

Livingston County Land Bank Corporation
Board of Directors Meeting
January 25, 2018
Meeting Minutes

Members: WILLIAM BACON, Livingston County Office of Economic Development/IDA; AMY DAVIES, Livingston County Treasurer; 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

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

Agenda Item	Approval of the December 15, 2017, Meeting Minutes
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Chairman Pangrazio asked if there were any additions, corrections, or deletions to the Draft Minutes. Mr. Fuller noted that on page 3, in answer to the editing question there, the last name of Mark is *Geise*, and it should be added.

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

A motion to approve the December 15, 2017, meeting minutes, as amended, was made by Mr. Fuller and seconded by Ms. Davies.

The motion carried unanimously.

Agenda Item	Property Acquisition and Disposition Policies
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Ms. Hillier stated that the two policies are primarily those adopted by the Seneca County Land Bank. After reviewing the policies of both Seneca and Chautauqua Counties, Mr. Coyle decided that Seneca County's policies better reflected the goals of the Livingston County Land Bank.

Ms. Hillier added that she has reviewed the policies, making certain changes, and also including some comments in the margins. Her comments are meant to explain important points that the Board should be aware of. She referred to specific examples:

- Disposition Policy, page 4 raised some concern, because it appeared that every property the Land Bank would like to dispose of would require an appraisal. After reviewing the law, she found that the Land Bank is specifically exempt from this requirement of the Public Authorities Law. Ms. Hillier advised that an appraisal should be done only when deemed necessary.
- On page 3, Ms. Hillier found some odd language: *every deed, including a clause*. Mr. Fuller agreed, adding that he did not know its meaning. Ms. Hillier suggested that the phrase be redacted and not be part of the final policy. The Board agreed and the phrase was deleted.
 - Ms. Hillier confirmed Ms. Ellis's statement that, if needed, language could be added later as an amendment.
- Referring to page 5, Ms. Hillier stated that she changed a *shall* to a *may*, so that putting a lien on

someone's property would be an option the Land Bank Corporation might use, rather than mandatory procedure.

- There are many references in the Disposition Policy to being a qualified buyer and putting forward an application with an offer. Ms. Hillier noted that the Livingston County Land Bank Corporation does not yet have an application. She is currently looking at the applications of other Land Banks, in order to create one. She reported that Seneca County Land Bank does not have an application yet, either, but is in the process of blending the applications of Albany and Chautauqua Counties. Albany County's application is very thorough, restrictive, and comprehensive; while Chautauqua County's application is fairly generic. Ms. Hillier stated that she will monitor Seneca County's progress and build from their results.

Mr. Bacon asked if the language of the first paragraph of the Acquisition Policy should be expanded to include any properties that might be blighted or identified by similar descriptors; adding that the current language seems to restrict the Land Bank to ideal, desirable properties. In response, Ms. Hillier suggested adding generic language, such as *any properties that meet the mission statement*. The Board agreed, with Ms. Ellis noting that the mission statement is broad enough to accommodate a variety of different properties.

- Ms. Hillier offered the following: *The primary focus of the Livingston County Land Bank Corporation's operations is the acquisition of real property that is delinquent, tax-foreclosed, vacant, or abandoned, or otherwise deemed consistent with the Land Bank's mission.* In response to a question from Ms. Ellis, Ms. Hillier suggested the addition of *as determined by the Board (of Directors)* after the word, *mission*.

With no further comments or additions,

Ms. Hillier made a motion to approve the Acquisition and Disposition Policies that were recently circulated and just discussed in terms of amendments, and that will replace the initial Acquisition and Disposition Policies adopted at the Land Bank Corporation's organizational meeting. Mr. Bacon seconded the motion.

The motion carried unanimously.

Agenda Item	Cuylerville Property Update
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Ms. Hillier reported.

- The property was successfully foreclosed upon in 2017.
- Because a third party approached the County before the property went to auction, the property was not included on the ordinary auction list. The property was set aside.
- At its December meeting, the Board of Supervisors passed a resolution authorizing the County to give the title to the Land Bank Corporation. The third party then had discussions with Ian Coyle, as a member of the Land Bank Board of Directors, about submitting a purchase offer for the property.
- Currently, the property is technically still titled to Livingston County, which is ready to make the title transfer to the Land Bank, as soon as the Board of Supervisors gives its permission. As soon as permission is granted, Ms. Hillier expects the third party to submit a purchase offer for the property.

Responding to Chairman Pangrazio's question, Ms. Hillier stated that the Ways and Means Committee has already reviewed and approved the transfer.

With no further comments or questions,

Ms. Hillier made a motion to approve the County’s offer to convey title of this property to the Land Bank. Mr. Fuller seconded the motion.

The motion carried unanimously.

Ms. Ellis asked Ms. Hillier to enumerate the documentation required for the Land Bank files for the transfer process. Ms. Hiller responded that the following should be kept in the file:

- The Quit Claim deed, conveying the title from Livingston County to the Land Bank, as a not-for-profit corporation.
- Copies of the RP (transfer report with deed information, per Mr. Fuller) and the TP (taxation form)

Ms. Ellis explained the reason for her question: In addition to recording transactions with PARIS, Land Bank files will house an inventory system that will need supporting documentation. Mr. Fuller advised inventorying and filing by a parcel’s tax map number, because that will not change and will make it easy to follow a property’s chain of title.

Ms. Hillier noted that, per the Acquisitions and Dispositions Policies just adopted, the Land Bank Corporation is required to report any inventory acquisitions to PARIS within one week of the transaction.

- In answer to Ms. Davies’ question, Ms. Ellis confirmed that the Planning Department will be responsible for reporting to PARIS.

Mr. Bacon asked Ms. Hillier if an informal environmental inventory, such as a DEC overview, should be done for a property. Ms. Davies reported that such an inventory is routinely done by Kevin Niedermaier. He is presented with the list of properties going to auction and lets the County know if any have possible environmental issues, so that further investigation may be conducted.

- In response to questions about the resources used by Mr. Niedermaier, Ms. Davies stated her belief that he refers to a database. Chairman Pangrazio added that Mr. Niedermaier also does site visits to inspect the property and will call the DEC if he sees anything that needs investigation.

Mr. Bacon suggested adding documentation about this step in the process to each property’s file, to show that some form of environmental due diligence has been done. Mr. Fuller reminded the Board that purchasers are getting the properties as is.

Ms. Hillier stated that any transfer of title, for disposition to a third party, must be reflected in PARIS within a week.

Agenda Item

Declare Habitat for Humanity as a Preference Program per the LCLBC Disposition Policy

Ms. Hillier identified Habitat for Humanity as the third party, referenced above, that has expressed interest in the Cuylerville property. Per the Land Bank’s newly adopted Disposition Policy, qualified buyers must prove their qualifications through an application. However, Ms. Hillier added, under Section 5 of the Homeowner’s Choice Program, if the Livingston County Land Bank Corporation passes a motion that recognizes Habitat for Humanity as a Preferred Program doing business with the Land Bank, the application process can be circumvented and accelerated.

Chairman Pangrazio asked for a motion to that effect.

Mr. Fuller made a motion to recognize Habitat for Humanity as a Preferred Program doing business with the Livingston County Land Bank Corporation. Ms. Davies seconded the motion.

The motion carried unanimously.

Ms. Hillier reported that Habitat for Humanity hoped the Board would consider its purchase offer at today's meeting, but that is not possible, and the earliest the Board can meet again by law is February 8, 2018.

Ms. Hillier made a motion that the Land Bank Board of Directors meet again on February 8, 2018, to consider Habitat for Humanity's purchase offer for the Cuylerville property. Mr. Bacon seconded the motion.

The motion carried unanimously.

Ms. Hillier stated that she would make the meeting room arrangements for February 8th, with a start time of 1:30 p.m.

Agenda Item

Letter to Municipal Code Enforcement Officers/Property Selection List

Mr. Fuller reported that, following the Board's December meeting, he drafted a letter and sent it to town supervisors and municipal code enforcement officers and assessors. To date, there have only been two responses – from Livonia and Groveland.

Chairman Pangrazio stated that he would promote it. Mr. Fuller suggested that Chairman Pangrazio also speak to his fellow Town Supervisors. Mr. Fuller reported that he explained the program to assessors at the meeting this past week. He added his belief that code enforcement officers and clerks know of properties that would be suitable for consideration by the Land Bank.

Referring to the report he distributed, Mr. Fuller stated that one additional property had been received by the Planning Department yesterday and is not reflected on it. Except for one difference, the report has changed very little since the Board's last meeting.

- The issue with the single family homes owned by the County that appeared on last month's report was, as Mr. Fuller suspected, the result of a timing issue. All the 210s, the single-family homes, are gone from the report now.

Mr. Fuller stated that the only information needed from code enforcement officers, town clerks, assessors, etc. is the name and location of the property they have in mind. No long report is necessary.

Mr. Fuller will email the report to Board members after the meeting.

Chairman Pangrazio stated his intention of asking his Town's CEO to bring up the Land Bank topic at the next meeting of code enforcement officers, adding that they meet regularly – every one or two months, at least. Mr. Fuller suggested that Chairman Pangrazio convey the idea that reporting possible properties to the Land Bank is a simple, straightforward action. A short discussion ensued about possible obstacles to cooperation from code enforcement officers.

Agenda Item

Website Development and Requirements Update

Ms. Ellis reported that the mission statement has been put on the website and that framework is being created for placement of the other resources that need to be added. She predicted that the required documents, including agendas and minutes, should be on the website within the next few weeks.

- In response to Mr. Fuller's question, Ms. Ellis confirmed that, per the discussion at the December meeting, only Board of Directors membership names, not biographies, will be put on the website.
- Mr. Fuller suggested that photos of inventory properties might be posted on the website, as well.

There was a general assent to this idea.

Ms. Ellis asked for the Board's opinion of the logo samples presented. She noted that none were put in letterhead size. The Board preferred the first design.

Agenda Item

2017 Accomplishments/2018 Work Plan

Mr. Paoletta reported per the distributed documents. Regarding the 2018 Work Plan:

- It consists of a list of mandatory tasks. The first task has been completed.
- Per Ms. Hillier's suggestion, the creation of a Qualified Buyer Application will be added. Mr. Bacon suggested adding it to Task #4.
- Regarding #6, the Annual Report that is due by March 31, 2018, will not be lengthy.
- Regarding #7: Ms. Davies reported that the auditors she works with, Bonadio, will check to see if a small audit is needed at this point, even though no transactions have taken place, and balances are at zero. The firm will get back to her and further, it indicated that it would submit a bid to perform any 2018 audits.
 - Ms. Ellis asked about the timeframe for planning for the 2018 audit.
 - Ms. Davies stated that, based on her experience, a March audit deadline means preliminary work in the previous December and submission of paperwork in January. The auditor's report is usually completed by the end of February, so that it meets the PARIS reporting deadline.
 - Mr. Bacon stated that, if PARIS reporting is done in-house, he typically puts out a bid for auditing services in October, for selection in November, in order to meet the March deadline.
 - Chairman Pangrazio asked when the State will do its audit. Mr. Bacon and Ms. Davies replied that, per the training in Binghamton, they believe it will be in August or September. Chairman Pangrazio suggested that a third party, such as Bonadio, do an audit in anticipation of the State audit, to avoid any issues. Mr. Bacon agreed and added that Bonadio has done good work. In addition, the firm has experience getting a waiver for the 990 Form, so that the Land Bank would not have to prepare a tax return.
 - Mr. Fuller asked for confirmation that an audit might involve Board of Directors members signing fiduciary responsibility statements to prove they know the Land Bank Corporation's mission statement or can point it out on the website. Other members recalled that information.

Agenda Item

Other Organizational Activities/General Discussion/Next Steps

Ms. Davies reported that the Land Bank Corporation has opened a bank account, and its balance remains at zero. Nothing has been funded from the County yet.

- She stated that the Planning Department will be reimbursed for any expenditures it has made, and added that she can maintain a spreadsheet on the Land Bank's economic activities. Ms. Ellis reported that there have been only a few minor expenses, so far, in the form of advertising fees for meetings. The next anticipated expense will be for the official seal.
- Responding to Mr. Paoletta's question, Ms. Davies indicated that the account is with the Bank of

Castile.

- Chairman Pangrazio suggested that a Treasurer's Report be on the agenda for every Land Bank Board of Directors meeting. Ms. Davies asked Ms. Ellis for expenditure information, in order to create a spreadsheet for reporting. She added that she will contact Mr. Coyle next week about funds for the Land Bank.

Ms. Ellis stated that the Livingston County Land Bank Corporation needs an official seal and reported that her Department has created one. She described it for the Board: an outline of Livingston County in the center, with *Livingston County Land Bank Corporation* and *Established 2017* arched above and below it. Mr. Paoletta noted that the words, *New York State*, should be added, as well.

- Mr. Bacon advised that the seal should be embossed. Chairman Pangrazio agreed.
- Ms. Davies and Ms. Ellis indicated that the cost of the seal will not be expensive.

Mr. Fuller presented a packet on a property in Caledonia as an example of the paperwork the Real Property Tax Services Office would provide for properties targeted by the Land Bank. The Board approved of the example.

- Chairman Pangrazio and Ms. Ellis provided details about this particular property. A short discussion ensued. It was determined that this property is not a suitable candidate for the Land Bank.

Agenda Item	Next Meeting and Adjournment
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Chairman Pangrazio will arrange to have 303B set up as the Land Bank's meeting place for the remainder of 2018. He will ask Melissa Savino to reserve it for the last Thursday of each month, with a start time of 1:30 p.m. Ms. Hillier pointed out that the one exception will be the special meeting on February 8, 2018.

The next regular meeting is scheduled for Thursday, February 22, 2018, at 1:30 p.m.

Chairman Pangrazio asked for a motion to adjourn.

Ms. Ellis moved to adjourn the meeting. Mr. Fuller seconded the motion.

The meeting adjourned at 2:24 p.m.

Respectfully submitted,
William Bacon, Secretary

Recorded by Linda Shanks, Senior Typist, Planning Department