**MINUTES**

PRESENT:  Hilda T. Lando, Chair, Steuben County Legislator – District 2  
Scott J. Van Etten, Vice Chair, Steuben County Legislature Chairman – District 13  
Jack K. Wheeler, Steuben County Manager  
Tammy Hurd-Harvey, Steuben County Commissioner of Finance  
Raymond Walch, Mayor, Village of Addison  
John Buckley, Mayor, City of Hornell  

OTHERS:  Christopher Brewer, Deputy County Manager / SCLBC Executive Director  
Jenifer Prossick, Steuben County Attorney  
Jeannie Glass, Arbor Development  
Danielle Kenny, Arbor Development  
Rocco Soda, Arbor Development  
Mitchell Alger, Steuben County Deputy Commissioner of Finance  
Carol A. Ferratella, Legislator, District 13  
Robin K. Lattimer, Legislator, District 3  
Mark Ryckman, Corning City Manager  
Brian Maggs, Legal Counsel, City of Corning  
Heather Briggs, Bonadio Group  
Lisa Carucci, Habitat for Humanity  
William Boyland, Jr., Mayor, City of Corning  
Jennifer Miller, City of Corning Planning & Economic Development Director  
Mary Perham

I. CALL TO ORDER

Mrs. Lando called the meeting to order at 10:45 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE FEBRUARY 3, 2021, MEETING MADE BY MRS. HURD-HARVEY. SECONDED BY MR. WHEELER. ALL BEING IN FAVOR. MOTION CARRIES 5-0. (MR. VAN ETTEN ABSENT FOR VOTE)

Secretary’s Note: Jennifer Miller was appointed as a member of the Board, however, due to concerns expressed by the City of Corning relative to the confirmation of her appointment, Ms. Miller, for the purposes of this meeting, is a non-voting member.

III. PRESENTATION

A. 2020 Audit Report – Ms. Briggs presented the Land Bank’s 2020 Audit Report. She reviewed the required communications letter which outlines that there were no new accounting practices and also noted that there were no difficulties in performing the audit. There is a list of corrected misstatements along with inventory adjustments. She noted that there were no disagreements with management.

Ms. Briggs reviewed the draft financial statements. She noted these are unmodified auditor opinions and have been presented fairly in all material respects. We do not give an opinion on material controls; however, there was nothing to
Ms. Briggs stated in the management letter we have indicated that you need to make sure that you have documentation for all in-kind services that the Land Bank is receiving. With inventory valuation, as you grow, you will accept more properties and you will need to create a process for the inventory of those properties and how you value them. This should be something that you do on an ongoing basis and not something that gets adjusted at year end. You will need to get a policy and procedure in place.

Ms. Briggs stated with regard to fiduciary duties, you had one new member to the Board that had not signed the Fiduciary Responsibility attestation; however, I believe all of those have been signed now. We also look to make sure that members are participating in the Public Authorities Board training.

MOTION: ACCEPTING THE 2020 AUDIT REPORT AS PRESENTED MADE BY MRS. HURD-HARVEY. SECONDED BY MR. WHEELER. ALL BEING IN FAVOR. MOTION CARRIES 6-0.

IV. DISCUSSION/ACTION ITEMS
A. Treasurer’s Report – Mr. Alger stated he sent the report out for review. Mr. Brewer noted we had two deposits and now our unrestricted balance is up to a healthy amount.

B. Annual Attestations – Mr. Brewer stated Mrs. Chapman had sent out the required forms that needed to be signed. Please make sure that you fill these forms out and sign them. This was a notation in our audit management letter and we want to be compliant going forward. Mrs. Lando asked if Mr. Brewer could provide the link to the ABO training.

C. Project Updates – Enterprise Grant
   • 9187 CR 74 (Pulteney) – This property has been put on the market with realtor Maggie Horan. There has been good interest in the home. Ms. Glass stated there have been 15 showings. One individual was just over the income limit, however, we asked them to go ahead and submit an application and we will let Enterprise make the decision on whether they are eligible. There are three more showings scheduled for this weekend.

   Mrs. Lando asked are there new income requirements? Ms. Kenny replied the income requirements don’t vary much year to year. The big thing for us is calculating the annual income; it is not as easy as one would think. We recommended that they send their application to us. We really want to see all the offers and then let the Land Bank make the decision.

   • 7162 State Route 54 (Bath) – Ms. Prossick commented nothing has happened since our last meeting except there is a date with the court, which has not happened yet.

D. Habitat for Humanity – Mr. Brewer stated Lisa Carucci from Habitat for Humanity is here today to discuss the proposal that she put together for the two properties in Corning.

Ms. Carucci stated our proposal is that we are currently rehabbing two properties in the City of Corning. This would be an opportunity for a partnership where the balance of the grant could be used toward these properties. Once we close on and sell those properties, the Land Bank would get back what they invested. The first property is located on 3rd Street and is 50 percent complete. The second property is on Park Avenue. We anticipate closing on the 3rd Street property in April/May and the Park Avenue property would be closed on by the end of the year. Mr. Soda commented the rehab portion would be done by the end of June. The Corning Housing Partnership has done projects in that area as well.
Ms. Carucci stated in our proposal we have included the total leverage that you would be able to report on, which would be over $100,000 between the two projects. We had signage made and will put them at each property. These will include the Land Bank logo as part of the partnership.

Mr. Van Etten commented in my opinion this collaboration will utilize funds for us to meet our deadline and we will rehabilitate two projects that need it. Mr. Soda commented the income guidelines would be met through Enterprise. Mrs. Lando stated this will be a win-win for everybody.

**MOTION:**  **AUTHORIZING THE EXECUTIVE DIRECTOR OF THE STEUBEN COUNTY LAND BANK CORPORATION TO ENTER INTO A PARTNERSHIP AGREEMENT WITH HABITAT FOR HUMANITY FOR THE REHABILITATION OF PROPERTIES SITUATE AT 3RD STREET AND PARK AVENUE IN THE CITY OF CORNING MADE BY MR. VAN ETTEN. SECONDED BY MAYOR BUCKLEY. ALL BEING IN FAVOR. MOTION CARRIES 6-0.**

E. **Demolitions** – Mr. Brewer informed the Board that there are two properties located in Addison that we are proposing for demolition; 115 Front Street and 44 Upper Farnham. We have received and executed purchase orders on both and are moving forward to acquire title. The RFP’s for the demolitions have been received; both individually and as a package. Mrs. Kenny stated we sent out the RFP to six companies and received three responses. Durable Demo provided a quote for $45,000 combined, which is outside of our scope. MJR (Hornell) submitted individual quotes for $7,550 and $9,630 and a combined quote of $16,580 with no discounts. The third was received from LCP (Vestal) for $9,000 for each property and also provided a discount for combining the projects which total $15,400. She stated she would recommend award to LCP. Additionally, she sent out RFP’s for air quality and those typically come in less than $2,000 for each property. Mrs. Kenny noted we have had positive experiences with LCP and they do all of our demos in Chemung County. Mr. Soda asked do we need Phase I? Mrs. Kenny replied yes and I have budgeted for that, however, I am waiting until we get the titles before I get the quotes. Mr. Brewer stated we should have the titles by the next meeting.

**MOTION:**  **AWARDING THE RFP FOR THE DEMOLITION OF THE 115 FRONT STREET AND 44 UPPER FARNHAM PROPERTIES IN THE VILLAGE OF ADDISON TO THE LOW BIDDER, LCP OUT OF VESTAL, FOR A TOTAL COMBINED PRICE OF $15,400 MADE BY MR. WHEELER. SECONDED BY MR. VAN ETTEN. ALL BEING IN FAVOR. MOTION CARRIES 6-0.**

Mrs. Lando asked how long before we start the demolitions? Mrs. Kenny stated obviously there will be a little bit of coordination. Once we have title, Phase I will take a couple of weeks and then we have to provide 10 days notification to the State. We anticipate being done at the end of April or the beginning of May timeframe; depending on Public Works’ schedule.

F. **Board Appointment** – Mr. Brewer stated I sent out a resolution from Corning City Attorney, Brian Maggs, who is recommending an amendment to the Board’s by-laws. Most of us are well-versed in what is going on. This is a topic open for discussion.

**MOTION:**  **AMENDING THE BY-LAWS OF THE STEUBEN COUNTY LAND BANK CORPORATION RELATIVE TO BOARD MEMBERSHIP REQUIREMENTS MADE BY MAYOR BUCKLEY. SECONDED BY MRS. LANDO FOR DISCUSSION.**

Mr. Ryckman asked if he could explain, from the City’s standpoint, the difficulties? Mrs. Lando replied yes. Mr. Ryckman stated so the problem we have here is our form of government is different and Mr. Maggs spoke to it. These are not things that would go to the Council for approval. If they go before Council, they are non-binding as the Council does not approve or deny staff appointments. When I served on the Board, I certainly am in the chain of command and I report to them and they would have that ability to say whether or not I serve in that capacity. When it comes to staff members, it is something that does not go to them. They are department heads and are not in their chain of command. We are asking the Council to do something beyond their authority. When we looked
at the by-laws, they contemplated amendments. We think this is a pretty minor technical amendment that would recognize the varying forms of government throughout Steuben County.

Mayor Boyland stated I pretty much echo what Mr. Ryckman has said. From our read, the City Council does not have the authority under our form of government to adopt a resolution certifying the appointment to the Land Bank. The amendment we are requesting offers flexibility across the board. We believe this to be a technically benign amendment that gives flexibility for all municipalities.

Mr. Maggs commented I think the Mayor and the City Manager touched on the cornerstones of the way that the City of Corning government works. When I was asked about this situation, and I spoke with the County Attorney about it, I tried to suggest, for the Land Bank Board’s consideration, some language that would not disrupt the way the Land Bank already does its business with respect to appointments. Obviously the way the by-laws are written, the appointments are made by the Steuben County Legislature with assent from the municipal representatives. I tried to suggest an amendment that leaves open every municipalities’ various ways of assenting to the appointments that are made by the County Legislature. I didn’t want to suggest that the Land Bank change the way it does business, but recognizing that the way the by-laws are written, that you are asking the City of Corning to change the way they do business. I really hope the Land Bank thinks about this amendment. I don’t think it is proper under the way the City of Corning does its business to make appointments like this subject to City Council approval.

Mr. Wheeler commented I view this as an internal issue for the City of Corning. I have spoken with the City Manager and others. With the appointments to the Land Bank, the by-laws have the governing board of the municipality approving the appointment. It becomes an internal issue when it is the individual considered. If they appointed Mr. Ryckman, it appears from the City of Corning that an appointment of the City Manager would be proper for Council. It seems like the City wants to appoint a representative other than the City Manager. For me, it is an internal matter.

Mr. Ryckman stated I agree with Mr. Wheeler that it is internal matter. The problem is the Land Bank imposing a process onto us. If it is truly an internal matter, then we should decide that how we normally would decide that within our form of government. Instead we have the Land Bank imposing a process into our internal function. I agree with Mr. Wheeler that it is an internal matter and I think this modification to the by-laws would allow each municipality to make those decisions internally, based on their form of government.

Mr. Van Etten stated from the County’s standpoint, we have a lot of department heads that get appointed to outside agencies. A lot come from the County Legislature and a lot come from the County Manager, so there is a mix of both.

Mayor Buckley stated having brought this to our attention and in thinking about it, what happens if the City Council doesn’t give permission? I will say that historically we have sat on many different boards and committees throughout the community. The ability to sit on those boards or committees didn’t wash through the City Council. Why would this be any different? I don’t know that it is fair to force it down on an individual municipality. I can see this from both sides and it is something to think about

**VOTE ON PREVIOUS MOTION: MOTION FAILS 1-4-1 (MR. VAN ETTEN, MR. WHEELER, MRS. HURD-HARVEY AND MAYOR WALCH OPPOSED; MRS. LANDO ABSTAINED AS SHE IS THE LEGISLATOR REPRESENTATIVE FOR THE CITY)**
MOTION: TO ADJOURN MADE BY MR. VAN ETten. SECONDED BY MR. WHEELER. ALL BEING IN FAVOR. MOTION CARRIES 6-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

**NEXT MEETING SCHEDULED FOR**
Wednesday, April 7, 2021
10:30 a.m.