

STEBEN COUNTY LAND BANK CORPORATION (SCLBC)

Wednesday, February 2, 2022

11:00 a.m.

*Legislative Chambers, 3rd Floor, Annex Building
Bath, New York*

****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
Raymond Walch, Mayor, Village of Addison
John Buckley, Mayor, City of Hornell
Mark L. Ryckman, Corning City Manager

OTHERS: Christopher Brewer, Deputy County Manager/SCLBC Executive Director
Jennifer Prossick, Steuben County Attorney
Mitch Alger, Steuben County Deputy Commissioner of Finance
Terra Dietrich, Arbor Development
Carol A. Ferratella, Steuben County Legislator, District 13
Kelly H. Fitzpatrick, Steuben County Legislator, District 3
Wendy Lozo, Steuben County Legislator, District 9

I. CALL TO ORDER

Mrs. Lando called the meeting to order at 11:00 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE JANUARY 5, 2022, MEETING MADE BY MAYOR WALCH. SECONDED BY MR. VAN ETTEN. MOTION CARRIES 5-0 (MR. RYCKMAN ABSENT FOR VOTE)

III. DISCUSSION/ACTION ITEMS

A. *Treasurer's Report* – Mrs. Lando stated the balance is \$397,993.56. What is the difference from last month? Mr. Alger replied we paid Arbor the first half of their 2022 payment and we are also paying the utilities on the State Route 54 property.

B. *Project Updates*

- *7162 State Route 54 (Bath)* – Mr. Brewer stated this will be discussed in detail during Executive Session.
- *44 Upper Farnham (Addison)* – Mr. Brewer stated we received a purchase offer of \$1,500 from the adjoining neighbor and we expect to close within the next month.

C. *Habitat for Humanity Update* – Mr. Brewer stated one of the two homes is under contract. Both homes have their certificates of occupancy. We expect the second home to be under contract within the next three months. By our next meeting we should have news on the second home and then we will be able to close out in the first or second quarter and be reimbursed for those projects.

D. *Eviction Moratorium* – Ms. Prossick stated at this point we had a discussion at the HSH&E Committee earlier this morning. I have the guidance and I will distribute that to the Legislature and anyone else that requests it. It is about six pages long still and it is not really easy to interpret, but the moratorium in effect is lifted. There

are still some ways, that if the tenant has applied for the Tenancy Safe Harbor Act or the COVID Rental Program, it may be stayed during the pendency of those applications. So we still have that piece of this going on. With that said, if we had properties of interest to the Land Bank, we could talk through the process to see what is going on. There are always the cases where they are causing destruction to the property or nuisance arguments that have been there all along and I think we had some success with evictions during this moratorium.

Mrs. Lando asked does that mean we can start to schedule an auction? Ms. Prossick replied no, as those are a different type. She stated Mrs. Hurd-Harvey will talk about that more in detail at this month's Finance Committee with regard to where we are with the in rem foreclosures. With the in rem foreclosures those are allowed to proceed, however, every single property has to go through a case conference process. We are working on how to proceed and will do a batch to see how it works out. We will present a game plan to present to Finance to start that process. There are 300 – 350 properties that we would have to do a case conference to proceed. I am not confident that the case conference is going away; I have a feeling that may become part of the in rem procedure. We do not have a timeline on how quickly we can move through the case conferencing. Mr. Brewer commented the case conferences could push it out at least one year. Ms. Prossick stated it is a tedious process. Mrs. Lando asked what court do those go through? Ms. Prossick replied Supreme Court. That is another question as our Supreme Court Judge here is acting and is not official and I know he is backlogged. I don't know if Rochester will send someone down to assist.

Mr. Brewer stated it sounds like we will have some properties to look at over the next six months or so. We will work collectively as a group, include code enforcement officers, to figure out which ones would be good candidates for demolitions and rehabilitations. We do have a list already started from Hornell, Riverside, Corning and Addison. We just need to build on that. Mr. Van Etten commented we need somehow to try to find properties outside of those three regions because that is where we have kind of been focused on heavily ever since we started this Land Bank. Any of the townships that we think would be a good opportunity, I think, in my opinion, would come to the front of the line. Mrs. Lando asked did we receive a list from some of the municipalities last year? Mr. Brewer replied I did, but those were from the people that have been involved all along. Mayor Buckley asked have we done anything in the Dansville, Arkport or Canisteo areas? Mr. Brewer replied we did a property in Greenwood.

Ms. Prossick stated with Mrs. Hurd-Harvey, we have a list and it looks like there are 150 properties that we can proceed with. Out of that we came up with a list of 30, and there is one or two that the Land Bank would be interested in. We can come up with the priority list. Mrs. Lando asked how will we get those properties? Ms. Prossick replied Mrs. Hurd-Harvey will be talking to the Finance Committee and have a discussion with them.

Mr. Van Etten stated there is a property in Wayland which borders Mr. Malter's property and he talked to me about that today. That property was purchased at auction and then the person that purchased the property ended up in jail and sold the property to his jail roommate for \$2,000. Mr. Malter has tried to purchase the property but the current owner wants \$6,000. Mr. Brewer stated this is the one that Mr. Spagnoletti had recommended demolition. The property has low-hanging utility lines and is right on the corner. Mr. Van Etten commented I think we just let this one go since the County is not interested in it.

Mrs. Lando stated Mrs. Hurd-Harvey will provide a list to the Finance Committee and we will go from there to set the priorities. Mrs. Lando asked there are no requirements with demolitions versus rehab right now because we have met our goals? Mr. Brewer replied that is correct. We are completely unrestricted at this point.

Mrs. Lando asked what about future funding? Mr. Brewer stated that is a good question. Right now it is up in the air. There are a couple of State programs that the Steuben County Land Bank does not fall into and those are mostly in certain census tracts that are the majority of minorities in the area. We tried to push a couple of census tracts to see if they worked and they did not. Right now there are not any programs, but I'm sure something will pop up here at some point.

Mrs. Lando stated I know there was a recent discussion at the last meeting of ARPA funds, that if there is leftover money that some of the municipalities had suggested that some of that extra money should go to the Land Bank. Mr. Brewer stated I am all for it. Mrs. Lando stated what would we have to do to that? Just wait and see? Mr. Wheeler stated in my view it depends how much the County Legislature is looking to allocate or if the Land Bank wants to make a request to the Legislature of a specific allocation. If it is in the hundreds of thousands of dollars, the County Legislature could wait like they did with one of the requests today, or they could fund it. If there was a strong opinion to inject money into the Land Bank at this point, there is no reason that couldn't happen. It is also something that could wait too. Really it's just if someone has a strong enough opinion to bring it forward and move it.

Mr. Ryckman stated my thought is, if there are ARPA funds and I was one of those who wrote a letter to Mr. Wheeler, I think a good use is for the Land Bank because I think that is the fairest way to distribute it amongst municipalities because every municipality has an opportunity to apply through the Land Bank. This board sits and judges those proposals. If money just goes to individual municipalities for specific projects, it may be perceived as some unfairness. I think this board is perceived as a fair board and everybody has a shot to fix up housing in their community if they find properties and come forward. Mayor Walch stated I agree.

Mr. Wheeler stated in the previous meetings discussion came up about this and that was the sense I perceived from the group of the committees and the Legislature, in terms of municipal projects, that we all work together in some way for the Land Bank and it is equitable. Mr. Van Etten stated this is the best way to spread it around to any municipality that wants to participate versus having them contact us directly to request money for their own pet projects. If you do it for one, you have to do it for many. I agree that the Land Bank is the best vehicle to do that. Mr. Brewer asked how would you like to do that? Should we just hold off and wait? Mr. Van Etten replied I think it's a process and we get the list, determine how much lifting you have to do and do you have the resources to do it. Then you can go back to the County and show the projects that we think they are worthwhile and let them decide. Mr. Wheeler stated I know the restrictions are going away for the Land Bank because we are recycling funds. If the State has more grant funds in the future, that will come with strings, whereas the County funds can be wholly unrestricted. Mrs. Lando stated I think that is a great idea. We will wait and see what happens at Finance and put it on the backburner for now.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.H. THE PROPOSED ACQUISITION, SALE OR LEASE OF REAL PROPERTY OR THE PROPOSED ACQUISITION OF SECURITIES, OR SALE OR EXCHANGE OF SECURITIES HELD BY SUCH PUBLIC BODY, BUT ONLY WHEN PUBLICITY WOULD SUBSTANTIALLY AFFECT THE VALUE THEREOF MADE BY MR. WHEELER. SECONDED BY MR. VAN ETTEN. ALL BEING IN FAVOR. MOTION CARRIES 6-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MR. VAN ETTEN. SECONDED BY MAYOR WALCH. ALL BEING IN FAVOR. MOTION CARRIES 6-0.

MOTION: SETTING THE LISTING PRICE FOR THE PROPERTY LOCATED AT 7162 STATE ROUTE 54 IN BATH, NY AT \$159,900 FOR 90 DAYS MADE BY MR. WHEELER. SECONDED BY MAYOR BUCKLEY. ALL BEING IN FAVOR. MOTION CARRIES 6-0.

IV. OTHER BUSINESS

A. *Next Meeting* – The next meeting will be held on Wednesday, March 2, 2022 at 11:00 a.m. in the Legislative Chambers.

MOTION: TO ADJOURN MADE BY MR. VAN ETTEN. SECONDED BY MAYOR BUCKLEY. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by Amanda L. Chapman, Deputy Clerk, Steuben County Legislature