



BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION
BOARD OF DIRECTORS MEETING MINUTES
March 23rd, 2023 – 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, Jeremy Toth, Catherine Amdur, William Reece, Cavette Chambers, Daniel Castle (virtually present; non-voting)

Board Members *Excused*: O.J. McFoy, Karen Utz

Board Members *Absent*: Deborah Skulski-Wakelam, Delano Dowell

BENLIC Counsel Present: John Sidd (remotely)

BENLIC Staff: Jocelyn Gordon, Benjamin Brown, Matthew Azzano, Alexis Duwe

HAND OUTS:

Agenda; Minutes of February 2022 Board Meeting; February 2022 Treasurer's Report

NEW BUSINESS:

1. Roll Call

2. Approval of February 2023 Minutes:

The minutes of the February 17th, 2023, Board of Directors Meeting were presented and reviewed.

A motion to approve the February 2023 minutes was made by William Reece, seconded by Catherine Amdur, and unanimously carried as approved.

3. Treasurer's Report:

Executive Director, Jocelyn Gordon, presented the February 2023 Treasurer's Reports. As of January 31st, 2023, the Corporation's bank balance was \$2,783,579.12. Executive Director Jocelyn Gordon commented that the dispositions of 172 Garner, 109 Humason, and 78 Diane in the coming months will return a significant amount of capital to the Corporation's treasury.

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

4. Presentation by Drescher & Malecki of 2022 Independent Audit

An annual audit prepared by the Drescher & Malecki accounting firm provides a third-party opinion on BENLIC's financial statements.

Carl Widmer of Drescher & Malecki reported that the auditing team received full cooperation from BENLIC staff and that every document asked for was delivered on time. He noted that the Corporation has \$1.3 million in property assets as well as \$442,000 in property liabilities, leaving BENLIC with a total of \$3.8 million in net assets. In 2022, \$1.4 million of revenue came from sales, while \$200,000 came from grants. This is an example of an overall trend of an increase in sales revenue and a decrease in grant revenue.

5. Approval of 2022 Reports

As required by the Authorities Budget Office, a series of reports are due by March 31st each year.

The complete Annual Report includes:

- Financial Statements, Management Letter, Internal Controls
- Procurement Report
- Investment Report
- Property Report
- Performance Measurement
- Board of Directors Evaluations

The draft of the Annual Report was made available to the board for review. A few minor mistakes in the draft will need to be fixed before it is submitted.

A motion to approve the 2022 ABO Report was made by William Reece, seconded by Jeremy Toth, and unanimously carried as approved.

6. Annual Review and Approval of Corporation Policies

BENLIC's rules and procedures must be in congruence with the guiding documents such as The Land Bank Act and BENLIC's Intermunicipal Agreement. BENLIC reviews and reapproves its Corporation Policies annually. The policies are unchanged from last year.

A motion to approve the Corporation Policies was made by Jeremy Toth, seconded by William Reece, and unanimously carried as approved.

7. Election of Officers for 2023: Chair, Vice Chair, Treasurer

For the three annually elected positions, Brendan Mehaffy will serve as Chair, Scott Bylewski as Vice Chair, and William Reece as Treasurer.

A motion to approve the election of Board officers was made by Catherine Amdur, seconded by William Reece, and unanimously carried as approved.

8. Election of Committee Members, including Chairs of Committees

A chairperson and committee members must be selected annually for each of BENLIC's four subcommittees—Governance, Audit and Finance, Real Estate, and Personnel.

The board members elected for each subcommittee are as follows: Jeremy Toth, Brendan Mehaffy, and Cavette Chambers for the Governance Committee; William Reece, Jeremy Toth, and Delano Dowell for the Audit and Finance Subcommittee; Daniel Castle, Scott Bylewski, and William Reece for the Real Estate Subcommittee; Daniel Castle, William Reece, and Brendan Mehaffy for the Personnel Committee.

A motion to approve the election of Board officers was made by Catherine Amdur seconded by Jeremy Toth, and unanimously carried as approved.

9. Real Property Dispositions

Resolution #2023-4 Disposition of 39 Long Beach, Angola (Vacant to Value)

BENLIC acquired 39 Long Beach in the Town of Evans via the 2022 Erie County Vacant In-Rem Auction. \$4,428 were initially invested into securing the property by BENLIC. The property was listed for sale in February 2023 at a price of \$55,000.

This property is being sold as a Vacant to Value, meaning that the purchaser will buy the home as is and complete the rehabilitation outlined by a mandatory scope-of-work themselves. A \$50,000 lien will be put on the property until the scope-of-work has been completed. BENLIC will monitor the rehabilitation progress over the course of one year.

The only offer received was a \$35,000 cash offer from Clair Montroy and Mark Mazur, two prior Vacant-to-Value purchasers.

A motion to approve the disposition was made by William Reece, seconded by Catherine Amdur, and unanimously carried as approved.

10. Executive Director's Report:

Executive Director Jocelyn Gordon introduced BENLIC's new Program Manager, Alexis Duwe, to the board.

Jocelyn also delivered a presentation highlighting some of BENLIC's most impactful sales of 2022. Two new infill single-family houses were built at 149 and 159 Crowley in Buffalo. 224 South Huxley was rehabilitated after suffering major fire damage, turning a major eyesore into a beautiful, occupied home. Two homes on Humason Street near the Buffalo-Cheektowaga border underwent BENLIC rehabilitations. 102 Humason has already been sold to a buyer who was at or below 100% of the Area Median Income (AMI). The rehabilitation at 109 Humason is nearing completion and this home will also be sold to an owner-occupier whose income is equal to or less than the AMI. 52 Olcott in South Buffalo was sold to the non-profit rehab organization Habitat for Humanity at a standard price of \$7,500 to cover legal costs. 146 Royal in Buffalo was rehabilitated and sold—Its historic character maintained by keeping its original cedar shakes exterior. The vacant lots at 172 Aegean and 2880 Tonawanda Creek were both transferred to the Town of Amherst to be used for parks and recreation by the Town.

BENLIC counsel John Sidd explained an ongoing U.S. Supreme Court case that may have significant ramifications on BENLIC and other Land Banks' operations. The relevant issue of the case is whether it is lawful or unconstitutional when a municipality keeps surplus funds after foreclosing and auctioning a property. Depending on the decision of this Supreme Court case, the future procedure for acquiring foreclosed properties through BENLIC's "super-bid" authority may be changed.

11. Executive Session:

The Board entered an executive session to discuss matters leading and/or related to the employment of a particular person.

A motion to enter executive session was made by William Reece, seconded by Catherine Amdur, and unanimously carried as approved.

No action was taken in executive session.

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

A motion to accept the recommendation from the personnel subcommittee less the

recommendation of the bonus, was made by William Reece, seconded by Jeremy Toth, and unanimously carried as approved.

A motion to adjourn the meeting was made by Jeremy Toth, seconded by Catherine Amdur and unanimously carried by acclamation.

NEXT MEETING: Board of Directors – May 18th, 2023, 1:00 p.m.

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 May 18, 2023.