

# BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION

BOARD OF DIRECTORS MEETING MINUTES  
September 18, 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, , Brendan Mehaffy, OJ McFoy, Donna J. Estrich, Christopher J. Schoepflin, Joseph Hogenkamp, Timothy Ball, Thomas Dearing

Board Members Excused: Christopher Schoepflin, Frank Krakowski, Michael Siragusa.

Fiscal Agent Absent: Robert Keating

Executive Director: Jocelyn Gordon

Assistant Program  
Coordinator: Alex Carducci

GUESTS: Martin Polowy – BENLIC Counsel, Jennifer Sepulveda-Beltre COB – OSP, Fred Heinle – City of Lackawanna, Michael Clarke - LISC

## HAND OUTS:

Agenda; Minutes of August 21, 2015 Board Meeting; August 2015 Treasurer's Report; BENLIC-City of Buffalo Proceeds Distribution Policy; BENLIC Personnel Policy; Resolution #2015-13 Authorization to Bid slate at In Rem 163; Resolution #2015-14 Authorization to Bid Slate at In Rem 163 – Late Submission Properties; Bid Approval Sheet – 74 Stillwell; Advertisement for Sealed Bids (235 W Royal); Request for Proposals – Initial Servicing of Residential Property; Land Banks – Transaction / Administrative Fee Schedule; OAG Round 1 Rehab Allocation; OAG Round 2 Rehab Allocation\_County-Balance; OAG Round 2 Rehab Allocation\_Buffalo; OAG Round 2 County Demo\_Allocation.

## NEW BUSINESS:

1. Roll Call
2. Approval of Minutes: The minutes of the August 21, 2015 Board of Directors Meeting were presented and reviewed. A motion was made to approve by Thomas Dearing, seconded by James Comerford Jr., and unanimously carried as approved.
3. Treasurer's Report: Treasurer Joseph Maciejewski presented a Treasurer's Report as of July 31, 2015 balance of (Key Bank) \$255,275.15 and the balance in the checking account at (Key Bank) \$17,734.10 also a balance of \$692,660.34 in M&T Bank Checking. A motion made by

Joseph Hogenkamp to approve, seconded by Donna Estrich, and unanimously carried as approved.

4. BENLIC-City of Buffalo Proceeds Distribution Policy for 2015

Jocelyn Gordon, BENLIC Executive Director, commented that the Policy had been adjusted between the August Board meeting and the current meeting to reflect City of Buffalo Board member's comments - specifically, the adjusted Policy incorporated the *Buffalo Sewer Authority* and *Buffalo Water Board* to be additional tax *and fee* lienholders on property that is in the foreclosure process (both In Rem and Judicial). Timothy Ball suggested one additional amendment to be added to the second paragraph, one sentence: "For the purposes of this Policy, fees owed to the City of Buffalo include the City of Buffalo's Solid Waste User fees" to make it abundantly clear that user fees are part of the policy. A motion made by Tim Ball to amend, seconded by Donna Estrich, A motion to approve as amended made by OJ McFoy, seconded by Joseph Maciejewski and unanimously carried as approved.

*Discussion:*

Tom Dearing asked the Board if the Policy just approved had to be approved by the various bodies –Common Council, Buffalo Water Board and Buffalo Sewer Authority as well as the Erie County Legislature, prior to the auction - Jocelyn Gordon replied that this is in fact the case.

Brendan Mehaffy replied that BENLIC would pursue acquisition of properties through the City's In Rem. He remarked however, that the major issue of the auction is the sheer number of the properties going through the foreclosure process – which makes identifying property ahead of the actual dates of the auction extremely challenging. With OAG funds in place to rehab property in the City of Buffalo, the goal for this pursuit is to acquire five properties. Additional difficulties include asymmetries between the RFF process established (including submission of property assessment forms – SIR/MDR) and the process being considered.

Jennifer Beltre from the City of Buffalo's Mayor's Office of Strategic Planning proposed that BENLIC should evaluate acquisition of 5 properties on Chelsea Pl. in the Northland target neighborhood. She explained that all of the properties were tax delinquent and were owned by an owner that listed his/her address as out-of-town and that requests to file with the City of Buffalo rental registry had been all returned to the City; she informed the Board that two of the five properties may be currently occupied by tenants. Thomas Dearing expressed concern of acquiring occupied properties. Martin Polowy, BENLIC counsel, commented that BENLIC would have to follow eviction proceedings.

In recognition of the dates of the City of Buffalo's In Rem auction of Oct. 27-29, a motion to move the previously-scheduled BENLIC board meeting of October 16<sup>th</sup> to October 23<sup>rd</sup>, made by Tim Ball, seconded by Thomas Dearing and unanimously carried as approved.

5. Election to Fill Board Officer Vacancy

Jocelyn Gordon remarked that as BENLIC is still housed in and uses many resources of the Department of Environment and Planning of Erie County, that Thomas Dearing taking the role of BENLIC chair would be appropriate. A motion made by Joseph Maciejewski to nominate to Tom Dearing to BENLIC Board Chair until the Annual meeting in March, seconded by Brendan Mehaffy and unanimously carried as elected.

6. BENLIC Personnel Matters

A motion made to increase Assistant Program Coordinator Alex Carducci's salary from \$27,000 per annum to \$36,500 per annum and adoption of the Personnel Policy – which compiles many personnel decisions made over the course of BENLIC's existence - made by Donna Estrich seconded by Joseph Hogenkamp and unanimously carried as approved. Tom Dearing assisted Jocelyn Gordon in evaluating comparable positions and salaries to Alex Carducci's salary; Tom Dearing remarked that such an increase is within BENLIC's budget.

7. Resolution #2015-13 – Authorization to Bid Slate at In Rem 163

The Resolution authorizes Jocelyn Gordon to bid on properties that have made it through the Request for Foreclosure process for the purposes of vacant lot conveyance and rehab. Motion to approve made by Joe Maciejewski, seconded by OJ McFoy and unanimously carried as approved.

8. Resolution #2015-14 – Authorization to Bid Slate at In Rem 163 – Late Submission Properties

The Resolution authorizes Jocelyn Gordon to bid on "late-submission" properties, i.e. additional properties for rehabilitation in accordance with the OAG grant award were required by BENLIC. Motion to approve made by OJ McFoy, seconded by Joseph Hogenkamp and unanimously carried as approved.

9. Approval of Bids – 74 Stillwell

74 Stillwell is being rehabilitated as part of the OAG RD1 grant award, the property is on a good street in the Village of Kenmore and the property should attract a good selling price. Three bids were received for complete work on the property, however two of the bids were incomplete. The complete bid was made by Sunset Builders (a City of Lackawanna-based contract) for \$79,000. Motion to approve made by OJ McFoy, seconded by Joseph Hogenkamp and unanimously carried as approved.

10. Procedure to Dispose of 235 W Royal Pkwy, Amherst by Sealed Bid

235 W Royal is another OAG RD1 rehab project. The realtor engaged by BENLIC to dispose the property recommended putting the property on the market for \$125,000. Pursuant to the Property Disposition Guidelines of the Corporation (Public Authority Law regarding Property Disposition), BENLIC may dispose of the property by sealed bid which avoids a 90 day period required prior to closing if the procedure to dispose is done by negotiation. The dates on the proposed advertisement were adjusted to follow the change in the Board's October meeting date.

11. Request for Proposals – Initial Property Services

The RFP would be for basic property services – debris removal, lock changes, winterization, etc. Thomas Dearing asked how the RFP would be advertised; Jocelyn Gordon responded that direct solicitation to contractors as well as advertisement on BENLIC's website. Thomas Dearing recommended that the RFP reach the Equal Employment Opportunity office of Erie County for additional distribution. A motion to approve made by James Comerford and seconded by Brendan Mehaffy, unanimously carried as approved.

12. Discussion of BENLIC Pre-Acquisition Agreement – Draft

An update of the construction of the draft agreement was presented by BENLIC counsel, Marty Polowy who described the agreement as a contract with option. Thoughts were requested from the Board as regards an administrative or transaction fee, or other questions with the draft agreement. Alex Carducci discussed a program in action in Montgomery County and the City of Dayton, Ohio which is similar in principle to the BENLIC pre-acquisition agreement. Brendan Mehaffy commented that an administrative fee for staff time was appropriate; he also commented that there are instances where such a program could be useful in a community-development framework. Joseph Hogenkamp questioned who would be vetting the end-use of the property: the host-municipality or BENLIC.

Tom Dearing remarked as an informational item, Board members should review the document and comment ahead of the next Board meetings.

13. Adjournment:

- A motion to adjourn was made by Joseph Hogenkamp and seconded by Brendan Mehaffy and unanimously carried as adjourned.

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

Recorded by: Alex Carducci  
Submitted for Approval: Thomas Dearing  
Adopted by BENLIC Board Members on \_\_\_\_\_