

**Livingston County Land Bank Corporation**  
**Board of Directors Meeting**  
**May 31, 2018**  
Meeting Minutes

**Members:** WILLIAM BACON, Office of Economic Development; 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.

**Members not Present:** AMY DAVIES, Livingston County Treasurer

**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 Minutes from April 26, 2018</b>
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Chairman Pangrazio asked if there were any additions, corrections, or deletions to the April 26, 2018, Draft Meeting Minutes. Hearing none, he asked for a motion to approve them.

*A motion to approve the April 26, 2018, meeting minutes was made by Mr. Coyle and seconded by Mr. Fuller.*

The motion carried.

<b>Agenda Item</b>	<b>Treasurer's Report</b>
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Mr. Coyle reported on Ms. Davies' behalf, per the distributed document. The Balance Forward of the Livingston County Land Bank Corporation was \$25,500. With no Income or Expenses to report, the Ending Balance is \$25,500.

Hearing no comments or questions, Chairman Pangrazio asked for a motion to approve the Treasurer's Report.

*A motion to approve the Treasurer's Report was made by Mr. Bacon and seconded by Ms. Hillier.*

The motion carried.

<b>Agenda Item</b>	<b>Land Bank Community Revitalization Initiative RFA</b>
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Mr. Paoletta referred to the distributed document, noting that it comes from the Chautauqua County Land Bank. He reported that his attempts to get a copy of a completed application were unsuccessful, most likely due to a perceived threat of competition.

- The application requires a great deal of work, including evidence of Expected Outcomes (pg. 9).
- The more properties owned by the Land Bank and included in the Application, the more money the Land Bank can request. Mr. Paoletta explained that the Applicant determines the funding amount to request. He added that all the Land Banks received funding in the last round, and that some of the sums were substantial.

In response to various questions from the Board, Mr. Paoletta stated that:

- The Local Initiatives Support Corporation (LISC) and Enterprise Community Partners, Inc. are the

subcontractors that have been used by the Attorney General’s Office as liaison between Applicants and the AGO to administer the funding. It appears that only Enterprise will be involved in the next round of funding.

- Including a list of properties with their intended dispositions will make the Application stronger.
- The need for seed capital for the start-up of a fledgling Land Bank such as Livingston County’s will mean extra points on the Application. Previous applications allowed a maximum amount of \$150,000 in funding for start-up and capacity-building.
- The official Request for Applications should be issued in early September. There will be about a 30-day window for submission of applications. The RFA may be completely different from the 2017-2018 sample.

Mr. Coyle recommended that, despite the possible degree of difference between the new RFA and this sample, we should prepare an application based on this model in anticipation of the one to be issued in September. Mr. Paoletta agreed, noting that assembling the information for the application now will make the process easier in September.

- Ms. Ellis concurred, stating that completing the application now will give the Board an idea of what needs to be considered in developing a strategy to move forward. It will also give focus to the activities and documentation required for inclusion in future applications.
- Mr. Coyle asked Mr. Paoletta to find complete applications for guidance from Land Banks that have received awards. He added that, if there is resistance to sharing information with a potential competitor, winning applications can always be FOILED through the Attorney General’s Office.
  - Mr. Fuller suggested contacting Cattaraugus County.
  - Mr. Bacon stated that copies of winning applications should be available online somewhere.

Mr. Coyle asked Mr. Paoletta to try to confirm with the Attorney General’s Office regarding differences between the previous RFA and the one to be issued in September.

<b>Agenda Item</b>	<b>Purchaser/Developer Application Form</b>
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Ms. Hillier reported that she had drafted the Application Form, using Allegany and Chemung County examples. The Disposition Policy passed by this Board referenced this application as part of the purchase offer that is submitted for consideration by the Board. She admitted that the Application Form is quite comprehensive, but noted that it should help in ascertaining the plan for the property and whether the potential buyer will follow through with the plan. However, it can be whittled down, if the Board so desires.

Mr. Coyle noted a typo in the first textbox on page 1: the word, Property, is missing an “R”.

Referencing page 6, Ms. Hillier asked if anyone objected to the standardized deposit amounts of \$500 for building and \$100 for vacant lot. No one voiced an objection.

Ms. Hillier indicated that, although the Application Forms of both Allegany and Chemung Counties included a big section on deed restrictions, she did not see a need to include them on the Livingston County Land Bank Application Form. Mr. Fuller agreed. Ms. Hillier provided some examples of the deed restrictions from the other Applications.

- Mr. Coyle provided some examples of situations when a specific deed or transaction restriction might be appropriate. Mr. Fuller rhetorically asked who the policing agency would be for violations that occur long after the date of transaction. It was concluded that, unless the Land Bank

had some financial power, deed restrictions would be regarded as moot by the purchaser/developer.

- A discussion ensued regarding possible scenarios of unintended usage/development of properties that have been transacted.
- The Board agreed that any restrictions should be placed in the purchase offer, if necessary. Further, members agreed that liaising with local code enforcement officers should help avoid many issues that might arise.

Ms. Hillier stated that she included the Attachments to help the Purchaser/Developer answer the questions in the Application Form, and added that they would should the Board how invested the potential buyer is or how well-thought-out the intended use is. She noted that, despite their possible merits, the Board may not regard them as required.

Referencing pg. 4, Ms. Hillier stated that, although Allegany County's Application Form included an additional section on side lots, she saw no need to include that here. Members agreed.

Mr. Coyle questioned the purpose of **B. Management Plan**, at the top of pg. 5. Ms. Hillier explained that, if the purchaser/developer plans to use the building as a multi-family, the Land Bank will want to ascertain that the proposed plan looks to be successful and that the property will remain on the tax rolls.

Chairman Pangrazio indicated his approval of the Application Form and its length, as is. He asked for a motion.

***A motion to approve the Purchaser/Developer Application Form, as presented, was made by Mr. Bacon and seconded by Mr. Fuller.***

The motion carried.

**Agenda Item**

**Letter to Supervisors, Mayors, CEOs, and Assessors**

Mr. Paoletta reported that the letter is ready to be mailed. One version will go to those municipalities with properties that have been identified; another version will go to municipalities without any identified properties. Both versions will have the Land Bank Selection and Ranking Policy document attached. The mailing will occur as soon as possible.

Ms. Hillier reminded the Board that she, Ms. Ellis, and Mr. Paoletta are scheduled to attend the CEO meeting on June 15<sup>th</sup> and reported that, per her conversation with Mark Grove this morning, the plan is for Ms. Hillier to educate the code enforcement officers about the difference between the Sanitary Code and the Property Maintenance Code, with respect to responsibilities and jurisdiction. Following that, Ms. Hillier, Ms. Ellis, and Mr. Paoletta will provide information on the Land Bank.

- Ms. Ellis noted that sending the letter out now will be a good lead-in to the information they present at the meeting. She anticipates the Land Bank representatives fielding questions from the group.

**Agenda Item**

**Identification of Bank-Owned Properties of Interest**

Ms. Hillier reported that, with the goal of creating a list of Bank-Owned Properties of Interest, she and Mr. Fuller composed a list of banks they deemed responsible, well-known, and unlikely to have issues in the closure process that would lead to title problems. From the bank list, Mr. Fuller chose properties that might be of interest. All are A- or B+ - type properties. Ms. Hillier noted that US Bank appears to have the greatest number of properties on the list. She indicated that she had emailed the list to the Board.

Mr. Fuller explained that his selections were made by looking at photographs and checking for an absence of title defects. There were no C- or D-type properties that qualified for the list.

- Chairman Pangrazio noted that, despite outward appearances, A- and B-type properties might have issues inside or with structure. More investigation should be done before any property is eliminated from consideration.

Ms. Hillier agreed with Mr. Bacon’s opinion that no bank is going to gift a property with a flip value of more than \$100,000 to the Land Bank Corporation. He added, however, that larger banks, which own the majority of the properties on the list, would be more likely to rid themselves of properties outside of metropolitan areas. Mr. Bacon suggested that when contacting a bank on the list, the discussion might include properties that bank might have that were not previously identified. Mr. Fuller agreed.

Mr. Fuller stated that it might be worthwhile to acquire one of the higher end properties and sell it at market price, so that it can be used for public relations – press releases, media coverage, etc. – as a positive example of what the Land Bank can do.

Mr. Coyle stated that by casting a wide net initially, the Land Bank Corporation is likely to find a property it can have success with, which should open the door to further opportunities and contacts that could be approached for partnering in the future.

- Noting that the Land Bank Corporation has been set up and meeting regularly, and that its policies are in place, Mr. Coyle suggested language for the initial contact letter to banks:
  - After an introduction and brief explanation of the Land Bank Corporation, “Example properties in our portfolio that we have pre-identified are...” Then, inquire whether the bank would consider partnering with the Land Bank.
  - Mr. Fuller concurred, adding that a bank might respond by sharing information about property of which the Land Bank is unaware.

Mr. Bacon noted that it would be advantageous to approach banks before September 1<sup>st</sup> – tax time. They might be more receptive to ridding themselves of a property to avoid paying school taxes and winter utility bills on it. He asked if anyone had reliable bank contacts. Ms. Hillier indicated that she had a few.

Ms. Ellis suggested researching if any of the banks have previously and successfully dealt with a Land Bank elsewhere.

Mr. Coyle stated that he would send his proposed draft of a non-binding form letter to the group, for feedback. He agreed with Mr. Bacon’s statement about timing the letter before September 1<sup>st</sup>.

In response to Mr. Bacon’s question about doing the title work and its cost, Ms. Hillier indicated that title work should not be done until after a bank responds to the letter.

**Agenda Item**

**Website Development Update**

Ms. Ellis reported that Planning Department staff has been working on the website. The structure has been organized and some documents have been uploaded, including the one referenced in the letter to supervisors, mayors, CEOs, and assessors. Work will continue. Ms. Ellis will talk with Heather Grant about placing the Land Bank web page in a location independent of the Planning Department. She added that she has already been contacted by a group in Mt. Morris who visited the webpage, liked the information there, and would like to meet with her, as a result.

In response to Ms. Hillier’s question, Ms. Ellis indicated the press release about the Cuylerville property will wait until it’s certain that a house will be built there. After input from various members regarding progress at the site, Mr. Fuller noted that timing a project to the optimal times for perc testing might be a factor to be considered for future projects.

Agenda Item	2018 Work Plan Priorities/2017-18 Accomplishments
	<p>Mr. Paoletta referred to the distributed document, noting that the format and content has been changed, per the recommendations from last month's meeting.</p> <ul style="list-style-type: none"> <li>Mr. Coyle provided an update for #7: He has asked the Ferguson Group consultants to search for available grant opportunities for the Land Bank Corporation and prepare a report based on their findings. He expects the report to be ready next week.</li> </ul>
Agenda Item	NYLBA Update/ Mt. Morris/Other Organizational Activities/General Discussion/Next Steps
	<p>Mr. Paoletta reported that, per the New York Land Bank Association,</p> <ul style="list-style-type: none"> <li>the Office of the Attorney General has not yet sent any updates regarding the next round of funding.</li> <li>the round of discussions scheduled with Kerri White has been postponed until the Attorney General's Office resumes normal operations.</li> <li>the Exemption upon Acquisition bill before the Assembly failed</li> <li>the Assembly bill to increase the number of land banks failed</li> </ul> <p>Mr. Paoletta added that the Land Bank Association is still looking for success stories and is making more use of social media.</p> <p>In response to Mr. Coyle's question, Ms. Ellis reported that Mt. Morris has created a task force, consisting of the Village Board and others. They are working to clean up the Village by identifying properties that might interest the Land Bank Corporation. They have asked that Ms. Ellis and Mr. Paoletta attend a meeting in late June to talk about the Land Bank Corporation. Mr. Paoletta added that the Mayor of Mt. Morris had requested a for a Land Bank Corporation presentation at a Village Board meeting a few months ago.</p> <p>Chairman Pangrazio asked for any further business or discussion.</p> <ul style="list-style-type: none"> <li>Mr. Coyle reminded the group that he expects the funding opportunities report to be ready next week.</li> <li>Mr. Bacon reminded Ms. Hillier that Tessa in his office can put the Purchaser/Developer Application into a fillable format. She indicated that she would send him the revised edition after she has made the appropriate changes.</li> </ul>
Agenda Item	Next Meeting and Adjournment
	<p>Chairman Pangrazio announced that the next meeting will be on June 28, 2018, at 1:30 p.m., in Room 303B, and added that he will not be able to attend.</p> <p><b><i>Mr. Coyle moved to adjourn the meeting. Mr. Bacon seconded the motion.</i></b></p> <p>The meeting adjourned at 2:20 p.m.</p>

Recorded by Linda Shanks, Senior Typist, Planning Department