

# BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION

BOARD OF DIRECTORS MEETING MINUTES  
September 6, 2013 – 9:00 AM  
Edward A. Rath County Office Building, Room 1004

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Call to Order by Chairwoman Maria Whyte.

## ATTENDANCE:

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

## GUESTS:

Jim Hartz (Town of Tonawanda); James Magavern (WNY Law Center); Rick Gillert (Amherst); Joe Keleman (WNYLC); Jennifer Beltre (COB/OSP); James Bragg (CNF); Charles Markel (Cheektowaga); Martin Polowy (EC Law); Megan Steele (COB/Law)

## HAND OUTS:

Agenda; Minutes of July 19, 2013 Board Meeting; Village of Angola Resolution, Town of Tonawanda Resolution; Draft – Property Tax Maintenance Cost Re-capture Policy; BENLIC Resolution re In Rem 161; BENLIC Resolution re Legal Counsel; BENLIC Resolution re: Insurance Broker; RFF Letter to Municipalities.

## NEW BUSINESS:

1. Roll Call
2. Approval of Minutes: Minutes to remain on table until October 18, 2013 Meeting.
3. Approval of Treasurer's Report: Joe Maciejewski presented the Treasurer's report showing a balance of \$90,000. Donna J. Estrich made a motion to approve report with correction to Date of item number one from 9/5/2012 to 9/5/2013. Seconded by David Comerford. Report adopted unanimously.
4. Working Group Report:
  - Properties for the 2013 Pilot Project were discussed. The addresses for the Pilot Project are: 59 N. Main, Angola, 44A Windwood, Cheektowaga, and 3048 William, Cheektowaga. Property selection for In Rem 161 includes 45-55 Pyle Court in the Town of Tonawanda and potentially 251 University Street in Tonawanda.

- Maria Whyte shared a handout discussing BENLIC Tax Re-capture Policy and Local Distribution Proceeds Policy. Board engaged in general discussion on how funds would be allocated between BENLIC, the FGU'S, and the municipalities. The Board agreed to adopt the Tax Re-capture Policy specifically for the purposes of those properties in the 2013 Pilot Project.
5. Approval of Resolution #2013-3 regarding Proceeds Distribution/Tax Re-Capture policy:
- After the earlier discussion, the Board identified the need to amend Resolution #2013-3.
  - Motion to Amend: (adding Title language to include, “for In Rem 161 and County Liens Transferred to BENLIC in 2013 Only”) by Brendan Mehaffy; seconded by Michael Siragusa; Passed unanimously.
  - Motion to Approve as Amended: by Frank E. Krakowski, seconded by David Comerford. Passed unanimously.
6. Approval of Resolution # 2013-4 regarding 2013 Pilot Project, Erie County In Rem 161, 45-55 Pyle Court.
- The resolution authorizes Maria Whyte to attend the 2013 County In Rem Auction and Bid the back taxes of \$68,711.15 on 45-55 Pyle court, Tonawanda SBL# 65.26-2-1 on behalf of BENLIC.
  - Michael Siragusa made a motion to amend the resolution to change the language FROM: “Resolved, that Chairperson Maria Whyte is authorized to take whatever actions are necessary;” TO: “Resolved, that Chairperson Maria Whyte is authorized, in accordance with the attached resolution by the Town of Tonawanda, to take whatever actions are necessary.” The motion was seconded by Brendan Mehaffy and passed unanimously.
  - A motion to approve the resolution as amended was made by Joseph Maciejewski and seconded by David Comerford. The motion was carried unanimously.
7. Approval of Resolution #2013-5 regarding 2013 Pilot Project, 251 University Street:
- The resolution conditionally authorizes Maria Whyte to attend the 2013 County In Rem Auction and Bid the back taxes of \$39,890.75 on 251 University Street, Tonawanda SBL# 79-30-4-17 after receipt of a completed SIR/MDR form and certified resolution from the Town.
  - A motion to amend the resolution was made by Michael Siragusa to add a Resolved clause stating, “authorization by the BENLIC Board is conditional on the Chair’s approval after consultation with the BENLIC working group.” The motion was seconded by Brendan Mehaffy and carried unanimously.
  - A motion to approve as amended was made by James Comerford, Jr and seconded by Joseph Hogenkamp. The motion was carried unanimously.
8. Approval of Resolution #2013-6 regarding Designation of Legal Counsel:
- The resolution authorizes the Chair to execute a retainer agreement with Mosey Persico, LLP.

- A motion to approve the resolution was made by Joseph L. Maciejewski and seconded by James Comerford, Jr. The motion was carried unanimously.
9. Approval or Resolution #2013-7 regarding Designation of Insurance Broker:
- The resolution designates Lawley Service, Inc. as the BENLIC broker of record and authorizes the Chairperson to complete applications for insurance, bind BENLIC to insurance policies, and report to the Board on any such policies bound and the costs therefore.
  - A motion to approve the resolution was made by David Comerford and seconded by Michael Siragusa. The motion was carried unanimously.
10. Authorization to Submit OAG application:
- A motion was made by Michael Siragusa to authorize Maria Whyte to submit application for funding on behalf of BENLIC to the Office of the Attorney General. The motion was seconded by Joseph L. Maciejewski and carried unanimously.
11. The next Board meeting will be Friday, October 18 at 9 am, Room 1004, Rath Building.
12. Adjournment:
- A motion to adjourn was made by David Comerford and seconded by Timothy Ball. It was carried unanimously.

NEXT MEETING: Board of Directors – 9 a.m. Friday, October 18, 2013  
Location: Rath County Office Building, Room 1004

Recorded by: Frank E. Krakowski  
Submitted for Approval: Maria R. Whyte  
Adopted by BENLIC Board Members on October 18, 2013