

**Livingston County Land Bank Corporation**  
**Board of Directors Meeting**  
**December 15, 2017**  
Meeting Minutes

**Members:** WILLIAM BACON, Livingston County Office of Economic Development/IDA; IAN COYLE, Livingston County Administrator; ANGELA ELLIS, Livingston County Planning Department; WILLIAM FULLER, Real Property Tax Services; SHANNON HILLIER, Livingston County Attorney; DANIEL L. PANGRAZIO, Livingston County Board of Supervisors.

**Staff:** DAVID PAOLETTA, Planning Department; Linda Shanks, Planning Department

<b>Agenda Item</b>	<b>Call to Order and Welcome</b>
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Chairman Pangrazio called the meeting to order at 1:32 p.m. and welcomed the group.

<b>Agenda Item</b>	<b>Approval of the October 27, 2017, Meeting Minutes</b>
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Chairman Pangrazio asked if there were any additions, corrections, or deletions to the Draft Minutes. He noted the need for a correction on the last page: The word, *some*, is missing the final *e*. Ms. Ellis indicated a change on page 5: In the phrase, *from Land Bank ... to Land Bank*, replace the first instance of *Land Bank* with the word, *County*.

Chairman Pangrazio asked for a motion to approve the minutes, as corrected.

***A motion to approve the October 27, 2017, meeting minutes, as corrected, was made by Mr. Coyle and seconded by Mr. Fuller.***

The motion carried.

<b>Agenda Item</b>	<b>Land Bank 101 Workshop Review</b>
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Members engaged in a discussion about the recent training workshop in Binghamton.

- Chairman Pangrazio thought it was very well done and well worth attending. Because there was so much information presented, he suggested looking at it and pulling out only those policies and procedures that can be applied to Livingston County's situation.
- Ms. Hillier does not think that all the insurance policies mentioned apply to the Livingston County Land Bank Corporation. She stated that one policy should suffice, and added that each time a property is acquired, it can be added to that policy. Mr. Bacon agreed, stating that one umbrella policy should work. He added that, if the Corporation gets a good insurance agent, it should be fine.
- Ms. Ellis agreed that there was too much insurance information. The presentation about the Land Bank Act was very good, and although the accounting piece was intimidating, it was helpful. She appreciated that everyone was willing to freely share information. Ms. Ellis indicated that she took a lot of notes and shared them with Mr. Paoletta. Per the recommendation at the Workshop, she visited the ABO online site. It seemed overwhelming.
- Mr. Bacon felt the information presented was more advanced than basic. Ms. Ellis agreed, but

added that many other attendees at the Workshop were as new to the process as Livingston County.

- Mr. Coyle stated that, although he wasn't there, he advised keeping the Livingston County Land Bank's policies simple, legal, and tailored to meet its needs.
- Ms. Hillier referred to a previous discussion with Ms. Ellis regarding the requirement to do an appraisal of every parcel the Land Bank acquires. She quoted her notes from the Land Bank Workshop, noting that per Article 16, Section 1609 of the Land Bank Act, there is no such requirement. She added, however, that this must be stated in the Corporation's Policies and Procedures.

<b>Agenda Item</b>	<b>Cuylerville Property Update</b>
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Mr. Coyle noted that an action regarding the Property is on the agenda for the Ways and Means Committee meeting on Monday, December 18, 2017, and asked Ms. Hillier to elaborate.

Ms. Hillier stated that the action will consist of movement from Title in the County to Title to the Land Bank. She added that the delay was not caused by any Land Bank requirement; it was due to her concern about the County conveying the property as a gift without having fair, reasonable value for it. After checking, she found that once a tax foreclosure has taken place, the County's disposal of the property does not need to meet the same mandates.

- Ms. Ellis asked if there were any steps the Land Bank Corporation must take. Ms. Hillier replied that there are many things to do, citing examples from the Land Bank Policies and Procedures. She noted that one of the resolutions the Livingston County Board of Supervisors must pass is one that identifies Habitat for Humanity as an exempt entity. Ms. Hillier referred to the steps that the Seneca County Land Bank Corporation took for property acquisition and disposition to Habitat for Humanity.

Mr. Coyle stated that the County to Land Bank title transfer should be a seamless one and will commence on Monday with approval from the Ways and Means Committee. He asked if there were something in the Land Bank's policies and procedures about the next steps toward disposition of the property. Ms. Hillier and Mr. Paoletta indicated that the disposition policy is Exhibit H of the Corporate Organization Resolution document.

- Mr. Coyle suggested adding language, if necessary, that describes the methods of disposition allowed for certain entities, such as not-for-profits, municipalities, etc. Ms. Hillier agreed, adding that the Corporation needs to be selective in which entities it deals with.

In response to Mr. Coyle's question, Chairman Pangrazio and Ms. Hillier confirmed that the Cuylerville property could be discussed at the next Board of Directors meeting in January, 2018. Ms. Hillier added that, before any action can take place, the specific policy governing it must be determined. Mr. Paoletta reminded the Board that the Governance Committee created for the Corporation can handle this type of task.

**Agenda Item****Refined Land Bank Inventory/Property Selection**

Mr. Fuller referred to distributed documents, explaining that the first packet represents an example of the type of house the Land Bank might acquire and dispose of; the spreadsheet contains the changes suggested at the last meeting.

- *Description* and *Preliminary Score* columns were added.
- Some column titles were changed and the wording was refined.

Mr. Fuller indicated that he received the information presented on the last page, *VACANT, PRIVATE OWNER*, in response to his request to local code enforcement officers and assessors. A brief discussion ensued regarding input from code enforcement officers. Mr. Coyle suggested that a letter be sent to each of them, asking for a list of vacant properties in the municipality. Chairman Pangrazio suggested adding assessors as recipients of such a letter, since 2018 will be an update year.

Mr. Fuller indicated that he would draft such a letter.

Chairman Pangrazio asked for a motion.

***Mr. Coyle moved to approve sending a letter to municipal code enforcement officers and assessors, requesting a list of vacant properties within their municipality. Mr. Bacon and Ms. Ellis seconded the motion.*** The motion carried.

Mr. Coyle questioned the status of single-family residence properties on the *COUNTY OWNED PROPERTIES* page, stating that except for a very few, the County is getting rid of those properties through the auction process. Mr. Fuller suggested that their inclusion as County-owned might be due to the lag time between the auction and the recording of the deed. A short discussion ensued.

Mr. Coyle asked Mr. Fuller to email the list to Amy Mann to get the foreclosure history of the properties, starting with the single-family residences. Mr. Fuller agreed to do so and added that he would do some research of the properties, as well.

Mr. Coyle asked if initial, official correspondence with the banks should occur now or wait until the start of the new year. Ms. Hillier suggesting waiting until all legal requisites and policies are in place before any official contact is made with the banks. She noted that the Land Bank training session made it clear that new Land Bank corporations will be audited. Mr. Fuller added that, in the meantime, the inventory list can be updated and refined. Mr. Bacon concurred with waiting, suggesting that no business be done before January 2, 2018.

- Mr. Paoletta noted that property selection criteria needs to be established and added that, properties selected by other rural county Land Bank corporations are those that will have the greatest negative impact, if something is not done. He went on to say that, if the first criterion is established as “greatest negative impact”, the next consideration might be “ease of acquisition”. Ms. Hillier concurred.

Mr. Coyle asked if the research shows that the process might be as simple as a bank negotiating a deal with a Land Bank or giving the property to a Land Bank; followed by the Land Bank hiring a contractor to, in essence, *flip* the house. He asked how that might work. Mr. Fuller replied that Mark Geise showed such an example on the tour. The selected property was the worst house in the best neighborhood. The Land Bank hired a contractor to rehab it. The result was a beautiful home and great public relations for the Land Bank.

Mr. Coyle proposed that, as soon as policies and legal requirements are in place, a form letter should be mailed to the banks that own properties on the refined list, inquiring whether they would be interested in

discussing the divestiture of a particular property with the Land Bank. The Group agreed that the letter should include the suggestion of donating the property to the Land Bank.

- In response to Ms. Hillier’s caution regarding potential, hidden title issues of donated properties, Mr. Fuller indicated that his office could do some title research once a property has been selected.
  - Mr. Fuller and Ms. Hillier discussed the words, phrases, and actions that might indicate issues when researching a property’s title.

Chairman Pangrazio noted that a policy/procedure should be in place regarding contractors before any actions are taken regarding a property.

- Ms. Hillier referenced the Land Bank 101 training, asking about prevailing wages. She agreed with Mr. Fuller’s recollection that, according to the training, prevailing wages do not apply. He added his doubts about that statement, since the Land Bank is a private, not-for-profit, and not a government entity. Ms. Ellis concurred. Mr. Coyle stated that the question of prevailing wages needs to be researched for a final answer.
- Mr. Fuller suggested hiring someone to act as a general contractor who can manage all the subcontractors on any particular project.

**Agenda Item**

**Website Development and Requirements**

Mr. Paoletta referred to the handout from the Authorities Budget Office on Policy Guidance, noting that, in addition to other information, it lists all the items that need to be on the Land Bank Corporation’s website. He stated that when the ABO audits the website, it will refer to a checklist of all the components listed in the Policy Guidance document. Following the audit, a letter will be sent with a checklist of items that are not in compliance. The Livingston County Land Bank Corporation would have a week to get all the items listed into compliance.

- In answer to Mr. Coyle’s question, Mr. Paoletta confirmed that many of the items for posting are ready and can be put on the website in the next few weeks. The remaining items will be posted as they are created and/or refined. Mr. Coyle indicated his belief that the demonstration of the Land Bank’s complying in good faith, even if all the items have not been posted by the time of an audit, should suffice.
- Mr. Bacon stated that once the template for adding items to the website has been established, it should be an easy process to add items as they become ready.
- Mr. Paoletta indicated that one of the required items is a bio of each member of the Board of Directors. Mr. Coyle suggested that this particular requirement be reviewed to see if it is mandated by law or suggested by the Authorities Budget Office. He explained that the Land Bank Corporation has many tasks to accomplish and should focus its priorities on those that are required by law. He suggested using a wording litmus test – *shall* vs. *must* – to determine priority items.

Ms. Ellis confirmed for Mr. Coyle that the Land Bank Corporation’s webpage is on the County’s website.

**Agenda Item**

**Development of Required Policies**

Mr. Paoletta reported that progress is being made. He referred to the Mission Statement document already distributed, indicating that Ms. Ellis had drafted it.

***A motion to approve the Mission Statement was made by Mr. Coyle and seconded by Ms. Hillier.***

The motion carried.

Mr. Paoletta drew the Board's attention to the Seneca and Chautauqua Counties' examples of acquisition and disposition policies, noting that they could be modified for use by the Livingston County Land Bank.

- As an example, he cited a resolution from Seneca County's acquisition policy that deals with Habitat for Humanity's involvement. Ms. Hillier indicated her belief, confirmed by Mr. Paoletta, that the resolution waives the formal application process when Habitat for Humanity is involved. Mr. Coyle confirmed that such a resolution would need to be approved by the Land Bank Board of Directors.
  - In answer to Ms. Ellis's question, Mr. Coyle stated that the waiver will have to be reworked and possibly expanded to include other groups, in addition to Habitat for Humanity, before it can be adopted as a resolution. He agreed that the reworking should be done for consideration at the Board's January, 2018, meeting.
  - Mr. Paoletta suggested the alternative of using separate resolutions for each additional entity.

Chairman Pangrazio agreed with the idea of modifying appropriate documents that will serve the needs of the Livingston County Land Bank Corporation. A short discussion ensued regarding specific components of the policies. Regarding the Land Bank's current disposition policy, Mr. Paoletta stated that it is very similar to others across New York State. It has already been approved by the Board, but can be modified at any time.

- Mr. Coyle volunteered to examine the acquisition policies of other counties, such as Seneca's and Chautauqua's, and propose edits to the Livingston County Land Bank's acquisition policy based on his review. His suggestions will be presented at the January meeting.
- Mr. Paoletta will send a copy of Seneca County's acquisition policy to Mr. Coyle, as well as e-versions of all of the policies discussed.

<b>Agenda Item</b>	<b>Land Bank Account Status</b>
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Mr. Coyle reported for Amy Mann in her absence. Per her statement at the last meeting, the account is set up.

- Ms. Ellis indicated that she has had no further information on the account, and is not sure of its status. Mr. Coyle suggested that Ms. Ellis email Ms. Mann for that information. He indicated that he will work with Ms. Mann on getting initial funds into the account.

<b>Agenda Item</b>	<b>Other Organizational Activities/Next Steps</b>
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Mr. Coyle reported.

- The letter drafted by Mr. Paoletta was published in the *Livingston County News* and the *Genesee Sun*.
- The legislative agenda of the County government will now include an item that addresses direct funding for land banks, in addition to three or four other high priority areas.
- A grant request for the anti-poverty, THRIVE LivINgston Program has been submitted. The funding amount is between \$2 and \$2.5 million and will include seed capital for the Land Bank.
- If efforts to acquire funding fail by the second quarter of 2018, Mr. Coyle will look to the Livingston County Board of Supervisors for an initial contribution in February, 2018. He added that, by that time, this Board may have chosen one or two "A" properties to pursue for acquisition.

Ms. Ellis reported on her meeting with Maggie Brooks yesterday.

- Ms. Brooks is very interested in the THRIVE LivINgston Program for two reasons: It ties in with public transportation and RGRTA, and it connects with the Empire State Poverty Reduction Initiative that Monroe County and Rochester are participating in.
- Ms. Brooks feels that there is an opportunity to spread State anti-poverty funding to the THRIVE LivINgston Program. At a recent meeting of the ESPRI, Governor Cuomo directed regional funding recipients to branch out from urban areas into surrounding counties. To date, no region in the state has done that. Ms. Brooks believes that THRIVE LivINgston is exactly the type of program the Governor was speaking of, and she thinks that it can serve as a model or pilot program for his directive. Ms. Brooks will send contact information to Ms. Ellis. She has also promised to follow up on the Upstate Revitalization Initiative and will talk to Bill Carpenter. Ms. Brooks will support the Program and push for it at the State level. She will follow up with Ms. Ellis after January 8<sup>th</sup>.

Mr. Coyle raised a question about the Land Bank receiving anti-poverty funding: Will there be other, secondary steps the Land Bank will be required to take, in order to qualify for this type of funding? He offered a possible scenario in which a property rehabbed by the Land Bank is sold to someone who does not qualify for an anti-poverty program. Mr. Coyle suggested that this is something to consider.

- Mr. Bacon suggested putting a low-to-moderate income requirement on the property purchaser.
- Mr. Paoletta confirmed Ms. Ellis's question that he had seen home ownership-type programs like this in other land banks, such as Chautauqua County's and in Syracuse.
- Mr. Coyle stated that one of the elements was the mobile work crew and added that it has been moved to be part of Workforce Development rather than the Department of Social Services. He suggested using the unemployed or under-employed on Land Bank projects, as part of the mobile work crew. Mr. Bacon noted the similarity to a Habitat for Humanity project.
- Mr. Bacon noted that the Finger Lakes (Seneca County) disposition policy contains a few programs that might qualify for anti-poverty funding: e.g., affordable housing development and tenant-to-homeowner programs.
  - Ms. Ellis stated that, to her knowledge, the only comparable Livingston County entity that operates such programs is the Genesee Valley Rural Preservation Council.
- Mr. Coyle suggested consideration of the question: Will the Land Bank's anti-poverty role have a *front end* focus – employing DSS clients, helping contractors with trade skills and employing them; or a *back end* focus – low-to-moderate income requirements, donation of homes to the impoverished or to first-time home buyers; or will the Land Bank's role encompass both?
  - Chairman Pangrazio stated that the Land Bank always has the option of approaching the Board of Supervisors on this issue.

Mr. Fuller asked how often in-kind records should be submitted and whether they should be electronic or hard copy. Mr. Paoletta responded that either form is acceptable and should be submitted monthly. He will again send out the form electronically.

Ms. Ellis indicated that the Planning Department will store all Land Bank Corporation information in a filing system in its office. To that end, it will need copies of all documents and correspondence associated with it. She asked that Board members send any copies of such documents to her for the official file.

Mr. Paoletta noted that he needs each Board member to sign, date, and return two documents: the Exhibit

B Certificate of Independence and the Acknowledgement of Fiduciary Duties and Responsibilities. Board members signed and dated the documents accordingly and turned them in.

Mr. Paoletta reported that work is still being done on the Land Bank logo, stamp, and the Federal tax exempt status form.

Ms. Ellis noted that official letterhead is needed, as well. Mr. Bacon offered to amend some letterhead he uses for the purpose. Ms. Ellis doubted the Livingston County seal could be used on it. She confirmed that the letterhead template should use the Planning Department's address.

A short discussion ensued regarding possible logos and letterhead. It was noted that the property chosen by Mr. Fuller in his sample packet could serve as a model.

- Mr. Fuller added that the assessor's notes on this particular property were informative. He suggested that such notes be referenced when considering future properties for selection.

<b>Agenda Item</b>	<b>Next Meeting and Adjournment</b>
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The next meeting is scheduled for Thursday, January 25, 2018, at 1:30 p.m. Mr. Coyle volunteered to make room arrangements.

*Mr. Coyle moved to adjourn the meeting. Mr. Fuller seconded the motion.*

The meeting adjourned at 2:32 p.m.

Recorded by Linda Shanks, Senior Typist, Planning Department