resolution (2014-18)

- Attorney General's Office of New York State Award to BENLIC the amount of \$2.5 Million
- A motion made by Joseph Maciejewski to approve Resolution 2014-18 as written, seconded by Christina Orsi and unanimously carried as approved.

#### 11. Personnel – Retirement / NYS Deferred Compensation Plan

- Recommended changes by the Personal Committee to BENLIC personnel policy regarding retirement adopting resolution to join the State of New York Deferred Compensation Plan (Section 457).
- A motion made by Christina Orsi to approve amendments to Personnel Policy, seconded by Joseph Hogenkamp and unanimously carried as approved motion to approve.

#### 12. OAG/REO Pilot Bid Approvals

- 79 Ellen – Offer of \$56,000 – BENLIC Board in the interest of fairness to the community has decided to proceed with roof repairs and list the property with the MLS System in order to receive the best market on behalf of the local community. A motion made by Christina Orsi to approve action, seconded by Joseph Hogenkamp and unanimously carried as approved motion to approve.
- 1745 Abbott Road Donation items have been assembled and removed from the property and cleanout is continuing with a small delay due to weather conditions.
- Bid on exterior work for 79 Ellen from Village Home Improvements they are rated A+ by the Better Business Bureau. Cost of Repairs \$9,460

- 1745 Abbott Rd. repairs by M&B Contractors has also worked with Erie County's Rehab Loan Program. Cost of repairs \$6,400
- A motion made by James Comerford, Jr. to approve action, seconded by Joseph Hogenkamp and unanimously carried as approved motion to approve

13. Amendment of Rules & Procedures Regarding RFF Process – Proposed Environmental Procedure

- A motion made to approve Erie County SEQR Process for BENLIC by Christina Orsi to approve action, seconded by David Comerford and unanimously carried as approved motion to approve.

14. Strategic Retreat Subcommittee Update

- Jocelyn Gordon to schedule one on one meetings with all board members in order to assemble a draft agenda; will forward additional documents on Strategic Planning by other land banks for consideration by the BENLIC Board of Directors.

15. Message from City of Buffalo by Jennifer Sepulveda – Community Planner, Buffalo

- Judgment of foreclosure on 5,800 properties
- Remove from Foreclosure action 3,700 dues to taxes settlements by owner.
- Properties struck to the City of 170.
- 550 Properties were bidder-acquired at auction.

16. Executive Directors' Report

- RFF process - County-balance (towns and villages, not Cities) have received 14 properties.
- Next month BENLIC will be reviewing City of Lackawanna, City of Tonawanda and City of Buffalo Submissions
- In Rem 162 property deeds delay
- Closes on 39 Fowler for \$15,000
- 45-55 Pyle – Sale Price of \$8,000 approved by town - agreement to close in approximately 45 days
- 3048 William – auction scheduled for 12/15/2014.

17. Adjournment:

- A motion to adjourn was made by Joseph Maciejewski and seconded by Joseph Hogenkamp unanimously carried

NEXT MEETING: Board of Directors – 9 a.m. Friday, January 23, 2015  
Location: Rath County Office Building, Room 1004

Recorded by: Frank E. Krakowski  
Submitted for Approval: Maria R. Whyte  
Adopted by BENLIC Board Members on \_\_\_\_\_