



BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION
BOARD OF DIRECTORS MEETING MINUTES
September 17th, 2020 – 11:00 AM -Via Teleconference
Buffalo, New York 14203

Call to Order by Brendan Mehaffy

ATTENDANCE:

Board Members Present: Brendan Mehaffy, Michael Siragusa, Scott Bylewski, Timothy Ball, Thomas Hersey, Frank Krakowski, William Reece, Donna J. Estrich, OJ McFoy

Board Members *Excused*: Amanda Mays

Board Members *Absent*: James Comerford Jr.

Fiscal Agent Present:

BENLIC Counsel Present: Martin Polowy

BENLIC Staff: Jocelyn Gordon, Ben Brown, Andrea Folgherait, Marjorie McAllister

HAND OUTS:

Agenda; Minutes of August 2020 Board Meeting; August 2020 Treasurer's Report; BENLIC Property Closing Services, BENLIC General Council, and one (1) Disposition.

NEW BUSINESS:

1. Roll Call
2. Approval of May 2020 Minutes with Real Estate Committee Minutes:
The minutes of the August 20th, 2020 Board of Directors Meeting were presented and reviewed. A motion to approve was made by William Reece, seconded by Michael Siragusa, and unanimously carried as approved.

3. Treasurer's Report: Board chair Mehaffy presented the July 2020 Treasurer's Report, as of July 31st, 2020, the balance was \$3,529,927.56. The balance includes \$1,500,000.00 in Treasury Bills the Corporation filed for in late December of 2019. A motion was made to approve both Treasurers Reports by Thomas Hersey, seconded by Timothy Ball, and unanimously carried as approved.

4. Professional Services Award

a. **Resolution #2020-31** - BENLIC Real Property Closing Services

BENLIC released a Request for Proposals for firms interested in assisting and representing the Land Bank in Real Property Closing Services on June 29th, 2020 with a submission deadline of July 14th, 2020. The awarded firm will represent BENLIC with matters related to real estate acquisition and dispositions involving public and private real estate opportunities, negotiating with the Developer Partner to execute development agreements that will serve as controlling documents for implementation of projects. In addition to being involved in the negotiation, preparation and review of all contracts, agreements, and other writings necessary to implement or assist in the implementation of all phases of any real estate transaction.

BENLIC staff received many submissions but presented four (4) proposals to the Board after discussing respondents with to the Governance Committee. The Governance Committee and BENLIC have recommended the firm Bengart & DeMarco, LLP. Bengart & DeMarco proposed \$475.00 per closing and \$195.00 an hour for additional services based on ten (10) minute increments. There was some question over not prioritizing a woman-owned business, which lead to the discussion of BENLIC not using Bengart & DeMarco as an exclusive contract. However, it was decided that BENLIC staff will be allotted flexibility to use other respondents for closings as needed (if the firm agrees to keep pricing through the year) or bring a new firm to the Board every fifth (5th) closing for approval. The Board saw this as a good way to build relationships and find firms that may work best for certain situations and opportunities for the Land Bank. A motion to approve Bengart & DeMarco, LLP for routine closing services was made by Timothy Ball, seconded by OJ McFoy, and unanimously carried as approved.

b. **Resolution #2020-32** - BENLIC General Council

BENLIC released a Request for Proposals on August 4th, 2020, with a submission deadline of August 18th, 2020 for firms interested in assisting and representing BENLIC in legal services. The awarded firm will assist and represent BENLIC with negotiation, preparation and review of all construction contracts over \$10,000, agreements, and other writings. Advise the Land Bank's staff and Board of Directors on adherence to organizational Policies and Procedures. Attend and represent the Land Bank at monthly Board Meetings, virtually or in person. Review monthly Board Meeting resolutions and actions prepared by Land Bank staff for accuracy. Provide general guidance regarding public authority non-profit policy and best practice. Furthermore, advise the Land Bank's staff and Board of Directors regarding typical Land Bank day to day issues and evolving legislation.

BENLIC originally had spoken to three (3) different firms and presented these firms to the Governance Committee, BENLIC was advised to solicitate more firms to broaden the submissions. BENLIC then received eight (8) submissions to present to the Board,

recommending Lippes Mathias Wexler Friedman, LLP with the rates of Partner (Jennifer Persico) at \$375.00 an hour, Associate (Benjamin Macaluso) at \$220.00 and hour, and a \$975.00 a month flat fee. Lippes Mathias Wexler Friedman, LLP represents Erie County in In Rem Proceedings as well as municipalities across Erie County.

A motion to amend the incorrect stated release date (June 30th, 2020) and submission deadline (July 14th, 2020) was made by Timothy Ball, seconded by OJ McFoy, and unanimously carried as approved. A motion to approve as amended the one (1) year contract with Lippes Mathias Wexler Friedman, LLP was made by Timothy Ball, seconded by Michael Siragusa, and unanimously carried as approved.

5. Real Estate Committees Report

A. *Dispositions*

Resolution #2020-33 - Disposition of 9430 Peach, Evans

BENLIC acquired the vacant lot located at 9430 Peach Street in cooperation with the Town of Evans during the 2019 Erie County In-Rem Auction. The parcel is located in the Lake Erie Beach community and is partially wooded. Prior to BENLIC acquisition, Evans Officials submitted a formal letter of interest from adjacent property owner, Evanka Tasseff. BENLIC has invested less than \$500.00 into the vacant lot, mostly to clean out brush. Town Officials and BENLIC support the sale to Ms. Tasseff for \$1,015.00, as she is willing to combine the parcel with her property to construct a garage, deck, and landscape. A motion to approve the sale of 9430 Peach Street was made by Timothy Ball, seconded by Thomas Hersey, and unanimously carried as approved.

6. Executive Director's Report:

- ADLN Community Meeting – Fruit Belt
- UB Design – 91 Fuller-778 House
- Board Member Frank Krakowski retired, new replacement
- BENLIC Program Coordinator Andrea Folgherait- Leaving BENLIC

A motion to adjourn the meeting was made by Thomas Hersey, and seconded by Timothy Ball, and unanimously adjourned.

NEXT MEETING: Board of Directors – 11 a.m. October 15th, 2020
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 _____