



BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION
BOARD OF DIRECTORS MEETING MINUTES
November 17th, 2022 – 1:00 PM
Brisbane Building Conference Room 521
403 Main St. Suite 602
Buffalo, New York 14203

Call to Order by Board Chair, Brendan Mehaffy

ATTENDANCE:

Board Members Present: Brendan Mehaffy, Scott Bylewski, Daniel Castle,
William Reece, Jeremy Toth, Karen Utz,
Catherine Amdur

Board Members *Excused*: Delano Dowell, O.J. McFoy, Cavette Chambers

Board Members *Absent*: Deborah Skulski-Wakelam,

BENLIC Counsel Present: John Sidd (remotely)

BENLIC Staff: Jocelyn Gordon, Marjorie McAllister, Benjamin Brown

HAND OUTS:

Agenda; Minutes of October 2022 Board Meeting; October 2022 Treasurer's Reports; Resolution #2022-28; Resolution #2022-29

NEW BUSINESS:

1. Roll Call

2. Approval of October 2022 Minutes:

The minutes of the October 22nd, 2022, Board of Directors Meeting were presented and reviewed.

A motion to approve was made by Scott Bylewski, seconded by William Reece, and unanimously carried as approved.

3. Treasurer's Reports:

Executive Director, Jocelyn Gordon, presented the October 2022 Treasurer's Reports. As of October 31st, 2022, the Corporation's bank balance was \$3,094,863.85.

A motion to approve was made by Jeremy Toth, seconded by Karen Utz, and unanimously carried as approved.

4. **Resolution #2022-28** Approval of Real Estate Closing Legal Services

On September 15th, 2022, BENLIC released a Request for Proposals (RFP) for real estate legal services with a submission deadline of October 18th, 2022. The RFP was for legal firms that may assist BENLIC with the closing procedure for properties, title clearance, negotiating with any Developer Partner regarding executive development agreements, and representing BENLIC in any contracts or other writings necessary during real estate transactions.

BENLIC received proposals from four firms with differing levels of experience and pricing: Bengart & DeMarco, LLP; Daniel Tarantino; Berger & Paskowitz; and Rupp Baase Pfalzgraf Cunningham LLC. BENLIC requested that this list of firms be approved so that anyone may be utilized for legal services. Executive Director, Jocelyn Gordon, was asked how BENLIC staff would determine which law firm to utilize and she reported that it would start with the least expensive firm and, if not available, then use the second least expensive firm and so on. The selection would depend on the type of closing and workload of attorneys to ensure the most efficient closing.

This resolution was tabled in the October board meeting due to lack of a quorum for the matter.

A motion to approve was made by William Reece, seconded by Karen Utz, and unanimously carried as approved.

Resolution #2022-29 78 Diane Drive, Town of Cheektowaga – Complete Rehab Project
78 Diane, a single-family home, was acquired by BENLIC in 2022 via the Erie County In-

Rem Auction. The property has been cleaned out and stabilized. On October 24th, a request for bids was released by BENLIC for a full rehab project. This project will result in the construction of a new roof, new kitchen, new bathroom, as well as updated electrical, plumbing, and heating.

The lowest qualified bid received for this contract was \$95,250.00 by Buffalo C.H.I.L.L. Contracting. This contractor is an approved Erie County vendor and is currently in the process of being officially certified as a Minority Business Enterprise (MBE). BENLIC is requesting the Board approve the awarding of this bid to Buffalo C.H.I.L.L. Contracting of 155 Chancellor Lane, West Seneca, NY 14224.

A motion to approve the bid for 78 Diane was made by Daniel Castle, seconded by Catherine Amdur, and unanimously carried as approved.

5. Executive Director's Report:

Jocelyn Gordon delivered the executive director's report. The first matter was the progress of the Adams Street Infill project. The title work for all twenty-four vacant lots has been completed by the attorneys at Bengart & DeMarco and these lots are now ready to be transferred. The BENLIC-Severyn Co-Developer Agreement is near completion. There have been extensive talks with Severyn in search of options to make these houses as affordable as possible.

BENLIC's regular yearly auditing firm, Drescher & Malecki, are increasing their prices for the first time since they began auditing for BENLIC. For this reason, BENLIC is releasing an Request For Proposals for auditing services. Staff and Board members then consulted with counsel John Sidd on the possibility of increasing BENLIC's limit on procuring a professional service without needing a Board-approved resolution. In the future, BENLIC may request to increase this number.

Jocelyn Gordon also updated the board on the status of the 2022 Erie County Proceeds Agreement. In 2022, the Erie County Legislature did not vote on the approval of BENLIC's regular proceeds agreement which has been approved annually since BENLIC's founding in 2014.

6. Executive Session:

The matter which was brought before the board in the previous meeting's Executive Session was discussed further. As it involves the threat of litigation against the corporation, BENLIC counsel advised that it is a matter for a closed Executive Session. A motion to enter executive session was made by William Reece, seconded by Jeremy Toth, and unanimously carried as approved.

A motion to exit executive session was made by William Reece, seconded by Jeremy Toth, and unanimously carried as approved.

On return, it was noted that after weighing the pros and cons of this situation, a solution that is satisfactory to the Board has been decided.

Resolution 2022-30 – Sale Recission of 1357 Jefferson, Buffalo

BENLIC approved the acquisition of 1357 Jefferson on April 21, 2022 (Resolution #2022-8). Prior to acquiring the property, BENLIC staff took every effort to ensure vacancy. The property had no electric service (broken/removed utility meters) which staff took as significant evidence of vacancy along with several other indicators. Property was offered and sold at public auction on July 27, 2022 and conveyed to BENLIC via Referee’s Deed recorded in the Erie County Clerk’s Office on August 3, 2022. However, following the transfer of the property into BENLIC’s inventory, the property was inspected again, and it was determined that the property was occupied despite previous signs of vacancy. Since it is a practice of BENLIC to only take unoccupied properties, it is recommended that the sale be rescinded upon payment of back taxes and costs incurred.

A motion to adjourn the meeting was made by Scott Bylewski, seconded by Dan Castle, and unanimously carried as approved.

NEXT MEETING: Board of Directors – 1 p.m. December 15th, 2022

Location: Brisbane Building Conference Room 521, 403 Main St. Suite 602, Buffalo, New York 14203

Recorded by: Matthew Azzano, BENLIC Staff
Submitted for Approval: Jocelyn Gordon, Executive Director

Adopted by BENLIC Board Members on _____