

**Wayne County Regional Land Bank**  
**16 William St, Lyons, NY**  
**February 15, 2024 1:00 p.m.**

**Present:** Roger Gallant (Chair), Mike Donalty (Vice Chair), Joyce Moyer (Treasurer), Bob Ohmann, Brian Pincelli, Kristen Scott, Steve Groat, Jim Brady, Scott Johnson

**Also Present:** Kaleigh Flynn, Executive Director, Mark Humbert, Deputy Director, and Richard VanLaeken

**Board Meeting convened at 1:03 p.m.**

**Approval of the 2-15-2024 Agenda**

Mr. Groat motioned to approve the WCRLB Meeting Agenda. Seconded by Mr. Donalty. Passed

**Approval of 1-18-2024 Minutes**

Mr. Donalty motioned to approve the 1-18-2024 minutes. Seconded by Mrs. Moyer. Passed.

**Treasurer's Report**

As of December 31, 2023, the balance in the regular checking account was \$24,837.75 with invoices to be paid totaling \$10,271.12. The report also provided balances for investment accounts. The money market account balance is \$880,363.47. The CD account balances as of 2/15/24 total \$1,172,483.53. The total balance for checking ending 1/31/2024, money market ending 1/31/2024, and CDs on 2/15/2024 is \$2,077,684.75.

Ms. Scott motioned to approve the Treasurer's Report. Seconded by Mr. Pincelli. Passed.

**Payment of Bills**

The February bills were presented to be paid.

Mr. Donalty motioned to pay the invoices as presented for payment. Seconded by Mr. Johnson. Passed.

**Restore NY – Lyons**

We attended a meeting with Empire State Development, the Town of Lyons, and MRB Group (Town of Lyons consultant) to discuss the properties included in the most recent Restore NY award letter dated 12/4/2023. In addition to six Land Bank owned properties, ESD included two properties privately owned. We recently discussed the inclusion of these properties and the required contributions and deliverables with the owner of the properties. Due to several factors, it was determined that we would inquire with ESD about the possibility of absorbing the deliverables for those privately owned properties by substituting another Land Bank owned property located adjacent to the other identified Restore NY properties. After describing our request to ESD and providing a depiction of our capacity to meet the total project deliverables, both total project cost and square footage, ESD agreed that we could exchange another property (or properties).

SHPO has issued response letters for each of the properties submitted for review, 42 Canal St., 46 Canal St., 58-66 Canal St., 67-69 Canal St., and 52-54 Canal St., are all considered contributing structures to the Lyons Downtown Historic District, which is listed in the State and National Registers of Historic Places. Therefore, these properties require a detailed alternatives

analysis and/or structural condition documentation per an engineer's report. The Town of Lyons has contracted for structural condition reports to be completed by an engineer and will be ready to submit to SHPO soon.

### **NYS Land Bank Initiative Funding**

The NYS Land Bank Association informed land banks that there is not currently funding included in the NYS FY25 Executive Budget to support land bank work. The FY23 Budget included \$50M and the FY24 budget included \$10M to support the services and expenses of land banks. The WCRLB received \$150,000 for operational support (i.e. salaries, property maintenance, attorney fees) in 2023. We were able to get that funding increased to \$200,000 for 2024 and presumably through September of 2025. The WCRLB was also awarded \$1,000,000, for the period June 2023- Dec 31, 2024, to support acquisitions and demolitions. We anticipate the \$1,000,000 will be completely expended by summer. This funding is critical to our work and a gap year in funding would mean there would be no new funding available until April 2025 or later and would be detrimental to project progress.

### **Demolitions**

LiRo has been engaged to provide demolition specifications and services for 201 Church St., Newark, 315 East Myrtle Ave, Newark, & 35 Geneva St., Lyons. The 3 properties will be bid together in one bid package. All three will be controlled demolitions with asbestos in place.

Bids for Controlled Demolition of 19 Columbia St., Clyde were opened on 2/13/2024. The lowest responsible bid was \$233,905. LiRo is reaching out to the bidder to confirm their understanding of the bid requirements and capacity to perform the work. Mr. Groat expressed his dismay with the condition of the property and described its history as recollected from his time in office with both the Village of Clyde and the Town of Galen. A lengthy discussion followed regarding the Land Bank's plan of action. It was determined that the Executive Director and Deputy Director would arrange a meeting with Village of Clyde personnel to discuss the demolition.

The Board discussed the importance of Towns and Villages not allowing properties to get to this condition. In the future, opportunities to cost share with Towns and Villages for cleanup of properties requiring significant cost should be reviewed.

Mr. Donalty motioned to award the bid for controlled demolition of 19 Columbia St., Clyde and authorize the Executive Director to enter into a contract with Contento Auto Sales Inc. DBA Contento Contractors, subject to attorney review and approval. Seconded by Mr. Ohmann.  
Passed

### **EPA Multi-Purpose Grant**

We received our Cooperative Agreement 96219623 from EPA awarding \$800,000 in Multi-Purpose funding. Monthly meetings have begun with our grant manager, our QEPs at Montrose, and the County to prioritize sites and activities, strategize, and track progress.

### **Rando Update- 1071 Rt. 31, Macedon**

Sale of the property at 1071 Rt. 31, Macedon has closed. The purchaser is Grant Building, LLC, which is the owner of Filer's Powersports, located across the street. The new owner will be using it for storage and has already begun construction on the replacement of the roof. Wayne

County IDA executed a PILOT Agreement with Grant Building, LLC, which played a large role in facilitating the sale.

### **2023 Audit and Tax Preparation**

Allied CPAs, PC have been engaged to complete the independent audit for the Land Bank and file IRS Form 990. They are scheduled to be on site February 23 to conduct fieldwork.

IRS Form 1099 information was sent to Allied and forms were completed, mailed, and filed with the IRS by the January 31, 2024 deadline.

### **2024 Tax Foreclosure Process**

Recently Governor Hochul released a proposed amendment to Real Property Tax Law in response to the recent US Supreme Court Ruling in Tyler vs. Hennepin County. The amendment outlines processes for method of determination and distribution of surplus proceeds above the tax debt owed to municipalities. We are optimistic about the processes proposed, but there are still many unknowns and areas where clarification is needed.

We are still waiting for the adoption of amendments to RPTL Article 11 in response to the Tyler vs. Hennepin County SCOTUS ruling. The hope is that it will be adopted prior to the next foreclosure auction. In the meantime, we met with the County Treasurer and Real Property Tax Director to establish a plan and a timeline for property transfers to the Land Bank in 2024 in a way that is not burdensome to both departments and town/village assessors. It was determined that the best timeframe for the transfer of properties is prior to June. We will be working closely with the Treasurer's Office to review properties on the foreclosure list and work quickly to get those coming to the Land Bank transferred within that timeframe.

### **Property Acquisition**

Mr. Donalty motioned to enter Executive Session at 1:15pm to discuss the status of a negotiation and potential property acquisitions. Seconded by Ms. Scott. Passed

Mr. Donalty motioned to exit Executive Session at 1:30pm seconded by Mr. Ohmann. Passed.

Mr. Johnson made a motion to authorize a purchase offer for 80 Canal St., Lyons, subject to attorney review and approval. Seconded by Mrs. Moyer. Passed

### **New Grant Opportunities**

#### **Daycare Facility**

-As we continue to assess the needs of Eastern Wayne County residents and identify opportunities to incorporate services to meet those needs within the Lyons Canal/Geneva St. project, we've been discussing with partners such as Wayne ARC, WC Youth, and WC Public Health the need for daycare services. In our conversations, we are exploring the ability to also incorporate much needed Early Intervention services and what it would take to administer those services. We recently became award of a Child Care Capital Program Funding Opportunity through the NYS Division of Child Care Services that could be used to renovate and equip a space for a provider to then lease for Daycare.

Mrs. Moyer made a motion to authorize grant application submittal for the NYS Division of Child Care Services Child Care Capital Program (CCCP) Funding Opportunity. Seconded by Mr. Ohmann. Passed.

### **EPA Environmental and Climate Justice Community Change Grant**

-We also recently became aware of a funding opportunity through EPA which, as we think about services and opportunities we want to have based within the Canal/Geneva St. Restore NY project, aligns very closely what exactly what we are looking to achieve. This includes delivering to the community services where deficiencies currently exist such as healthcare, daycare, supportive housing, therapy services, workforce development and training opportunities, while also catalyzing economic development and growth. This grant opportunity, if awarded, would enable the Land Bank to fully develop all of the properties it owns in our target area in one phase; exponentially increasing the redevelopment and transformation of that neighborhood.

Mrs. Moyer made a motion to authorize grant application submittal for the EPA Environmental and Climate Justice Community Change Grants Program Funding Opportunity. Seconded by Mr. Donalty. Passed.

Our current EPA consultants are Montrose Environmental. We will need assistance with grant application submittal and time is of the essence with getting our application in as this grant will be awarded on a rolling basis through the end of the funding period with is November 2024. It is our understanding that EPA will start reviewing applications in March and begin awarding shortly thereafter. Montrose already has a deep understanding of the projects and the properties, as they are included in the target area of our EPA Multi-purpose grant that they are contracted to assist with administering. Our contract with Montrose currently includes grant writing services for other EPA funding opportunities.

Mr. Groat made a motion to authorize Montrose Environmental to provide grant application services for EPA Environmental and Climate Justice Community Change Grants Program. Seconded by Mr. Ohmann. Passed

### **Northern Border Regional Commission Catalyst Program**

-We met with the Town of Lyons and Wayne County Water and Sewer Authority to discuss a funding opportunity for needed infrastructure upgrades in and around the project area. The Town's consultant, MRB, is working on collecting data and plans to put together project scope and cost estimates. We will be reconvening to go over that information soon.

### **Other**

#### **Water and Sewer District Charges**

The WCRLB is exempt from all special ad valorem levies and special assessments as defined in section one hundred two of the real property tax law, sewer rents, and any and all user charges imposed by any municipal corporation, special district or other political subdivisions of the state. This exemption was recently in question by some assessors as it related to capital water and sewer charges on tax bills that the Land Bank requested be removed per this exemption. The Real Property Director, Karen Ambroz, processed our exemption requests as a

courtesy and was able to obtain documentation from the State to provide clarification to assessors that it is a correct and valid exemption, per the State.

**NYS Land Bank Association**

Mr. Brady motioned to appoint the Executive Director to the New York State Land Bank Association Board of Directors. Seconded by Mr. Pincelli. Passed.

**Adjournment**

Mr. Donalty motioned to adjourn the meeting at 3:05 p.m. and to reconvene on March 21, 2024 at 1pm. Seconded by Mr. Johnson. Passed.

Respectfully submitted,

Kaleigh Flynn