

BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION

BOARD OF DIRECTORS MEETING MINUTES
July 17, 2015 – 9:00 AM
Edward A. Rath County Office Building, Room 1004

Call to Order by Vice Chairman Brendan Mehaffy,

ATTENDANCE:

Board Members Present: Joseph L. Maciejewski, Maria R. Whyte, Michael Siragusa, Brendan Mehaffy, James Comerford, Jr., David Comerford, Donna J. Estrich, Christopher J. Schoepflin, Joseph Hogenkamp,

Board Members Excused: Frank E. Krakowski, Timothy Ball, Thomas Dearing

Fiscal Agent Present: Robert Keating

Executive Director Jocelyn Gordon

Assistant Program Coordinator Alex Carducci

GUESTS: Maria Whyte – Erie County Deputy County Executive, OJ McFoy – Buffalo Sewer Authority

HAND OUTS:

Agenda; Minutes of June 17, 2015 Board Meeting; Treasurer's Report; BENLIC-City of Lackawanna Proceeds Distribution Policy, Approval of Bids – 93 Fuller; Approval of Bids – 465 Broad; Resolution #2015-8 Disposition of 3048 William, Resolution #2015-9 Acquisition of 69 Ross, Buffalo; Resolution #2015-10 Disposition of 1745 Abbott Road; OAG Round One Rehab Project Financial Update; Board Chair Maria Whyte's Resignation Letter

NEW BUSINESS:

1. Roll Call
2. Approval of Minutes: The minutes of the June 17, 2015 Board of Directors Meeting were presented and reviewed. A motion was made to approve by David Comerford, Jr. Seconded by Joseph Maciejewski and unanimously carried as approved.

3. Treasurer's Report: Treasurer Joseph Maciejewski presented a Treasurer's Report as of June 30, 2015 balance of (Key Bank) \$116,317.90 and the balance in the checking account at (Key Bank) \$14,188.10 also a balance of \$192,222.50 in M&T Bank Checking. A motion made by David Comerford, to approve, seconded by Michael Siragusa, and unanimously carried as approved.

4. Farewell from Maria Whyte and Dave Comerford

- Maria Whyte's resignation letter and a letter appointing Thomas Dearing to the Board were distributed. Maria Whyte reflected on the accomplishments of BENLIC including completing application to form the land bank through ESD, hiring of staff, successfully applying for millions of dollars in funding from the OAG, working through the issues that became the "pay-it-forward" policy, and developing important policies through innovation and experience. Maria stated that she continues to regard BENLIC as the only truly regional land bank in the State and that BENLIC is unique in its pursuit of strategic planning nationwide. Regarding organizational priorities, Maria considered completion of the Corporation's Strategic Plan, the improvement and streamlining of processes (including acquisition, rehab, and disposition decision-making at the Board level), greater identification of funding sources beyond the OAG funding (at least three "asks") and, finally, completion of a Proceeds Distribution Policy that is final and applies to all FGUs for a period longer than a year (especially the City of Buffalo) , to be the top priorities.
- Dave Comerford commented that the Board has done great work to date and that more great work can and should be done; he also introduced OJ McFoy who he believed would be replacing him at the Sewer Authority and as an official member of the BENLIC Board.

5. Approval of BENLIC-City of Lackawanna Proceeds Distribution Policy for 2015

- Jocelyn Gordon, BENLIC ED, remarked that the Policy would need to be approved as it has required annual approval by the Board, Erie County Legislature and Lackawanna City Council. The City of Lackawanna is in full agreement with the Policy.
- Motion to approve by Chris Schoepflin, seconded by James Comerford. Unanimously carried as approved.

6. Approval of Bids 93 Fuller, City of Buffalo – Exterior Work

Two bids were received for work on Roof & Gutters, Siding, Window and Porch Repair:

- | | |
|------------------------|-----------------|
| • RJ Properties | \$30,745 |
| • Surety Construction | \$42,523 |

The property was an REO donation property that included a cash concession of \$21,500 to BENLIC. The property is an OAG Rd.1

Affordable Candidate. Motion to approve made by Jim Comerford, seconded by Joseph Maciejewski. Unanimously carried as approved.

7. Approval of Bids – 465 Broad St., City of Tonawanda – Complete Work

Four bids were received for the work:

- **Sunset Builders** **\$145,000**
- Picone Construction \$303,200
- Northern Dreams Const. \$207,900
- Landmark Const. \$157,350

Jocelyn Gordon commented that work to receive bids has taken two months on the project, which is a full rehab project. Sunset Builders revised their work scope with consultation from the architects working on the property, and re-bid with a price, **not to exceed \$100,000**.

Motion to approve by Joseph Hogenkamp and seconded by David Comerford and unanimously carried as approved.

8. Resolution #2015-8 Disposition of 3048 William St., Cheektowaga

3048 William St. is a 2013 BENLIC PILOT project. The Town per its SIR/MDR expressed desire to convey the property to adjacent owner, James Roberts. James Roberts has agreed at a purchase price of \$6,000.00. Moved by Joseph Maciejewski, seconded by James Comerford, unanimously carried as approved.

9. Resolution #2015-9 – Acquisition of 69 Ross Ave., Buffalo

69 Ross is a Wells Fargo donation property in Riverside neighborhood. Property comes along with \$15,000 cash concession. Brendan Mehaffy commented that a near-by street Laird is a strategic location for the City and that reinforcing the neighborhood via a rehab on an adjacent street and is a good endeavor for BENLIC. Motion to approve made by David Comerford seconded by Chris Schoepflin and unanimously carried as approved.

10. Resolution #2015-10 – Disposition of 1745 Abbott Road, Lackawanna

Jocelyn Gordon remarked that this property will be the first sold of the OAG candidates. BENLIC put in about \$46,000 into the property for rehab. Realtors suggested that the offer price be \$82,900. Two offers were received, one full price – but dropped off, the other offer was not full price. The Board moved to table the item for action. Resolution was not numbered correct, renumbered to #2015-10, motion by Michael Siragusa and seconded by Joseph Maciejewski and unanimously carried as approved.

11. OAG Grant Projects Update:

- 290 Atlantic Sloan – Jocelyn Gordon explained that a full rehab of the property is underway, no invoices received for work yet.
 - Sales Tax on Corporation Projects – contractor working at 290 Atlantic called for BENLIC’s sales tax exempt number. Staff was unsure of how to proceed with coordinating or finding an existing mechanism (through the State) for extending the number for use for particular work.
- 272 Kohler, Tonawanda – Staff attempted to gauge sale of the property “as-is”; a real estate agent walked through the property and believed that in such poor condition a responsible interested buyer who would rehab the property would not be easily found.

The City Fire Department was interested in using the property for service practice. James Comerford remarked that the City of Buffalo would allow such practice on a house that is asbestos-free and that BENLIC should follow same practice. Mold issues were also remarked as a concern for liability for fire department and neighbors. Joseph Hogenkamp, City of Tonawanda treasurer, will speak with the City fire department regarding these health and safety concerns.

- OAG Second Round Rehabs – Jocelyn Gordon informed the Board that the Corporation is “short” of property in its inventory to meet grant benchmarks for 2016. She noted that at a number of properties “slated” for acquisition at upcoming auction have redeemed and will not appear in the foreclosure auction. Therefore BENLIC cannot acquire. BENLIC staff has combed the list for potentials already in the foreclosure process, and has started to communicate with the respective towns for more information and cooperation to acquire the property. Maria Whyte commented that the Corporation should work quickly and encourage quick work from the towns and villages to receive their required resolutions.

12. Executive Directors Report

- Best Practices - 44 A Windwood Ct. Cheektowaga – 2013 BENLIC PILOT – Jocelyn Gordon explained that in a judicial foreclosure, BENLIC may as acting FGU hold an auction and perhaps dispose to a bidder or may use “super-bid” and acquire the property exclusively. The use of “super-bid” exclusively was considered by the Board, as well as a “pre-development” agreement that considers interested parties’ interest in a property before acquisition by BENLIC – in this sense, the “super bid” is part of a guarantee to acquire. BENLIC Counsel Martin Polowy will work to develop a template of a “pre-acquisition development agreement” for consideration by the Board.

- 53 W Main, Springville – Jocelyn Gordon explained that through the OAG side lot fund, a parking lot plan will be developed by a landscape architect for \$2,500; the goal being that the interested buyer would implement the plan as part of the agreement to purchase. An additional parking lot plan would be for public use only in case the agreement with the interested buyer is not made.
- Strategic Plan – Draft could be ready for August. Business plan draft a longer process.

13. Adjournment:

- A motion to adjourn was made by Michael Siragusa and seconded by David Comerford Unanimously Carried.

NEXT MEETING: Board of Directors – 9 a.m. Friday, August 21, 2015
Location: Rath County Office Building, Room 1004

Recorded by: Alex Carducci
Submitted for Approval: Brendan Mehaffy.
Adopted by BENLIC Board Members on _____