

A regular meeting of the Broome County Land Bank Corporation was convened in public session at the Broome County Public Library, 185 Court Street, in the City of Binghamton, Broome County, New York on Tuesday, August 22, 2023 at 3:30 p.m., local time.

The meeting was called to order by a Director of the Corporation and the following Directors of the Corporation were:

Present: T. Abdelazim, R. David, C. Dziedzic, A. Martin, M. Sopchak  
Absent: T. Augustini, K. Davis, C. Marchuska (all informed Executive Director of absences)  
Staff: R. O'Donnell  
CAP: None  
Other: None

1. Call to Order: Chairman Martin called the meeting to order at 3:32 p.m.

2. Approval of Minutes: Chairman Martin asked for a motion to approve the minutes from the June 20, 2023 Board Meeting. On a motion by M. Sopchak, seconded by C. Dziedzic, motion carried unanimously.

3. Chairman's Remarks: Chairman Martin made no remarks.

4. Executive Director's Report and Financial Statement: R. O'Donnell presented updates on the following items:

Rehabilitation projects: As it relates to 15 Birch Street, R. O'Donnell reminded the Board that the Land Bank received upwards of 20 offers on this property. The highest viable offer was advanced through the vetting pipeline. Working with FWAC, it was determined that the buyer met the Land Bank's income threshold and debt-to-income ratio, but the estimated monthly payment at that purchase price offered was determined to be unaffordable to the buyer, making them ineligible. The next offer in line is currently being vetted and J. Haas has been working closely with FWAC on several items on the surface to ensure we are on the right path. This buyer is also working with Jacques Laubert from Homestead Funding Corp., who is very familiar with the Land Bank's Affordable Homes Program and his expertise is working with folks in the targeted income bracket. Land Bank staff is confident that this second buyer in line will be deemed eligible and that a recommendation will be made by FWAC in the next week or two.

Demolition Projects: R. O'Donnell reminded the Board that they acted recently to acquire six tax-foreclosed properties for demolition and that there are two more for consideration on today's agenda. He thanked the County Legislature, County Executive, and the Real Property and Law Departments for collaborating with the Land Bank on the most recent tax foreclosure list to identify properties to include in the Land Bank's demolition program. Should the Board approve the acquisition and subsequent demolition of the two properties listed on today's agenda, there will be a total of eight properties in the Land Bank's inventory to demolish. The intent would be to split these properties into two rounds of demolition projects – one this

Fall and the remainder in the Spring of next year. As for 119 Oak Hill Avenue, R. O'Donnell stated that the Land Bank received four proposals as a result of the RFP issued for the redevelopment of the site. Land Bank staff is in the process of presenting follow-up questions to the proposers and will be ranking each proposal received.

CDBG Projects: R. O'Donnell stated that construction is well underway at both 1593 Oakdale Road in the Town of Maine and 313 Marion Street in the Town of Vestal. Dan Brown Construction is on track to complete the scope of work at 1593 Oakdale Road in early September and Clearview Door & Window is on track to complete the scope of work at 313 Marion Street toward mid-to-late September. He mentioned that Dan Brown found some unexpected trash/rubbish hidden back behind the house in the woods when undertaking the septic replacement and that there is a change order on today's agenda to remove the additional trash and other materials that were previously unknown. He also mentioned that Sunstream Corp has completed the asbestos abatement work at 224 Marion Street in Vestal and that they found some additional 9x9 asbestos tile that needed to be abated in the basement. There is also a change order on today's agenda to address this additional work. Since the abatement work is complete, J. Haas has authorized L2 to continue with their design and scope development for the rehabilitation project at 224 Marion Street, and according to the schedule, it looks like this work should go out to bid in mid-September.

R. O'Donnell stated that J. Haas has been working with Beth Lucas, and the County submitted an official extension request for this grant. DHCR has approved the extension, and there is a Resolution before the Board today to approve a subrecipient contract extension through the end of the year. The County Legislature approved the contract extension as well at their session last week. He mentioned that our partners at SEPP, L2 Studio and our CDBG Consultant Paul Nelson have been great to work with through every step of the grant process. He reminded the Board that any sale proceeds generated from these CDBG projects will likely need to be returned to DHCR. The Land Bank was also recently informed by representatives at DHCR that we are not authorized to use CDBG funding for direct down payment or closing cost assistance; rather, DHCR is requiring a deed restriction and a second mortgage to be attached to the sale. The Land Bank is very familiar with deed restrictions, but not so much second mortgages. DHCR expressed that the second mortgage needs to be in the amount that reflects the difference between the fair market value and the sales price. Working with Paul, J. Haas identified that this is technically a HOME regulation. That said, the Land Bank will put in a good-faith effort to meet our grant funders' expectations. We've made them adequately aware of what challenges may arise through the listing and process of qualifying of buyers, and the staff is confident that we will be able to work through them with DHCR's technical assistance along the way. There is a possibility that these additional requirements may cause delays in the closing of the CDBG homes and the grant timeline.

City of Binghamton ARPA Projects: R. O'Donnell reminded the Board that the Land Bank has 52 Beethoven Street, 34 Andrews Avenue, 61 Park Avenue, 21 Walnut Street, 14 McNamara Avenue, 33 Elm Street, 8 Gray Street, and 170 Moeller Street to include in the City's ARPA program as rehabilitation projects. The Land Bank has pre-renovation asbestos, radon, and lead testing reports from Keystone at 34 Andrews Ave and 52 Beethoven St. He mentioned that A. Martin and staff recently visited both sites with Keystone Associates in order for them to begin their scope development. Note that 52 Beethoven Street is located in the Abel Bennett Tract Historic District and needs SHPO clearance in order to move forward while 34 Andrews Avenue is partially in the 100-year floodplain. Working with Keystone, we are relocating mechanicals from the basement to the first floor at 34 Andrews Avenue. He also mentioned that quotes were solicited for the cleanouts on all of the City properties, and there is a Resolution before the Board today awarding a contract to the lowest qualified bidder.

Broome County ARPA Projects: R. O'Donnell stated that we've closed out the demo round from earlier this year with Gorick Construction, fulfilling the invoice utilizing the remainder of CRI Round 4 funds, Board approved fund balance, local municipal grants, and funds from the ARPA grant with Broome County. He also stated that the Keystone Environmental invoice has been paid as well for their work on this demo round utilizing County ARPA funds. It is our intent to utilize DHCR LBI funds in the first instance to fund the upcoming demolition rounds before reverting back to the ARPA dollars from Broome County, which will need to be spent down by 2025.

DHCR Land Bank Initiative: As it relates to the LBI Phase I funding, R. O'Donnell stated that the Land Bank has received its third disbursement from HCR and has since submitted the final disbursement request for the first year of LBI Phase I funds. Land Bank staff has continual meetings with MRB Group regarding the new Strategic Plan. In addition to the Board workshop in July, MRB Group also met with the members of CAP last week, which also went very well. He also reminded the Board that the staff is working with Idea Kraft regarding a new website. They are very close to a final product for the Board to see and hoping to go live in the coming weeks.

DHCR LBI Phase II funding: R. O'Donnell reminded the Board that the BCLB was awarded \$1,074,600 in LBI Phase II grant funds. The Land Bank has received non-capital activity environmental clearance on eight rehabilitation and ten demolition properties. This process has been very straightforward and DHCR has been wonderful to work with. He also reminded the Board that the funding will be used towards pre-development expenses on our City ARPA projects, a second round of County demolitions, and potentially a project of regional significance. The completion timeline for this grant agreement is 18 months.

Small Business Tipping Fee Waiver Program: R. O'Donnell reminded the Board that they approved five projects so far with Ramco Development & Holdings, LLC, North & Main Development, Clinton Street Café, Ray Lantz Garage, and Nanticoke & Wending Holdings. four of the projects have been completed and demolition debris transported to the landfill. He anticipates the Nanticoke & Wending Holdings demo going smoothly as well. He mentioned that there is still funding available through the remainder of the year, that applications are capped at \$15,000 each, and a Small Business is defined as having 50 employees or less.

Administrative/Housekeeping Items: R. O'Donnell stated that there are several budget amendments before the Board today and that the Finance Committee met prior to this meeting to consider and recommend amendments to our FY2023 budget. He also reminded the Board that the NYLBA and the staff have been closely monitoring the proposed foreclosure moratorium by the NYS Legislature. The staff continuously brainstorms several ideas, next steps, and methods that could be adopted to ensure the Land Bank is in good standing whenever the NYS Legislature decides to enact policy in response to the SCOTUS ruling on Tyler v. Hennepin. He also made the Board aware that the NYLBA's legal counsel, John Sidd, has recommended that Land Banks conduct appraisals on properties moving forward in order to establish value. The staff has conducted some preliminary research into what this approach would cost and we're looking at approximately \$350-\$500 per property. We'll keep the Board informed as to what firm is selected but will likely issue a request for quotes for specific properties in the coming days. He stated that J. Haas and himself will be attending a one-day Land Bank conference in mid-September and that the next NYLBA meeting is this Thursday.

R. O'Donnell closed with the financial report.

5. Public/Community Advisory Panel Comments: Chairman Martin opened the floor for comments. There were no comments.

6. Approve Proposed Amendments to the 2023 Operating, Administrative and Capital Budget: A. Martin mentioned that the Finance Committee had recommended approval of several amendments to the 2023 Operating, Administrative and Capital Budgets. After a brief discussion, Chairman Martin called for a motion to approve the proposed amendments to the Land Bank's 2023 Operating, Administrative and Capital Budgets. On a motion by M. Sopchak, seconded by C. Dziedzic, motion carried unanimously.

7. Resolution Authorizing a Change Order to the Contract with Sunstream Corporation for Asbestos Abatement at 224 Marion Street, Town of Vestal (Resolution 2023-32): R. O'Donnell stated that some additional asbestos tile was found in the basement during Sunstream's abatement at 224 Marion Street, and the additional work amounted to a change order totaling \$300. After a brief discussion, Chairman Martin called for a motion to authorize the change order to the contract with Sunstream Corporation for asbestos abatement at 224 Marion Street, Town of Vestal. On a motion by C. Dziedzic, seconded by T. Abdelazim, motion carried unanimously.

8. Resolution Authorizing a Change Order to the Contract with Idea Kraft for Website Design (Resolution 2023-33): R. O'Donnell stated that this change order is for just over \$100 and is for additional software for the Land Bank's new website. After a brief discussion, Chairman Martin called for a motion to authorize the change order to the contract with Idea Kraft for website design. On a motion by R. David, seconded by T. Abdelazim, motion carried unanimously.

9. Resolution Authorizing a Change Order to the Contract with Dan Brown Construction LLC for the Renovations and Reconstruction at 1593 Oakdale Road, Town of Maine (Resolution 2023-34): R. O'Donnell stated that this change order is due to additional trash and rubbish that was identified behind the home and in the woods by the general contractor. After a brief discussion, Chairman Martin called for a motion to authorize the change order to the contract with Dan Brown Construction LLC for the renovations and reconstruction at 1593 Oakdale Road, Town of Maine. On a motion by T. Abdelazim, seconded by C. Dziedzic, motion carried unanimously.

10. Resolution Awarding a Contract for Independent Auditing Services for Fiscal Years 2023 through 2025 to Drescher & Malecki LLP (Resolution 2023-35): R. O'Donnell stated that three proposals were received for this contract with Drescher & Malecki being the lowest cost and the highest rated proposal of the three. After a brief discussion, Chairman Martin called for a motion to authorize the Executive Director to enter into an agreement with Drescher & Malecki LLP for independent auditing services for fiscal years 2023 through 2025. On a motion by T. Abdelazim, seconded by C. Dziedzic, motion carried unanimously.

11. Resolution Awarding a Contract for Real Estate Services to EXIT Realty Homeward Bound (Resolution 2023-36): R. O'Donnell stated that no complete qualifications were received for the solicitation issued and that it was the recommendation of legal counsel that a one-year contract could be awarded and then competitively solicited again next year. Staff is recommending EXIT Realty due to their past experience with the Land Bank and their knowledge of our programs. After a brief discussion, Chairman Martin called for a motion to authorize the Executive Director to enter into an agreement with EXIT Realty Homeward Bound for real estate services. On a motion by T. Abdelazim, seconded by M. Sopchak, motion carried unanimously.

12. Resolution Awarding a Contract for Trash & Rubbish Removal to Platinum Roofing & Construction (Resolution 2023-37): R. O'Donnell stated that 14 quotes were received for this contract with Platinum Roofing & Construction being the lowest quote. The staff has had several follow-up discussions with Platinum Roofing & Construction and believes they can complete the work for the quoted price. After a brief discussion, Chairman Martin called for a motion to authorize the Executive Director to enter into an

agreement with Platinum Roofing & Construction for trash & rubbish removal. On a motion by M. Sopchak, seconded by C. Dziedzic, motion carried unanimously.

13. Resolution Authorizing an Amendment to the Subrecipient Agreement with Broome County for the Administration of a New York State CDBG Grant for Housing Rehabilitation and Blight Removal Projects (Resolution 2023-38): R. O'Donnell stated that J. Haas has worked diligently with County Planning Director Beth Lucas and our CDBG consultant Paul Nelson on the grant extension request, which DHCR has approved. He also stated that the County approved the extension request at the Legislative Session last week. After a brief discussion, Chairman Martin called for a motion to authorize an amendment to the subrecipient agreement with Broome County for the administration of a New York State CDBG Grant for housing rehabilitation and blight removal projects. On a motion by M. Sopchak, seconded by C. Dziedzic, motion carried unanimously.

Chairman Martin requested a change in the order of the consideration of agenda items #14-18 and for them to be rearranged. The Board was in agreement.

15. Resolution Authorizing the Acquisition of Properties from Broome County (Resolution 2023-39): R. O'Donnell stated this is to acquire 65 Nowlan Road in the Town of Fenton and 9037 Main Street in the Village of Lisle for future demolition. After a brief discussion, Chairman Martin called for a motion to authorize the acquisition of two properties from Broome County. On a motion by C. Dziedzic, seconded by M. Sopchak, motion carried unanimously.

16. Resolution to Approve a Proposed Demolition Project – 65 Nowlan Road, Town of Fenton (Resolution 2023-40): R. O'Donnell briefed the Board on where the property is located and what kind of condition exists. The property is located in the Hillcrest community in the Town of Fenton. After a brief discussion, Chairman Martin called for a motion to approve a proposed demolition project at 65 Nowlan Road in the Town of Fenton. On a motion by C. Dziedzic, seconded by M. Sopchak, motion carried unanimously.

17. Resolution to Approve a Proposed Demolition Project – 9037 Main Street, Village of Lisle (Resolution 2023-41): R. O'Donnell briefed the Board on where the property is located and what kind of condition exists. The property is located in the middle of the Village of Lisle. After a brief discussion, Chairman Martin called for a motion to approve a proposed demolition project at 9037 Main Street in the Village of Lisle. On a motion by C. Dziedzic, seconded by M. Sopchak, motion carried unanimously.

18. Resolution Authorizing the Executive Director to Enter into an Agreement with the Village of Lisle for the Demolition of 9037 Main Street, Lisle, New York (Resolution 2023-42): R. O'Donnell informed the Board that J. Haas had spoken with Lisle Mayor Gerald Mackey about a potential project partnership with the Village to expand on the Land Bank's current municipal partnerships and extend the Land Bank's demolition funds further. \$4,000 in funding was approved by the Village Board and the Mayor to assist the Land Bank in the demolition of 9037 Main Street. After a brief discussion, Chairman Martin requested a motion to authorize the Executive Director to enter into an agreement with the Village of Lisle for the demolition of 9037 Main Street. On a motion by C. Dziedzic, seconded by T. Abdelazim, motion carried unanimously.

14. Executive Session to Discuss the Acquisition & Disposition of Real Property: A. Martin requested the Board enter executive session to discuss the acquisition and disposition of real property. Chairman Martin requested a motion to enter executive session. On a motion by C. Dziedzic, seconded by M. Sopchak, motion carried unanimously. Time: 4:18 p.m.

Chairman Martin requested a motion to resume regular session. On a motion by C. Dziedzic, seconded by M. Sopchak, motion carried unanimously. Time: 4:38 p.m.

19. Resolution Authorizing the Executive Director and Broome County Land Bank Corporation Legal Counsel to Create a Subsidiary (Resolution 2023-43): Chairman Martin called for a motion to authorize the Executive Director and Broome County Land Bank Corporation Legal Counsel to create a subsidiary. On a motion by C. Dziedzic, seconded by M. Sopchak, motion carried unanimously.

20. September Board Meeting Date Change: R. O'Donnell stated that the listed September Board meeting date is Tuesday, September 26, 2023, which is the fourth Tuesday of the month, and the Board generally meets on the third Tuesday, which would be Tuesday, September 19, 2023. Chairman Martin called for a motion to change the September Board meeting date from September 26<sup>th</sup> to September 19<sup>th</sup>. On a motion by C. Dziedzic, seconded by R. David, motion carried unanimously.

21. Adjournment: Chairman Martin asked for a motion to adjourn. On a motion by C. Dziedzic, seconded by T. Abdelazim, motion carried unanimously. The meeting adjourned at 4:40 p.m.