



BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION
BOARD OF DIRECTORS MEETING MINUTES
June 21, 2018 – 11:00 AM
Brisbane Building Conference Room 521
403 Main St. Suite 602
Buffalo, New York 14203

Call to Order by Brendan Mehaffy

ATTENDANCE:

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

Board Members *Excused*: Thomas Hersey, O.J. McFoy

Board Members *Absent*: WNYESD

Fiscal Agent Present: Robert Keating

BENLIC Counsel Present: Martin Polowy

BENLIC Staff: Jocelyn Gordon, Alex Carducci, Ben Brown

BENLIC AmeriCorps: Andrea Folgherait

Guests: Bill Parke - BURA

HAND OUTS:

Agenda; Minutes of June 2018 Board Meeting; June 2018 Treasurer's Report; Resolutions; Rehab Grant Projects Inventory and Fund worksheet.

NEW BUSINESS:

1. Roll Call
2. Approval of May 2018 Minutes – with Real Estate Committee Minutes of 6/13/2018:
The minutes of the May 24, 2018 Board of Directors Meeting were presented and reviewed. A motion to approve was made by James Comerford, seconded by Michael Siragusa, and unanimously carried as approved.

3. Treasurer's Report: Treasurer Joseph Maciejewski presented a Treasurer's Report as of May 31, 2018 with a balance of \$2,474,737.95 (M&T Bank). A motion was made by Joseph Maciejewski to approve, seconded by Joseph Hogenkamp, and unanimously carried as approved.
4. Resolution #2018-43 – Approval of 2018 Property Tax and Maintenance and Foreclosure Proceeds Distribution Policies

The BENLIC Board of Directors annually votes for Property Tax and Maintenance and Foreclosure Proceeds Distribution Policies to enable authority to use preferred bid power at various public tax auctions. Subsequent approval of the policies is required by the legislative authorities of the Foreclosing Governmental Units – for example, Erie County Legislature, Buffalo Common Council, etc. The policy(s) will remain unchanged. However, there will be some changes beginning in the Fall of next year. This includes outlining the manner of repaying FGU's, as well as some discussion around BENLIC's Proceeds Policy.

A motion to approve the 2018 Property Tax and Maintenance and Foreclosure Proceeds Distribution Policies for County of Erie, City of Buffalo, City of Lackawanna, and City of Tonawanda, by Donna Estrich, seconded by Michael Siragusa, and unanimously carried as approved.

5. Real Estate Committee Report:

A. *Dispositions*:

Resolution #2018-30 – Disposition of 129 David, Town of Cheektowaga

The Buffalo Erie Niagara Land Improvement Corporation (BENLIC) acquired 12 vacant side-lots within the Town of Cheektowaga during the 2017 Erie County In-Rem Auction. Of these 12 lots, 9 were selected for side-lot sales to adjacent property owners. In late 2017, BENLIC staff identified all possible adjacent owners, and solicited adjacent owner interest through direct mail. Adjacent owners were directed to submit side lot purchase applications and state the intended use of the lot if acquired. Additionally, the letters stated that offers should be a minimum of \$500 to be considered for purchase.

BENLIC staff has reviewed the offer including respective Side-Lot Purchase Application. BENLIC and Board of Directors discussed heavily the best route to dispose of 129 David due to an easement held by an adjacent owner, Ryan Zimbardi. Zimbardi submitted a \$1,000 offer and will combine the lot with his own to maintain as a side-yard. The second offeror, Deborah Wanecski, the other adjacent neighbor, offered \$1,050 to combine with her own and maintain the lot as a green space with a possible garden. Ms. Wanecski and BENLIC discussed all possibilities and liabilities of her owning the portion of the lot with an easement, and after discussing with her lawyer and insurance company was advised not to take the lot with the portion of the easement attached. Ms. Wanecski remained interested in the front half of the lot without the easement attached.

In order to keep this sale clean and simple and avoiding to divide up a lot in a residential neighborhood, BENLIC and the Board of Directors agreed to authorize the disposition of the

property of 129 David Avenue, Town of Cheektowaga, NY (SBL #102.21-7-23) in the amount of \$1,000.00 by an Agreement of Sale of Real Property with first priority to offeror Ryan Zimbardi and in so doing follows the proper procedure for disposal of real property by negotiation as described in the Property Disposition Guidelines of the Corporation.

In the event that BENLIC and Ryan Zimbardi are unable to complete the sale of the property, the BENLIC Board of Directors authorizes the disposition of the property of 129 David, Town of Cheektowaga, NY (SBL#102.21-7-23) in the amount of \$1,050 by an Agreement of Sale with second priority to offeror Deborah Wanecski., without further Board approval, and in doing so follows the proper procedure for disposal of real property negotiation as described in the Property Disposition Guidelines of the Corporation; and be it further. A motion to approve was made by Micheal Siragusa, seconded by Joseph Maciejewski, and unanimously carried out as approved.

Resolution #2018-34 – Disposition of 86 Carol, Cheektowaga – Side Lot

BENLIC acquired 86 Carol, Town of Cheektowaga along with the bundle of 12 other vacant side-lots, as described above, within the 2017 Erie County In-Rem Auction. Of these 12 lots, 9 were selected for side-lot sales to adjacent property owners.

As with 129 David, BENLIC staff identified all possible adjacent owners, and solicited adjacent owner interest through direct mail. Adjacent owners were directed to submit side lot purchase applications and state the intended use of the lot if acquired. Additionally, the letters stated that offers should be a minimum of \$500 to be considered for purchase. BENLIC staff has reviewed the offer including respective Side-Lot Purchase Application.

BENLIC Real Estate Subcommittee Members have reviewed all offers and support a disposition by BENLIC Board of Director vote to Latoya McNair for the side-lot located at 86 Carol Drive, Ms. McNair submitted an offer of \$250, to combine with her property to use at a green space and erect a play area for her child. The purpose of the proposed disposition is congruent with BENLIC's mission to return property to productive use.

in the amount of \$250.00 by an Agreement of Sale of Real Property to offeror Latoya McNair and in so doing follows the proper procedure for disposal of real property by negotiation as described in the Property Disposition Guidelines of the Corporation. A motioned to approve was made by Michael Siragusa, seconded by James Comerford Jr., and unanimously carried as approved.

6. **Resolution #2018-42** LISC Grant Rehab Projects – Change Orders

BENLIC is currently undertaking ten (10) major rehab projects – seven funded by LISC through the NYS AG bank settlement funds, and another three projects, also funded by LISC, in partnership with National Communities Stabilization Trust (NCST). Greater funding for these projects is leveraged by BENLIC matching funds – which has allowed for more projects to be initiated.

Since start of work in mid-Spring of this year, five (5) projects have necessitated need for formal change orders because of a) unanticipated or unknown work, b) work required by local municipal

authorities, c) work items not put in initial scope for original bids/ work items upon exploratory work would improve the property significantly.

BENLIC Board of Directors amended construction agreement for construction services for:

375 Northumberland, Buffalo with Sunset Custom Homes Inc. by \$11,660 from \$77,700 to \$89,360 for additional work detailed in the change order schedule, 06/21/18;

107 Longview, Buffalo with Residential Construction Services Inc. by \$7,305 from \$90,021 to \$97,326 for additional work detailed in the change order schedule, 06/21/18;

24 Miller, Depew with Collegiate Builders Inc. by \$13,640 from \$38,300 to \$51,940 for additional work detailed in the change order schedule, 06/21/18;

13921 Quaker, Collins with PC Richards General Contractors LLC. by \$8,805 from \$74,600 to \$83,405 for additional work detailed in the change order schedule, 06/21/18;

699 S Huth, Cheektowaga with Sunset Custom Homes Inc. by \$10,155 from \$100,450 to \$110,605 for additional work detailed in the change order schedule, 06/21/18;

BENLIC 2018 Rehab Grant Projects and schedule of change orders proposed was motioned to approve by, Joseph Maciejewski, seconded by James Comerford Jr., and unanimously carried as approved.

7. **ABO Training Update**

8. **Executive Director's Report:**

- HR Consultants – Next Steps after Focus Group- Organizational Assessment Presentation August 16th -Attendance
- Reuters National News Article Publication

Adjournment:

A motion to adjourn the meeting was made by Joseph Maciejewski, seconded by James Comerford Jr., and unanimously carried as adjourned.

NEXT MEETING: Board of Directors – 11 a.m. July 19th, 2018
Location: Brisbane Building Conference Room 521 (403 Main St)

Recorded by: Andrea Folgherait, BENLIC Staff
Submitted for Approval: Jocelyn Gordon, Executive Director
Adopted by BENLIC Board Members on _____