

BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION
BOARD OF DIRECTORS MEETING MINUTES

July 20, 2012 - 10:00 AM

Edward A. Rath County Office Building, Room 1004

Call to Order by Chairwoman Maria Whyte.

ATTENDANCE: Chairwoman Maria Whyte, Timothy Ball, David Comerford, James Comerford, Jr., Thomas Dearing, Howard Frawley, Alan Gerstman, James Hartz, Joseph Hogenkamp, Jason Knight, Joseph Maciejewski, Brendan Mehaffy, Janet Penska, Michael Siragusa, Jennifer Sepulveda. Absent: Frank Krakowski, Christina Orsi.
GUESTS: Jessica Asrat and Elizabeth Holden of Hodgson Russ

HAND OUTS: Agenda, Minutes of June 15, 2012 Board Meeting, Draft of Rules and Procedures, Draft of Open Meetings Policy, Draft of Freedom of Information Policy, Draft of Procurement Policy

NEW BUSINESS:

- Approval of Minutes: The minutes of the June 15, 2012 Buffalo Erie Niagara Land Improvement Corporation (BENLIC) were presented and reviewed. Duly noted correction on second page, BOD training completed by James Comerford; not David Comerford. Motion to amend and approve by Dave Comerford, seconded by Joe Maciejewski and unanimously carried as approved.
- New Orleans Conference - 2012 Reclaiming Vacant Properties: Maria Whyte attend conference on June 21 and 22. She presented/participated in workshop entitled, "How to Build Regional Models to Address Vacancy and Abandonment: Pathways to City and County Collaboration". While there, Maria met the Syracuse area contingent, but not the Jamestown group.
- Maria met with Paul Hogan of Oshei Foundation for possible land bank funding. He suggested the Land Bank Board write a request letter to the Oshei Foundation that is co-authored by Maria and Brendan Mehaffy, Chair and Vice Chair respectively. Maria will draft letter to be ready for approval at the next Board meeting on August 10. There was some discussion about reaching out to other potential funders.
- Maria also indicated she will prepare a letter requesting \$100,000 from Erie County's 2013 operating budget to fund the Land Bank. The letter will be directed to Bob Keating, Erie County Budget Director.

Hub Frawley stated mayors and supervisors recently met with Patrick Gallivan and approached him for funding from the State.

The 7th annual Land Bank conference in Kalamazoo, Michigan on October 14-16; Maria told Kim Graziani of the Center for Community Progress (Washington, DC) we are not likely to attend due to budget constraints. Kim will try to raise some money for our participation. Hub Frawley and Joe Maciejewski are among the Board members interested in attending the conference.

- Rules and Procedures Policy Review: At last meeting, a working group was created to draft rules and procedures. Committee is Alan Gerstman Joe Hogenkamp, Jennifer Sepulveda, Mary Holtz, Hub Frawley, Marty Polowy and Jim Magavern. Maria recognized and thanked Jim Magavern and Marty Polowy for their diligent help in developing the draft. The policy needs to be in place 90 days (August 10) after the formation of the corporation (May 17, 2012). A draft of the rules and procedures was distributed and comments and/or changes need to be communicated by August 8 to give time for the master document/policy approval at the August 10 Board of Directors meeting.

Group Discussion: Highlights of policy include composition of board members, basic rules for the board members; property inspections can be modeled after Town of Cheektowaga's inspector report. Process of BENLIC to acquire and disposition of properties; profits of property turnaround – 50% to BENLIC/50% to

tax rolls; Town leadership need to submit resolution to give properties to and accepted by BENLIC. Properties can be obtained from financial institutions. Need to establish a base for acquisitions through rules and process. Need financial records kept in Rath Building's 10th floor (DEP). Need an audit committee formed by the Board; get input from City and County Comptrollers. Five New York counties have land banks, original amount per county was \$3 million. Acceptable amount to request could be \$1 million.

- Open Meetings Policy Review: Draft Policy was developed by Land Bank Working Group and distributed. Need 8 days advance public notice for board meetings. Media could be notified once a year of meeting schedule with special meetings given individual notification.
- Freedom of Information Law (FOIL): Policy developed by Land Bank Working Group and distributed. Public notice should be on a website. Should have a stand-alone website as county website may not be sufficient. Website should make all information of BENLIC available. Board Chair becomes the appeals officer.
- Procurement Policy: Draft Policy was developed by Land Bank Working Group. Purchase of all items up to \$5,000 authorized by Board Chair; item amounts of \$5,000-10,000 can be authorized by Board; greater than \$10,000 will go to lowest bidder (based on statutes). Exception noted – contracts by municipalities. Contract awards - need group discussion on responsibility of bidder.
- Code of Ethics and Conflict of Interest Policy: Draft Policy was developed by Jim Magavern, Marty Polowy, Joe Maciejewski. Highlights: (1) required disclosure form, same as filed in municipalities (2) No receipt of gifts to influence Board members. Take draft to your respective town attorneys for review. Send comments/changes by August 6 at 5 pm. Marty Polowy is steward of the document and will make changes as received.

Next Meetings: Land Bank Working Group is Wednesday, August 8, 2012 at 1:00 p.m.
Board of Directors is Friday, August 10, 2012 at 10:00 a.m.
Rath County Office Building, Room 1004

Recorded by: Joan Braciak
Submitted for Approval: Frank Krakowski, Secretary