

# **BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION**

**BOARD OF DIRECTORS MEETING MINUTES**  
July 18, 2014 – 9:00 AM  
Edward A. Rath County Office Building, Room 1004

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Call to Order by Board Chair Maria Whyte

## **ATTENDANCE:**

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, Michael Siragusa, Brendan Mehaffy

Board Members Excused: None

Fiscal Agent Present: Robert Keating

Executive Director: Jocelyn Gordon

## **GUESTS:**

Sue Divita - Town of Amherst, Nellie Nespodzinski - Real Property Intern, City of Buffalo

## **HAND OUTS:**

Agenda; Minutes of June 20, 2014 Board Meeting; Treasurer's Report; Property Tax & Maintenance / Foreclosure Draft Proceeds Distribution Policy 2014 (for InRem #162 County of Erie) ; Resolution #: 2014-8 Authorization for BENLIC Executive Director to Bid at in Rem #162 County of Erie Auction; Resolution #: 2014-9 PILOT Property – Wells Fargo Donation 79 Ellen Drive Cheektowaga; Resolution # 2014-10 Hiring BENLIC Assistant Program Coordinator.

## **NEW BUSINESS:**

1. Roll Call
2. Approval of Minutes: The minutes of the June 20, 2014 Board of Directors Meeting were presented and reviewed. A motion was made by James Comerford, Jr. to approve, seconded by David Comerford and unanimously carried as approved.
3. Treasurer's Report: Treasurer Joseph L. Maciejewski presented a Treasurer's Report for the month of June. He noted that on June 3, 2014 BENLIC received the second payment of the AG Grant in the amount of \$277,240.25, all bills have been paid to date leaving a balance of \$611,970.42. A motion made by Timothy Ball, to approve, seconded by Donna J. Estrich, and unanimously carried as approved.

4. Approval of the Proceeds and Distribution Policy for In-Rem #162 County of Erie 2014 Only:

- A motion to approve the policy as written was made by Joseph Maciejewski seconded by David Comerford and unanimously carried as approved.

5. BENLIC Property Acquisition Candidates:

- Resolution #2014-8 Authorization for BENLIC Executive Director to Bid at in Rem #162 County of Erie Auction.

- A. 8820 State Rd. SBL# 243.03-2-6
- B. 100 Sawyer Ave. SBL# 64.12-3-16
- C. 53 West Main St. SBL# 335.15-5-18

**8820 State Rd.** Colden. (Vacant lot, adjacent to Colden Town Hall) The property was historically a gas and service station, long demolished. Property had prior Dept. of Environment Conservation spill reports. Environmental concerns have been addressed and spills cleaned up. DEC Senior Engineer has signed off on the proposed use for the site: Town of Colden is interested in acquisition for expansion of Town's military park. Future contract of sale by BENLIC will include deed restriction on property for public use in perpetuity. [OAG Side Lot Candidate]

**100 Sawyer Ave.,** Tonawanda (Vacant lot, adjacent to transformers owned by PeroxyChem) Adjacent owner PeroxyChem expressed interest to acquire property in the form of a letter of interest to buy property at fair value. BENLIC is required to hold property for seven days before sale could be made, placing BENLIC in the chain of title. Environmental concerns and presence and intent of purchaser to consummate a sale were issues of the Board.

**53 West Main St.** Village of Springville (Vacant lot, adjacent business owner submitted letter of interest in purchasing site at fair assessed value. [OAG Side Lot candidate]

Motions to amend Resolution 2014-8 in whole as well as only in regard to property "B", 100 Sawyer Avenue, were entertained.

A motion to amend Resolution 2014-8 regarding 100 Sawyer Ave. to insert (“Provided that the purchaser in interest of 100 Sawyer Avenue, Tonawanda, New York (SBL# 64.12-3-16) agrees in writing to indemnify, defend and release BENLIC from any and all past, present and future environmental liabilities, while also committing to consummate the sale with BENLIC in advance of the In Rem 162 Auction”) approve by Timothy Ball seconded by Christina Orsi; Opposed by Brendan Mehaffy and carried as approved. A motion to approve as amended by Christina Orsi, seconded by Joseph Maciejewski, opposed Brendan Mehaffy and carried as approved.

The opposition to amend Resolution 2014-8 focused mainly around concern surrounding all three properties and the level of environmental risk BENLIC was required to absorb – if only temporarily. Board member opinion varied on the level of risk appropriate for a Land Bank to absorb.

6. Resolution # 2014-9 PILOT Property Wells Fargo Donation 79 Ellen Drive SBL# 80.20-3-33.

**79 Ellen Drive**, Cheektowaga (Residential property. Real Estate Owned [REO], property owned by Wells Fargo). Property is to be donated to BENLIC along with \$15,000 cash donation for rehabilitation. BENLIC to accept donation of property and undertake as “PILOT” Project. [Possible OAG fund candidate].

- A motion was made to approve the Resolution Policy as written by David Comerford, seconded by Joseph Hogenkamp and unanimously carried as approved.
7. Executive Session regarding Personnel: A motion was made by Brendan Mehaffy to enter Executive session, seconded by James Comerford, Jr., and unanimously carried as approved. Executive Session Started at 10:21 AM Executive Session Ended at 10:32 AM.
    - Resolution # 2014-10 Request Hiring BENLIC Assistant Program Coordinator. A motion to approve the policy as written was made by Michael Siragusa, seconded by David Comerford and unanimously carried as approved.
  8. Establishment of Pay It Forward 5 Year/50% Revenue Sharing Policy/Matrix (Informational)
    - Board needs to address a policy before the 2015 county In Rem auction.

9. Executive Director Report:

- Personnel Update –Retirement Plan.
- City of Buffalo Demolitions
- Strategic Planning Retreat - Topics for discussion include: multi-year financial plan, multi-year budget, funding plan, BENLIC policy review
- PILOT Update: Fowler moving forward with clean out. Bids will be solicited to improve the property to the level required to obtain a mortgage.

10. Adjournment:

- A motion to adjourn was made by Michael Siragusa, seconded by David Comerford, and unanimously carried.

NEXT MEETING: Board of Directors – 9 a.m. Friday, September 19, 2014  
Location: Rath County Office Building, Room 1004

Recorded by: Frank E. Krakowski

Submitted for Approval: Maria R. Whyte

Adopted by BENLIC Board Members on \_\_\_\_\_