

BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION

BOARD OF DIRECTORS MEETING MINUTES

October 6, 2016 – 11:00 AM
Edward A. Rath County Office Building
95 Franklin Street, Room 1004
Buffalo, New York 14202

Call to Order by Brendan Mehaffy, Chair

ATTENDANCE:

Board Members Present: Brendan Mehaffy, Frank E. Krakowski, Joseph L. Maciejewski, , James Comerford Jr., Donna J. Estrich, Joseph Hogenkamp, Michael Siragusa, Thomas Hersey

Board Members Excused: OJ McFoy, Christopher J. Schoepflin, Timothy Ball

Fiscal Agent Present: Robert Keating

BENLIC Counsel Present: Martin Polowy

Executive Director: Jocelyn Gordon

Assistant Program Coordinator: Alex Carducci

Guests: Shauna Strom – City of Buffalo Law.

HAND OUTS:

Agenda; Minutes of July 16, 2016 Board Meeting; Treasurer’s Report; Bid Approvals: **Resolution #2016-35:** 365 Northumberland – Complete Project, **Resolution #2016-36:** 898 E. Delavan, – Exterior and Foundation Improvements, **Resolution #2016-37:** 272 Kohler – City of Tonawanda, **Resolution # 2016-38:** Approval to Bid Properties Erie County Tax Foreclosure RFF Properties, **Resolution #2016-39:** Approval to Bid Properties Erie County Tax Foreclosure other properties, **Resolution # 2016-40:** Approval BENLIC – City of buffalo Preferred Bid Assignment Agreement, **Resolution #2016-41:** Approval to Hire Property Inspector, **Resolution #2016-42:** Approval to Enter into 5 Year Lease Agreement with Brisbane Realty Associates – Brisbane Building Relocation.

NEW BUSINESS:

1. Roll Call
2. Approval of Minutes: The minutes of the July 16, 2016 Board of Directors Meeting were presented and reviewed. A motion was made by Donna J. Estrich, to approve, seconded by Thomas Hersey and unanimously carried as approved.
3. Treasurer’s Report: Treasurer Joseph Maciejewski presented a Treasurer’s Report as of September 30, 2016 balance of (M&T Bank) \$ 1,695,713.06. A motion was made by Joseph L. Maciejewski, to approve, seconded by Joseph Hogenkamp and unanimously carried as approved.

4. APPROVAL OF BIDS:

- **Resolution #2016-35 365 Northumberland, Buffalo**

Resolution #2016-35 is a request to approve received bids for interior improvement construction services for BENLIC rehab project at 365 Northumberland, Buffalo. The bid was announced on September 13, 2016, with submission deadline of October 4, 2016. BENLIC estimate for the work was \$95,000. The lowest bid received was from Sunset Builder for \$142,000. The resolution would authorize BENLIC Staff to endeavor to negotiate the scope of the work as bid to a lesser extent to obtain a lower cost figure. The BENLIC Board discussed working with architect or property inspector to revise the project to a lesser extent and to rebid as revised. A motion was made by Joseph L. Maciejewski to reject the bids without prejudiced to the bidders; seconded by Thomas Hersey and unanimously carried as approved.

Resolution #2016-35 ATTACHED.

- **Resolution #2016-36 898 E. Delavan, Buffalo – Exterior and Basement Improvements**

Resolution #2016-36 is a request to approve received bids for exterior and basement improvement construction services for BENLIC rehab project at 898 E. Delavan, Buffalo. The bid was announced on September 6, 2016, with submission deadline of October 4, 2016. BENLIC estimate for the work was \$42,500. The second lowest bid received was from Accurate Building Improvements for \$39,950. The lowest bid by RJ Properties was rejected due to dissatisfactory level of workmanship in previous projects. A motion was made by Donna J. Estrich to approve, seconded by Joseph Hogenkamp and unanimously carried as approved.

Resolution #2016-36 ATTACHED.

5. DISPOSITIONS:

- **Resolution #2016-37 272 Kohler Disposition, City of Tonawanda**

BENLIC acquired the property in the City of Tonawanda via 2014 City tax Foreclosure auction on July 2014. BENLIC used funding from the NYS OAG Community Revitalization Initiative grant to demolish the original structure and to construct a new panelized dwelling on the property. BENLIC listed the property for sale in September 2016 at a price of \$129,000. An offer was received from Michael & Cindi Donovan for \$126,000 with \$6,000 in seller concessions. A motion to approve the Resolution made by Michael Siragusa, seconded by Joseph Hogenkamp, and unanimously carried as approved.

Resolution #2016-37 ATTACHED.

6. Resolution #2016-38 Approval to Bid Properties at Erie County Tax Foreclosure

• **Resolution #2016-38 Erie County Tax Auction (RFF Properties)**

BENLIC engaged in the RFF process with the intent to obtain an inventory of properties for the purpose of achieving the return of the selected properties to productive use. The BENLIC Board of Directors has accepted the recommendations of the property Selection Subcommittee to acquire the following properties:

- 26 Meadow Lea, Amherst SBL# 67.75-1-4
- 850 Tonawanda Creek, Amherst SBL# 14.20-2-11
- 24 Miller, Depew SBL# 115.06-2-25
- 4639 Broadway, Depew SBL# 103.84-3-2
- 0 Peach, Evans SBL# 250.08-5-31
- 9389 Orange, Evans SBL# 250.07-2-37
- 12880 Schutt, Sardinia SBL# 326.06-2-11
- 121 Irwinwood, Lancaster SBL# 115.07-1-17
- 27 North Aurora, Lancaster SBL# 104.74-1-24
- 66 Burch, West Seneca SBL# 133.35-1-33
- 50-64 Scott, Hamburg SBL# 195.08-9-4 / 5
- 278 Reiman, Sloan SBL# 112.27-1-23

- A motion to approve the Resolution made by Michael Siragusa, seconded by Thomas Hersey, and unanimously carried as approved.

Resolution #2016-38 ATTACHED.

7. Resolution #2016-39 Approval to Bid Properties at Erie County Tax Foreclosure (other properties)

• **Resolution #2016-39 Erie County Tax Auction (other properties)**

BENLIC engaged in the RFF process with the intent to obtain an inventory of properties for the purpose of achieving the return of the selected properties to productive use. The BENLIC Board of Directors has accepted the recommendations of the property Selection Subcommittee to acquire the following properties:

- 392 Frankhauser, Town of Amherst SBL# 68.05-2-5
- 76 Chestnut, Town of Evans SBL# 249.20-2-1

2nd Priority Properties

- 93 Lake, Village of Angola SBL# 235.15-6-23
- 61 Mill, Village of Angola SBL# 235.16-1-17
- 26 & 0 Newton, Village of Angola SBLs# 251.07-3-10 and 251.07-3-9
- 17 Gilbert, Village of Blasdell SBL# 151.55-1-19

- 166 Pearl, Village of Blasdell SBL# 151.46-5-1
- 110 Brentwood, Town of Cheektowaga SBL# 125.07-13-19
- 309 Cleveland, Town of Cheektowaga SBL# 80.17-14-4

- 51 East End, Town of Cheektowaga SBL# 90.84-1-18
- 77 East End, Town of Cheektowaga SBL# 90.84-1-26
- 138 Toelsin, Town of Cheektowaga SBL# 91.18-7-14
- 185 W. Girard, Village of Kenmore SBL# 66.61-1-28
- 24 Heath, Town of Tonawanda SBL# 66.83-5-15
- 71 Kenview, Town of Tonawanda SBL# 66.46-1-42
- 286 & 284 Pilgrim, Tonawanda SBLs# 53.75-5-19 & 53.75-5-38
- 110 Duerstein, Town of West Seneca SBL# 133.27-6-16

- A motion to approve the Resolution made by Joseph L. Maciejewski, seconded by Donna J. Estrich, and unanimously carried as approved.

Resolution #2016-39 ATTACHED.

8. Resolution #2016-40 Authorization of BENLIC -City of Buffalo Pre-Emptive Agreement

- **Resolution #2016-40 Authorization of BENLIC -City of Buffalo Pre-Emptive Agreement**

BENLIC, as a New York State Land Bank, possess a "pre-emptive" bid authority. BENLIC may tender a bid for a property at public tax foreclosure auction and have its bid be preferred amongst all other bids. Recent law has enhanced the pre-emptive bid authority by allowing BENLIC to *assign* the *right* of its bid to the foreclosing governmental unit making the action to foreclose on a tax lien. The City of Buffalo, in partnership with BENLIC, has expressed interest in having BENLIC use its pre-emptive bid power at the City's annual tax foreclosure auction to bid on properties, and then assign its bid rights over to the City. The assignment would allow property to be deeded directly to the City. Pursuant to the New York State Land Bank Act, the authority of BENLIC to exercise a pre-emptive bid is created through a mutually-accepted agreement between BENLIC and the various municipal tax lien-holders, including the City of Buffalo, as well as the County of Erie, the Buffalo Sewer Authority, and the Buffalo Water Board. The Property Tax and Maintenance and Foreclosure Proceeds Distribution Policy for City of Buffalo 2016 is the policy that memorializes such authority to exercise pre-emptive bidding.

A motion to approve the Resolution made by Donna J. Estrich, seconded by Joseph Hogenkamp, and unanimously carried as approved.

Resolution #2016-40 ATTACHED.

9. Resolution #2016-41 Approval to Hire Property Inspector

• **Resolution #2016-41 Hiring Part Time Property Inspector**

Funds to hire a Part Time Building Inspector were allocated in the CRI grant. BENLIC has engaged in a search process and wishes to hire Corey Baskerville to serve in the capacity of Part Time Property Inspector. The Board of Directors accepts the recommendation of the Executive Director and agrees to hire Corey Baskerville to serve as a Part Time Property Inspector. Executive Director Jocelyn Gordon, is authorized to enter into agreement with Corey Baskerville with the following terms:

- A Salary of \$450/week (15 per hours per week at a rate of \$30.00 per hour)
- Mileage accrued - reimbursable at current IRS rate.
- Start date of October 10, 2016; and be it further

A motion to approve the Resolution made by Michael Siragusa, seconded by Thomas Hersey, and unanimously carried as approved.

Resolution #2016-41 ATTACHED.

10. Resolution #2016-42 Approval of 5 Year Lease Agreement with Brisbane Realty Associates

• **Resolution #2016-42 272 Brisbane Building Relocation**

BENLIC currently receives rent-free accommodation in the Edward J. Rath Building as an in-kind service from Erie County. The growth of the Corporation necessitates a move into larger quarters to accommodate new Staff members. Specifically, a Part-Time Building Inspector scheduled to begin work imminently and two Vista/Americorps employees scheduled to begin in December of 2016. Staff began a search in April of 2016, along with the services of Militello Realty the Staff establish a comfortable rent level based on current financials and needs, and to explore space options. The final selection was determined by: lowest cost, proximity to downtown, flexible and high quality management, turnkey improvements, gross stable rent over 5 years. The ad hoc Subcommittee accepted the recommendation of the staff to enter into a five-year lease agreement with Brisbane Realty

Associates at 403 Main Street beginning December 1st. BENLIC offices will be located on the 6th floor of the Brisbane Building with 1650 square feet of space, exclusive of furnishings, computers, phones, printers, and other equipment and supplies.

A motion to approve the Resolution made by Michael Siragusa, seconded by Frank E. Krakowski, and unanimously carried as approved.

Resolution #2016-42 ATTACHED.

11. Additional October Board Meeting

Additional October Meeting required to approve Budget and additional property sales. A motion to approve meeting for October 26, 2016 at 11:00 a.m. made by Joseph L. Maciejewski, seconded by Frank E. Krakowski, and unanimously carried as approved.

Adjournment:

A motion to adjourn was made by Michael Siragusa and seconded by Joseph L. Maciejewski and unanimously carried as adjourned.

NEXT MEETING: Board of Directors – 11 a.m. October 26, 2016
Location: Rath County Office Building, Room 1004

Recorded by: Frank E Krakowski
Submitted for Approval: Frank E Krakowski
Adopted by BENLIC Board Members on _____