



ALBANY COUNTY
LAND BANK CORPORATION

RESOLUTION NO. 13 OF 2021

CONFIRMING OFFICER APPOINTMENTS

The Annual Meeting of the Albany County Land Bank Corporation (the “Land Bank”) was convened in public session via teleconference in accordance with Executive Order 202.1 of New York State on March 16, 2021 at 5:30 PM local time.

The meeting was called to order by the Chair of the Land Bank and, upon roll being called, the following members of the board of directors of the Land Bank were present:

DIRECTORS:

Board Member	Title	Present (Y/N)
Charles Touhey	Chairman	Y
Natisha Alexander	Treasurer	Y
Samuel Wells	Secretary	Y
Mark Bobb-Semple	Member	Y
Anthony J. Capece, Jr.	Member	Y
Joseph LaCivita	Member	Y
Juanita Nabors	Member	Y
David C. Rowley	Member	Y
Chris Spencer	Member	N

LAND BANK STAFF/COUNSEL PRESENT INCLUDED THE FOLLOWING:

Name	Title
Adam Zaranko	Executive Director
Nicole Green	Legal Counsel
Amanda Wyckoff	Director of Operations
Will Sikula	Planning & Projects Coordinator
Elista Gayle	Applications Coordinator

The following resolution was offered by Anthony Capece, seconded by Natisha Alexander, to wit:

RESOLUTION NO. 13 OF 2021

CONFIRMING OFFICER APPOINTMENTS

WHEREAS, the board of directors (the “Board”) of the Albany County Land Bank Corporation (the “Land Bank”) desire to appoint officers of the Land Bank in accordance with the Land Bank’s Bylaws; and

WHEREAS, the Board deems it advisable and in the best interest of the Land Bank to appoint the below individuals to serve in the officer positions as set forth across from their name (the “Appointments”):

Director	Officer Position
Charles Touhey	Chairperson
Samuel Wells	Secretary
Natisha M. Alexander	Treasurer
Joseph LaCivita	Vice Chairperson

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby confirm and ratify in all respects the Appointments; and be it further

RESOLVED, that each appointee shall serve in such officer position in accordance with the Bylaws of the Land Bank until the appointment of his or her successor; and be it further

RESOLVED, that the appropriate officers of the Land Bank, including, without limitation, each of the Chairperson/President, Vice-Chairperson/Vice-President, Secretary, Treasurer, and Executive Director of the Land Bank (each an “Authorized Officer”) be, and each of them hereby is, authorized to prepare, execute, deliver and perform such agreements, documents and other instruments, and to take such other action in the name and on behalf of the Land Bank, as each such Authorized Officer shall, in such Authorized Officer’s sole discretion, deem necessary or advisable to carry out and comply with the terms and provisions of the foregoing resolutions and to carry out the intent and purposes of the foregoing resolutions, the taking of such action and the preparation, execution, delivery and performance of any such agreements, documents and other instruments or the performance of any such act shall be conclusive evidence of the approval of the Board thereof and all matters relating thereto; and be it further

RESOLVED, that all actions heretofore taken by the Board and/or Authorized Officers of the Land Bank with respect to the foregoing transactions and all other matters contemplated by the foregoing resolutions are hereby in all respects, approved, adopted, ratified and confirmed.

CERTIFICATION

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Board Member	Vote
Charles Touhey	Y
Natisha Alexander	Y
Samuel Wells	Y
Mark Bobb-Semple	Y
Anthony J. Capece, Jr.	Y
Joseph LaCivita	Y
Juanita Nabors	Y
David C. Rowley	Y

The foregoing Resolution was thereupon declared duly adopted, meeting the requirements of the Land Bank's Bylaws requiring a majority of the Board approving this resolution.

STATE OF NEW YORK)

SS.:

COUNTY OF ALBANY)

I, the undersigned Secretary of the ALBANY COUNTY LAND BANK CORPORATION DOES HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Board, including the Resolution contained therein, held on March 16, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein.

I FURTHER CERTIFY that (A) all members of the Board had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Board present throughout said meeting; and (E) pursuant to the Land Bank's Bylaws, a majority of the Board has voted to approve this resolution.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Land Bank this 16th day of March 2021.



Secretary



ALBANY COUNTY
LAND BANK CORPORATION

RESOLUTION NO. 14 OF 2021

CONFIRMING CERTAIN COMMITTEE APPOINTMENTS

The Annual Meeting of the Albany County Land Bank Corporation (the “Land Bank”) was convened in public session via teleconference in accordance with Executive Order 202.1 of New York State on March 16, 2021 at 5:30 PM local time.

The meeting was called to order by the Chair of the Land Bank and, upon roll being called, the following members of the board of directors of the Land Bank were present:

DIRECTORS:

Board Member	Title	Present (Y/N)
Charles Touhey	Chairman	Y
Natisha Alexander	Treasurer	Y
Samuel Wells	Secretary	Y
Mark Bobb-Semple	Member	Y
Anthony J. Capece, Jr.	Member	Y
Joseph LaCivita	Member	Y
Juanita Nabors	Member	Y
David C. Rowley	Member	Y
Chris Spencer	Member	N

LAND BANK STAFF/COUNSEL PRESENT INCLUDED THE FOLLOWING:

Name	Title
Adam Zaranko	Executive Director
Nicole Green	Legal Counsel
Amanda Wyckoff	Director of Operations
Will Sikula	Planning & Projects Coordinator
Elista Gayle	Applications Coordinator

The following resolution was offered by Juanita Nabors, seconded by Mark Bobb-Semple, to wit:

RESOLUTION NO. 14 OF 2021

CONFIRMING CERTAIN COMMITTEE APPOINTMENTS

WHEREAS, the board of directors (the “Board”) of the Albany County Land Bank Corporation (the “Land Bank”) desire to fill a vacancies on the certain of the Land Bank’s committees in accordance with the Land Bank’s Bylaws; and

WHEREAS, the Board deems it advisable and in the best interest of the Land Bank to appoint the below individuals to those committees as set forth across from their name (the “Appointments”):

Director	Committee
Joseph LaCivita	Acquisition and Disposition
Natisha Alexander	Enforcement and Compliance
David Rowley	Governance

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby confirm and ratify in all respects the Appointments; and be it further

RESOLVED, that each appointee shall serve on such committee in accordance with the Bylaws of the Land Bank until the appointment of his or her successor; and be it further

RESOLVED, that the appropriate officers of the Land Bank, including, without limitation, each of the Chairperson/President, Vice-Chairperson/Vice-President, Secretary, Treasurer, and Executive Director of the Land Bank (each an “Authorized Officer”) be, and each of them hereby is, authorized to prepare, execute, deliver and perform such agreements, documents and other instruments, and to take such other action in the name and on behalf of the Land Bank, as each such Authorized Officer shall, in such Authorized Officer’s sole discretion, deem necessary or advisable to carry out and comply with the terms and provisions of the foregoing resolutions and to carry out the intent and purposes of the foregoing resolutions, the taking of such action and the preparation, execution, delivery and performance of any such agreements, documents and other instruments or the performance of any such act shall be conclusive evidence of the approval of the Board thereof and all matters relating thereto; and be it further

RESOLVED, that all actions heretofore taken by the Board and/or Authorized Officers of the Land Bank with respect to the foregoing transactions and all other matters contemplated by the foregoing resolutions are hereby in all respects, approved, adopted, ratified and confirmed.

CERTIFICATION

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Board Member	Vote
Charles Touhey	Y
Natisha Alexander	Y
Samuel Wells	Y
Mark Bobb-Semple	Y
Anthony J. Capece, Jr.	Y
Joseph LaCivita	Y
Juanita Nabors	Y
David C. Rowley	Y

The foregoing Resolution was thereupon declared duly adopted, meeting the requirements of the Land Bank's Bylaws requiring a majority of the Board approving this resolution.

STATE OF NEW YORK)

SS.:

COUNTY OF ALBANY)

I, the undersigned Secretary of the ALBANY COUNTY LAND BANK CORPORATION DOES HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Board, including the Resolution contained therein, held on March 16, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein.

I FURTHER CERTIFY that (A) all members of the Board had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Board present throughout said meeting; and (E) pursuant to the Land Bank's Bylaws, a majority of the Board has voted to approve this resolution.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Land Bank this 16th day of March 2021.



Secretary



ALBANY COUNTY
LAND BANK CORPORATION

RESOLUTION NO. 15 OF 2021

APPROVING THE FISCAL YEAR 2020 AUDIT REPORT

The Annual Meeting of the Albany County Land Bank Corporation (the “Land Bank”) was convened in public session via teleconference in accordance with Executive Order 202.1 of New York State on March 16, 2021 at 5:30 PM local time.

The meeting was called to order by the Chair of the Land Bank and, upon roll being called, the following members of the board of directors of the Land Bank were present:

DIRECTORS:

Board Member	Title	Present (Y/N)
Charles Touhey	Chairman	Y
Natisha Alexander	Treasurer	Y
Samuel Wells	Secretary	Y
Mark Bobb-Semple	Member	Y
Anthony J. Capece, Jr.	Member	Y
Joseph LaCivita	Member	Y
Juanita Nabors	Member	Y
David C. Rowley	Member	Y
Chris Spencer	Member	N

LAND BANK STAFF/COUNSEL PRESENT INCLUDED THE FOLLOWING:

Name	Title
Adam Zaranko	Executive Director
Nicole Green	Legal Counsel
Amanda Wyckoff	Director of Operations
Will Sikula	Planning & Projects Coordinator
Elista Gayle	Applications Coordinator

The following resolution was offered by David Rowley, seconded by Juanita Nabors, to wit:

RESOLUTION NO. 15 OF 2021

APPROVING THE FISCAL YEAR 2020 AUDIT REPORT

WHEREAS, the Albany County Land Bank Corporation (the “Land Bank”) has engaged Bonadio & Co., LLP (the “Auditor”) to prepare an independent auditor’s report of the Land Bank for its 2020 fiscal year (the “Audit Report”);

WHEREAS, the Auditor has presented the Audit Report to the Land Bank’s Audit Committee, which has approved a draft of the Audit Report for presentation to the Land Bank’s board of directors (the “Board”); and

WHEREAS, upon reviewing the Audit Report with the Auditor and in furtherance of recommendation to adopt the report made by the Audit Committee, the Board deems it advisable and in the best interest of the Land Bank to confirm and ratify the adoption of the Audit Report.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby confirm and ratify the adoption of the Audit Report; and be it further

RESOLVED, that the appropriate officers of the Land Bank, including, without limitation, each of the Chairperson/President, Vice-Chairperson/Vice-President, Secretary, Treasurer, and Executive Director of the Land Bank (each an “Authorized Officer”) be, and each of them hereby is, authorized to prepare, execute, deliver and perform such agreements, documents and other instruments, and to take such other action in the name and on behalf of the Land Bank, as each such Authorized Officer shall, in such Authorized Officer’s sole discretion, deem necessary or advisable to carry out and comply with the terms and provisions of the foregoing resolutions and to carry out the intent and purposes of the foregoing resolutions, the taking of such action and the preparation, execution, delivery and performance of any such agreements, documents and other instruments or the performance of any such act shall be conclusive evidence of the approval of the Board thereof and all matters relating thereto; and be it further

RESOLVED, that all actions heretofore taken by the Board and/or Authorized Officers of the Land Bank with respect to the foregoing transactions and all other matters contemplated by the foregoing resolutions are hereby in all respects, approved, adopted, ratified and confirmed.

CERTIFICATION

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Board Member	Vote
Charles Touhey	Y
Natisha Alexander	Y
Samuel Wells	Y
Mark Bobb-Semple	Y
Anthony J. Capece, Jr.	Y
Joseph LaCivita	Y
Juanita Nabors	Y
David C. Rowley	Y

The foregoing Resolution was thereupon declared duly adopted, meeting the requirements of the Land Bank's Bylaws requiring a majority of the Board approving this resolution.

STATE OF NEW YORK)

SS.:

COUNTY OF ALBANY)

I, the undersigned Secretary of the ALBANY COUNTY LAND BANK CORPORATION DOES HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Board, including the Resolution contained therein, held on March 16, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein.

I FURTHER CERTIFY that (A) all members of the Board had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Board present throughout said meeting; and (E) pursuant to the Land Bank's Bylaws, a majority of the Board has voted to approve this resolution.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Land Bank this 16th day of March 2021.



Secretary



ALBANY COUNTY
LAND BANK CORPORATION

RESOLUTION NO. 16 OF 2021

**APPROVING CERTAIN OPERATING POLICIES
OF THE LAND BANK**

The Annual Meeting of the Albany County Land Bank Corporation (the “Land Bank”) was convened in public session via teleconference in accordance with Executive Order 202.1 of New York State on March 16, 2021 at 5:30 PM local time.

The meeting was called to order by the Chair of the Land Bank and, upon roll being called, the following members of the board of directors of the Land Bank were present:

DIRECTORS:

Board Member	Title	Present (Y/N)
Charles Touhey	Chairman	Y
Natisha Alexander	Treasurer	Y
Samuel Wells	Secretary	Y
Mark Bobb-Semple	Member	Y
Anthony J. Capece, Jr.	Member	Y
Joseph LaCivita	Member	Y
Juanita Nabors	Member	Y
David C. Rowley	Member	Y
Chris Spencer	Member	N

LAND BANK STAFF/COUNSEL PRESENT INCLUDED THE FOLLOWING:

Name	Title
Adam Zaranko	Executive Director
Nicole Green	Legal Counsel
Amanda Wyckoff	Director of Operations
Will Sikula	Planning & Projects Coordinator
Elista Gayle	Applications Coordinator

The following resolution was offered by Anthony Capece, seconded by Natisha Alexander, to wit:

RESOLUTION NO. 16 OF 2021

**APPROVING CERTAIN OPERATING POLICIES
OF THE LAND BANK**

WHEREAS, the Albany County Land Bank Corporation (the “Land Bank”) previously adopted the following policies to govern its operations: (i) Procurement Policy, (ii) Internal Control Policy, and (iii) Disposition Policy (collectively, the “Policies”) each attached hereto as Appendix A;

WHEREAS, in accordance with their terms, the Policies require annual readoption and approval by Land Bank’s board of directors (the “Board”); and

WHEREAS, upon reviewing the Policies, Board deems it advisable and in the best interest of the Land Bank to confirm and ratify the adoption of the Policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby confirm and ratify the adoption of the Policies; and be it further

RESOLVED, that the appropriate officers of the Land Bank, including, without limitation, each of the Chairperson/President, Vice-Chairperson/Vice-President, Secretary, Treasurer, and Executive Director of the Land Bank (each an “Authorized Officer”) be, and each of them hereby is, authorized to prepare, execute, deliver and perform such agreements, documents and other instruments, and to take such other action in the name and on behalf of the Land Bank, as each such Authorized Officer shall, in such Authorized Officer’s sole discretion, deem necessary or advisable to carry out and comply with the terms and provisions of the foregoing resolutions and to carry out the intent and purposes of the foregoing resolutions, the taking of such action and the preparation, execution, delivery and performance of any such agreements, documents and other instruments or the performance of any such act shall be conclusive evidence of the approval of the Board thereof and all matters relating thereto; and be it further

RESOLVED, that all actions heretofore taken by the Board and/or Authorized Officers of the Land Bank with respect to the foregoing transactions and all other matters contemplated by the foregoing resolutions are hereby in all respects, approved, adopted, ratified and confirmed.

Appendix A

Procurement Policy, Internal Control Policy, and Disposition Policy

[See Attached]



ALBANY COUNTY

LAND BANK CORPORATION

PROCUREMENT POLICY

SECTION 1. PURPOSE AND AUTHORITY The purpose of this document is to outline the procurement policy (the "Policy") of the Albany County Land Bank Corporation (the "Land Bank") applicable to the procurement of goods and services paid for by the Land Bank for its own use and benefit in accordance with New York Public Authorities Law §2824(1)(d). This Policy is intended to assure the prudent and economic use of the Land Bank's funds, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption.

The Albany County Land Bank's ultimate goal is the revival of vacant properties and the reversal of the economic damage caused by vacancy. The Land Bank also understands that the impact of its money in pursuit of this goal will be greatly increased by supporting economic activity and jobs surrounding the properties it works with. To support this economic activity the land bank will endeavor, within the bounds of financially responsible decisions, to hire individuals and businesses to work on land bank property who are located in or near the neighborhoods in which a property is located, or businesses that hire primarily from those neighborhoods, to carry out property maintenance, demolition, rehab, and construction work.

SECTION 2. DEFINITIONS As used herein, the following terms shall have the meaning set forth below.

- a) **"Land Bank"** shall mean the Albany County Land Bank Corporation.
- b) **"Board"** shall mean the Board of Directors of the Land Bank.
- c) **"Chairman"** shall mean the Chairman of the Board.
- d) **"Executive Director"** shall mean the Executive Director of the Land Bank.
- e) **"Executive Law"** shall mean the New York State Executive Law as amended from time to time.
- f) **"Personal Services"** shall mean any services performed for the Land Bank for a fee or other compensation, including legal, accounting, management consulting, investment banking, financial custody, investment management, construction management, construction, repair, planning, training, statistical, research, public relations, architectural, engineering, surveying or other consulting, professional or technical services. Personal services shall not include any services performed for the Land Bank by its employees within the scope of their employment responsibilities.
- g) **"Procurement Contract"** shall mean any agreement for the acquisition of goods or services of any kind.
- h) **"Outside Contractor"** shall mean a person, firm or corporation performing Personal Services for the Land Bank pursuant to a written agreement.
- i) **"MWBE Division"** shall mean the division of minority and women's business development in the New York State Department of Economic Development.
- j) **"MWBE Threshold Contract"** shall mean
 - i. a written agreement or purchase order instrument, providing for a total expenditure in excess of twenty-five thousand dollars (\$25,000.00), whereby the Land Bank is committed to expend or does expend funds in return for labor, services, supplies,

- equipment, materials, or any combination of the forgoing to be performed for, or rendered or furnished to the Land Bank or;
- ii. a written agreement in excess of one-hundred thousand dollars (\$100,000.00) whereby the Land Bank is committed to expend or does expend funds for construction, demolition, replacement, major repair or renovation of real property and improvements thereon. Solely for the purpose of providing the opportunity for participation by certified businesses in the performance of MWBE Threshold Contracts, MWBE Threshold Contracts shall also include leases of real property by the Land bank to a lessee where: the terms of such leases provide for the construction, demolition, replacement, major repair or renovation of real property and improvements thereon by such lessee; and the cost of such construction, demolition, replacement, major repair or renovation of real property and improvements thereon shall exceed the sum of one hundred thousand dollars (\$100,000.00).
 - k) "Minority-Owned Business Enterprise" shall have the same meaning herein as is set forth in Executive Law § 310(7).
 - l) "Women-Owned Business Enterprise" shall have the same meaning herein as is set forth in Executive Law § 310(15).

SECTION 3 DOCUMENTATION Each action taken in connection with each procurement must be supported by documentation. When an award is made to other than the lowest responsible offeror, the determination to make the award must be supported by documentation that justifies the award and sets forth the reasons why the award furthers the purposes of this Policy.

SECTION 4 INDIVIDUAL RESPONSIBLE FOR PURCHASING The Executive Director of the Land Bank is responsible for purchasing goods and services on behalf of the Land Bank.

SECTION 5 PERSONAL SERVICE CONTRACTS

- a) **Use of Outside Contractors** The Land Bank may engage Outside Contractors to perform Personal Services only if the Executive Director has determined that it is appropriate to do so. In making such a determination, the following factors shall be considered:
 - i. the amount of time likely to be required in performing the services;
 - ii. the degree of special skill likely to be required in performing the services;
 - iii. the availability of employees of the Land Bank possessing the skills needed to perform the services;
 - iv. the likely expense of training employees of the Land Bank to perform the services, and the likely future benefits to the Land Bank of such training;
 - v. the availability of Outside Contractors and the likely expense of using Outside Contractors;
 - vi. the requirement that the services be rendered by an independent professional, as in the case of auditors' opinions or legal opinions;
 - vii. the effect of use of Outside Contractors on other agreements and operations of the Land Bank;
 - viii. the extent to which the Land Bank has successfully used Outside Contractors in the past for the services to be performed; and
 - ix. the need to assure that the Land Bank conducts its operations in the most effective and efficient manner.
- b) **Selection of Outside Contractors** Selection of all outside contractors shall be made on a competitive basis, except where:
 - i. The total amount of the contract is not likely to exceed \$5,000;

- ii. The Executive Director determines that (1) the need to obtain high quality services or services having unique or extraordinary features or time requirements substantially outweighs possible cost savings from selection on a competitive basis, or (2) the Land Bank has other cost control procedures to protect it from paying more for services than necessary; or
 - iii. The Board otherwise determines that competition would be inappropriate.
- c) **Request for Proposals** Where selection is made on a competitive basis, the Executive Director shall request detailed proposals from at least three outside contractors known to have experience in the type of service to be performed. Where the total value of the contract is likely to exceed \$5,000, the proposals shall be in writing. Proposals shall be evaluated on the basis of all relevant factors such as the Outside Contractor's experience, reputation, technical qualifications, financial condition, past performance, size, quality and availability of staff, identity of supervisory personnel, possible conflicts of interest, proposed scope of work and proposed fee or commission.

No single factor shall necessarily be controlling, and the Outside Contractor submitting the proposal which is most favorable on an overall basis shall be selected, except that the Executive Director may reject any or all proposals if he or she considers such action in the best interests of the Land Bank.

- d) **Board Approval** The following contracts for Personal Services shall require approval of the Board in advance by resolution and annual review by the Board:
- i. Any contract involving Personal Services to be rendered over more than one year; and
 - ii. Any contract for Personal Services that is likely to result in total payment to the Outside Contractor in excess of \$15,000 per year and is not in the ordinary course of the Land Bank's business of maintaining, managing and operating the properties of the Land Bank.

SECTION 6. GOODS AND OTHER SERVICES

- a) **Method of Purchase** Selection of contracts for goods and services other than Personal Services shall be made only on a competitive basis except as otherwise set forth herein. The following method of purchase will be used when required by this Policy in order to achieve the highest quality and lowest cost:

Estimated or Actual Value Method and Approvals Required

\$0 - \$5,000 The Executive Director, in his or her discretion, may enter into a contract on behalf of the Land Bank without obtaining quotations or the approval of the Board.

\$5,001 - \$10,000 At least three written quotations will be obtained whenever possible. The Land Bank shall solicit such informal quotations utilizing sources most likely to identify the highest quality and lowest price of the particular good or service including, but certainly not limited to, newspaper and magazine advertisements, internet searches, catalogs, chamber of commerce recommendations and the prior experience of the Land Bank. The Land Bank shall create and maintain a written or digital record of the informal quotations solicited and received for such purchases. Any contract entered into by the Land Bank shall not need be approved by resolution of the Board.

More than \$10,000 At least three written quotations in response to a written request for proposals shall be required. Any contract entered into by the Land Bank shall be approved by resolution of the Board if greater than \$15,000.

- b) **Number of Proposals or Quotations** A good faith effort shall be made to obtain the required number of proposals or quotations. If the Land Bank is unable to obtain the required number of

proposals or quotations, the Land Bank will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement of the good or service.

- c) **Awarding Contracts** The award of a contract for goods or services other than Personal Services shall be made to the lowest priced responsible offeror which meets the Land Bank's specifications. In assessing whether an offeror is responsible, the Land Bank should consider all relevant factors, such as the offeror's capacity and financial ability to complete the contract, past performance, experience, reliability, and integrity. Alternatively, the Land Bank may elect to award a contract based on "best value." "Best value" is defined for this purpose as a basis for awarding contracts to the offeror which optimizes quality, cost, and efficiency among responsive and responsible offerors. For purposes of best value, a responsive offeror is an offeror meeting the Land Bank's minimum specifications. In assessing best value, non-price factors may be considered. Such factors include, but are not limited to, the unique or outstanding qualifications of the offeror (including past experience with a particular issue or familiarity with Land Bank operations) and the reliability, efficiency of operation, difficulty/ease of maintenance, useful lifespan, and environmental impact of a product or practice, as applicable.
- d) **Documentation.** Each action taken in connection with each method of procurement must be supported by documentation.

SECTION 7 CIRCUMSTANCES WHERE SOLICITATION OF ALTERNATIVE PROPOSALS OR QUOTATIONS ARE NOT IN THE BEST INTEREST OF THE CORPORATION

- a) The Land Bank is not required to solicit alternative proposals or quotations if the Executive Director or Chairman, in his or her sole discretion, determines that such solicitation are not in the best interests of the Land Bank. In the following circumstances, it may not be in the best interests of the Land Bank to solicit alternative proposals or quotations:
 - i. **Emergency Purchases** In the case of emergency, goods or services may be purchased immediately without competitive procedures. An emergency is an unanticipated occurrence beyond the control of the Land Bank that (1) threatens the life, health, safety or welfare of any person; (2) threatens the continued use or function of any of the Land Bank's property; or (3) is likely to cause damage to the Land Bank's property if immediate action is not taken. This section does not preclude alternate proposals, if time permits.
 - ii. **Sole Source** Where there is only one source available for the required goods or service, the contract may be awarded without competitive procedures.
 - iii. **Purchase of Second-Hand Goods** Purchase of surplus or second-hand goods from any source may be purchased without competitive procedures.
 - iv. **Experimental Projects** When the Land Bank wishes to test a new product or technology or evaluate a new source for a product or technology, the Land Bank may award a contract without competitive procedures, provided the contract is limited to the purchase of such goods or services that are necessary to conduct the experiment or test.
 - v. **Goods or Services Under \$5,000** The time and documentation required to purchase through this Policy may be more costly than the item itself and would therefore not be in the best interests of the Land Bank. In addition, it is not likely that such minimal contracts would be awarded based on favoritism.

SECTION 8. CONSTRUCTION CONTRACTS

Notwithstanding anything to the contrary herein, pursuant to the Not-for-Profit Corporation Law § 1617, the Land Bank shall not award any construction, demolition, renovation or reconstruction contract greater than \$10,000 except to the lowest bidder who, in its opinion, is qualified to perform the work required

and who is responsible and reliable. The Land Bank may, however, reject any or all bids or waive any informality in a bid if it believes that the public interest will be promoted thereby. The Land Bank may reject any bid if, in its judgment, the business and technical organization, plant, resources, financial, standing, or experience of the bidder justifies such rejection in view of the work to be performed.

SECTION 9. POLICY REVIEW

The Land Bank shall review this Policy annually, and any amendments must be approved by resolution of the Board.

SECTION 10. GENERAL REQUIREMENTS

- a) All Procurement Contracts in an actual or estimated amount of at least \$5,000 shall be in writing and shall be executed by such employee or officer of the Land Bank as authorized in the by-laws or as specific in a resolution of the board.
- b) Regardless of the value of the Procurement Contract, any Procurement Contract involving services to be rendered over a period exceeding one year must be approved by resolution of the Board and reviewed annually by the Board.
- c) The form of every Procurement Contract shall be approved by the Land Bank's counsel prior to execution.
- d) Procurement Contracts which require contractors to perform services on premises owned or controlled by the Land Bank shall require proof of Workers' Compensation and proof of liability insurance naming the Land Bank as additional insured and shall provide that the contractor indemnifies the Land Bank for the negligent acts and omissions of the contractor's employees. When appropriate and at the discretion of the Board, these contracts may further require the contractor to provide proof of environmental pollution insurance.

SECTION 11. PROMOTION OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES It is the goal of the Land Bank to award a fair share of Procurement Contracts to Minority-Owned Business Enterprises and Women-Owned Business Enterprises. It is also the Land Bank's goal to award Procurement Contracts to those procurement contractors who have evidenced compliance with the laws of the State of New York prohibiting discrimination in employment. The following procedures shall be followed:

- a) For all contracts for goods and services, bidders shall be encouraged to include with their bids or RFP responses separate proposals which would demonstrate how their selection will achieve the goals of this section 11.
- b) The Empire State Development Corporation maintains a list of certified Minority-Owned Business Enterprises and Women-Owned Business Enterprises by name an area of expertise, and each individual responsible for soliciting bids and proposals for the Land Bank shall rely on the Empire State Development's list, consult the list and contact appropriate Minority and Women-Owned Businesses to encourage them to submit bids or RFP responses.
- c) In selecting a bidder where a Minority-Owned Business Enterprise or Women-Owned Business Enterprise has been identified, due consideration shall be given to the goals of the Land Bank.
- d) Required Contract Provisions.
 - i. As Required Pursuant to Executive Law § 312, all MWBE Threshold Contracts, all documents soliciting bids or proposals for MWBE Threshold Contracts, and every subcontract between the contractor of a MWBE Threshold Contract and its subcontractors for the MWBE Threshold Contract shall contain or make reference to the following provisions:

1. The contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this section, affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.
2. At the request of the contracting agency, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein.
3. The contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the MWBE Threshold Contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status

Except that:

The provisions of this section 11(d)(i) shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activity that are unrelated, separate or distinct from the MWBE Threshold Contract as expressed by its terms, and they shall not apply to any employment outside this state or application for employment outside this state or solicitations or advertisements therefor, or any existing programs of affirmative action regarding employment outside this state and the effect of contract provisions required by this section shall be so limited; and

The Land Bank shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity and whether the imposition of the requirements of this section duplicate or conflict with any such law and if duplication or conflict exists, the Land Bank shall waive the applicability of this section to the extent of such duplication or conflict.

- ii. As Required Pursuant to Executive Law § 313, MWBE Threshold Contracts for construction, demolition, major repair or renovation of real property and improvements thereon shall include provisions:
 1. Requiring contractors to make a good faith effort to solicit active participation by enterprises identified in the directory of certified businesses provided to the Land Bank by the division of minority and women's business development In the New York State Department of Economic Development; and
 2. Requiring the parties to agree as a condition of entering into the contract, to be bound by the provisions of New York State Executive Law § 316; and
 3. Requiring the contractor to include the provisions set forth in (a) and (b) of this subdivision in every subcontract in a manner that the provisions will be binding upon each subcontractor as to work in connection with the MWBE Threshold Contract.

Except that:

The provisions of this section 11(d)(i)(2) shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activity that are unrelated, separate or distinct from the MWBE Threshold Contract as expressed by its terms; and

The Land bank shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity and whether the imposition of the requirements of this section duplicate or conflict with any such law and if duplication or conflict exists, the Land Bank shall waive the applicability of this section to the extent of such duplication or conflict.

- iii. As Required Pursuant to Executive Law § 316-A, the land bank shall include a provision in all MWBE Threshold Contracts providing that any contractor who willfully and intentionally fails to comply with the minority and women-owned participation requirements of this article 15-A of the Executive Law as set forth in the MWBE Threshold Contract shall be liable to the Land Bank for liquidated or other appropriate damages and shall provide for other appropriate remedies on account of such breach as determined by the Land Bank's Counsel. Should the Land Bank choose to proceed against a contractor for breach of contract as provided for in this section, the Land Bank shall be precluded from seeking enforcement pursuant to Executive Law § 316.
- e) Copies to be provided Pursuant to § 315(2) of the Executive Law, the Land Bank shall provide to all prospective bidders for a MWBE Threshold Contract, a current copy of the directory of certified businesses, and a copy of the regulations required pursuant to §§ 312 and 313 of the Executive Law at the time bids or proposals are solicited.
- f) Waivers In compliance with Executive Law § 313(6), where it appears that a contractor cannot, after a good faith effort, comply with the minority and women-owned business enterprise participation requirements set forth in a particular MWBE Threshold Contract, a contractor may file a written application with the Land Bank requesting a partial or total waiver of such requirements setting forth the reasons for such contractor's inability to meet any or all of the participation requirements together with an explanation of the efforts undertaken by the contractor to obtain the required minority and women owned business enterprise participation. In implementing the provisions of this section, the contracting agency shall consider the number and types of minority and women-owned business enterprises located in the region in which the MWBE Threshold Contract is to be performed, the total dollar value of the MWBE Threshold Contract, the scope of work to be performed and the project size and term. If, based on such considerations, the contracting agency determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the Land Bank shall first consider the availability of other business enterprises located in the region and shall thereafter consider the financial ability of Minority and Women-Owned Businesses located outside the region in which the contract is to be performed to perform the MWBE Threshold Contract.
- g) Monitoring In compliance with Executive Law § 315(1), the Land Bank shall monitor MWBE Threshold Contracts under its jurisdiction, and recommend matters to the MWBE Division respecting noncompliance with the provisions of article 15-A of the Executive Law so that the MWBE Division may take such action as is appropriate to insure compliance with the provisions of article 15-A, the rules and regulations of the director of the MWBE Division issued pursuant to Article 15-A and the contractual provisions required pursuant to article 15-A.
- h) Reports In compliance with Executive Law § 315(3) the Land Bank shall report to the director of the MWBE Division with respect to activities undertaken to promote employment of

minority group members and women and promote and increase participation by certified businesses with respect to MWBE Threshold Contracts and subcontracts. Such reports shall be submitted periodically, but not less frequently than annually, as required by the director of the MWBE Division, and shall include such information as is necessary for the director to determine whether the contracting agency and contractor have complied with the purposes of article 15-A of the Executive Law, including, without limitation, a summary of all waivers of the requirements of Executive law §§ 313 (6); 313(7) allowed by the contracting agency during the period covered by the report, including a description of the basis of the waiver request and the rationale for granting any such waiver. The Land Bank shall also include in such report whether or not it has been required to prepare a remedial plan, and, if so, the plan and the extent to which the Land Bank has complied with each element of the plan.

- i) Goals In all MWBE Threshold Contract Procurements the Land Bank shall set MWBE goals for contracts made directly or indirectly to minority and women-owned business enterprises, in accordance with the findings of the 2010 disparity study, to attempt to achieve the following results with regard to total annual Procurement in regards to MWBE Threshold Contracts:
 - i. construction industry for certified Minority-Owned Business enterprises: 14.34%
 - ii. construction industry for Certified Women-Owned Business Enterprises: 8.41%
 - iii. construction related professional services industry for certified Minority-Owned Business Enterprises: 13.21%
 - iv. construction related professional services industry for certified Women-Owned Business Enterprises: 11.2%
 - v. non-construction related services industry for certified Minority-Owned Business Enterprises: 11.32%
 - vi. non-construction related services industry for certified Women-Owned Business Enterprises: 17.44%
 - vii. commodities industry for certified Minority-Owned Business Enterprises: 16.11%
 - viii. commodities industry for certified Women-Owned Business Enterprises: 10.93%
 - ix. overall agency total dollar value of procurement for certified Minority-Owned Business Enterprises: 16.53%
 - x. overall agency total dollar value of procurement for certified Women-Owned Business Enterprises: 12.39%
 - xi. overall agency totally dollar value of procurement for certified Minority and Women-Owned Business Enterprises: 28.92%

SECTION 12. MISCELLANEOUS PROVISIONS

- a) Powers of Amendment Any modification or amendment of this Policy may be made by a supplemental resolution adopted at any duly constituted meeting of the Board; provided, however, that no such modification or amendment shall abrogate the rights and duties of existing Land Bank contracts, the terms of which were established pursuant to this Policy or to a previously existing policy.
- b) No Recourse Under This Policy No provision of this Policy shall be the basis for any claim based on this Policy against any member, officer or employee of the Land Bank or the Land Bank itself.
- c) Provisions Required By Law This Policy is hereby deemed to include any provision required by law to be included herein.



ALBANY COUNTY LAND BANK CORPORATION

Internal Control and Finance Policy

SECTION 1. PURPOSE AND AUTHORITY. This policy outlines the process by which Albany County Land Bank Corporation will safeguard the assets; check the accuracy and reliability of its accounting data, methods and financial reporting; promote the effectiveness and efficiency of its financial operations; ensure compliance with section 2931 of the New York State Public Authority law and internal control standards; and adherence to all policies.

SECTION 2. INTERNAL CONTROL OFFICER.

The Executive Director is designated the “Internal Control Officer” and shall work with the Finance, Audit and Governance Committees of the Land Bank to review this policy annually as required by law, evaluate the ongoing internal control system, and assess and monitor the implementation of any corrective actions. Collectively, the Executive Director and the Finance and Audit Committees shall produce an annual internal control assessment that will be included in the Annual report of the Land Bank as required by the Public Authorities law.

SECTION 2. DEFINITIONS.

- a. **“Expense Originator”** shall mean the director/employee who originates payment authorization, and has personal knowledge of the vendor, requested payment and documentation to substantiate the expense.
- b. **“Authorized Check Signatory”** shall mean those employees and/or directors authorized by the board of directors to sign checks. The Albany County Land Bank authorized check signatories are the Chairperson, the Treasurer and the Executive Director.
- c. **“Payment Authorization Signatory”** shall mean those employees and/or directors authorized by the board of directors to approve payment vouchers. The Albany County Land Bank Payment authorization signatories are the Chairperson, the Treasurer and the Executive Director.

SECTION 3. FINANCIAL PROCEDURES AND DUTIES

A. EXPENSES

1. **Payment Authorization.** Invoices are reviewed by the Expense Originator who has direct knowledge of the purpose of the expense, the vendor and can verify the amount to be paid. The payment authorization voucher shall include details of the vendor, product or service and

the amount to be paid. Invoices or other appropriate documentation shall be provided upon request. The Expense Originator then signs and submits an expense payment voucher to be approved by an Authorized Payment Signatory, pursuant to the following thresholds:

Payment vouchers for \$15,000 or less: If the Expense Originator is an employee, the expense voucher must be approved by one of the following: the Chairperson, Executive Director and Treasurer. If the Expense Originator is the Executive Director, the expense must be approved by the Chairperson and/or the Treasurer. Payments shall be issued by an Authorized Check Signatory.

Payments vouchers in excess of \$15,000: If the Expense Originator is an employee, the expense voucher must be approved by two of the following: the Chairperson, Executive Director and Treasurer. If the Expense Originator is the Executive Director, the expense must be approved by both the Chairperson and the Treasurer. Payments shall be issued by an Authorized Check Signatory.

2. **Credit/Debit Card expenses.** Credit and/or debit cards may be issued to an employee by the Executive Director for the sole purposes of use in connection with official Land Bank business.

Credit card purchases of \$500 or less: Expenses below \$500 may be made at the discretion of the employee for services, products or vendor payment.

Credit card purchases in excess of \$500: All credit card purchases in excess of \$500 must be pre-approved by a Payment Authorization Signatory.

The Expense Originator shall submit the credit/debit card expenses for Payment Authorization pursuant to subsection (A.1. Payment Authorization) outlined above.

3. **Employee and Board member personal expenses.** Employees and Board members may be reimbursed for expenses incurred that directly relate to carrying out the business of the Land Bank. All Employee and Board member expenses must be pre-approved by a Payment Authorization Signatory. Reimbursement checks made payable to an Employee other than the Executive Director may be signed by the Executive Director. If the reimbursement is to be made to the Executive Director, another Authorized Check Signatories must sign and approve the check reimbursement. If the reimbursement check is to be made payable to a Board Member, the Executive Director may be the Authorized Check Signatory.
4. **Purchasing.** The Executive Director may approve individual purchases to be made by the Land Bank for day-to-day operations (office supplies, computers, furniture etc.) at his/her sole discretion up to \$1,000. Purchases of items over \$1,000 must be pre-approved by a Payment Authorization Signatory.

B. INCOME

1. **Deposits.** All deposits of purchase monies, donations, and closing costs must be reviewed by a Payment Authorization Signatory. An employee, other than the Executive Director shall make said deposits upon the review and approval of an Authorized Payment Signatory.
2. **Routine Cash Management.** Internal transfers between accounts for routine case management may be approved and processed by an Authorized Payment Signatory and processed by an Authorized Check Signatory.

C. RECONCILIATION AND REVIEW

Bank Statements shall be reviewed by the Executive Director and shall be submitted to the designated bookkeeper or accountant for reconciliation on a monthly basis. Final statements and reports shall be forwarded to the Finance Committee for review at monthly meetings. The Chairperson, Treasurer and Executive Director shall have online access to the accounting software to review and monitor transaction activity at any time.

D. ANNUAL REVIEW

This policy shall be reviewed annually and the Audit committee shall be responsible for establishing and maintaining for the Land Bank a system of internal control and a program of internal control review.

The program of internal review shall be designed to identify internal control weaknesses, identify actions that are needed to correct these weaknesses, monitor the implementation of necessary corrective actions and periodically assess the adequacy of the Land Bank's ongoing internal controls.

The Audit Committee shall also make available to each member, officer and employee a clear and concise statement of the generally applicable managerial policies and standards with which he or she is expected to comply. Such statement shall emphasize the importance of effective internal control to the authority and the responsibility of each member, officer and employee for effective internal control.

The Audit Committee shall implement education and training efforts to ensure that members, officers and employees have achieved adequate awareness and understanding of internal control standards and, as appropriate, evaluation techniques.



DISPOSITION OF REAL AND PERSONAL PROPERTY POLICY

SECTION 1. PURPOSE

This policy (the "Policy") sets forth guidelines for the Albany County Land Bank Corporation's (Land Bank) disposal of real and personal property in accordance with the mission and purpose of the Land Bank and all applicable laws.

SECTION 2. DEFINITIONS

- a. "Land Bank" shall mean Albany County Land Bank Corporation.
- b. "Contracting Officer" shall mean the person responsible for the Land Bank's compliance with, and enforcement of, this Policy and such person shall be the Executive Director of the Land Bank.
- c. "Dispose" or "disposal" shall mean transfer of title or any other beneficial interest in personal or real property in accordance with Article 16 of the New York State Not-For Profit Corporation Law.
- d. "Property" shall mean personal property or real property regardless of value, and any other interest in property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

SECTION 3. GENERAL DUTIES

- a. The Land Bank shall:
 - i. maintain adequate inventory controls and accountability systems for all property owned by the Land Bank and under its control;
 - ii. periodically inventory such property to determine which property may be disposed of;
 - iii. produce a written report of such in accordance with Section 3(b); and
 - iv. transfer or dispose of such property as promptly as possible in accordance with this Policy.
- b. The Land Bank shall:
 - i. maintain and make available for public review and inspection a complete inventory of all property owned by the Land Bank. Such inventory as to real property shall include: the location of the parcel; the purchase price, if any, for each parcel owned; the current value assigned to the property for purposes of real property taxation; the amount, if any, owed to the locality for real property taxation; the identity of the transferor; and any conditions or restrictions applicable to the property. All parcels received by the Land Bank shall be listed in such inventory within one week of acquisition and shall remain in such inventory for one week prior to disposition; and;

- ii. maintain and make available for public review and inspection a complete inventory of all real property dispositions by the Land Bank. Such inventory shall include the name of the purchaser, a complete copy of the sales contract, including all terms and conditions including, but not limited to, any form of compensation received by the Land Bank or any other party which is not included within the sale price. All real property dispositions shall be listed on the property disposition inventory within one week of disposition. Such report shall also include a list and full description of all personal property disposed of. Such records shall remain available for public inspection in the property disposition inventory indefinitely. Such report shall be delivered, no less than annually, to all agencies required by law including the Comptroller of the State of New York, the Director of the Budget of the State of New York, the Commissioner of the New York State Office of General Services, the Director of the Authority Budget Office and the New York State Legislature (via distribution to the Majority Leader of the NYS Senate and the Speaker of the Assembly).

SECTION 4. TRANSFER OR DISPOSITION OF PROPERTY

a. **Supervision and Direction** Except as otherwise provided herein, the Contracting Officer shall have supervision and direction over the disposition and sale of property of the Land Bank. The Land Bank shall have the right to dispose of its property for any valid purpose.

b. **Custody and Control** The custody and control of Land Bank property, pending its disposition, shall be performed by the Contracting Officer.

c. **Method of Disposition** Unless otherwise permitted, the Land Bank shall dispose of property by sale, exchange, or transfer, for cash, credit, or other consideration as provided for herein, with or without warranty, and upon such other terms and conditions as the Land Bank or the Contracting Officer deems proper. The Contracting Officer may execute such documents for the transfer of title or other interest in property and take such other action as is necessary or proper to dispose of such property under the provisions of this Policy.

d. **Validity of Deed, Bill of Sale, Lease, or Other Instrument** A deed, bill of sale, lease, or other instrument executed by or on behalf of the Land Bank, purporting to transfer title or any other interest in property of the Land Bank in accordance herewith shall be conclusive evidence of compliance with the provisions of this Policy and all applicable law insofar as concerns title or other interest of any bona fide grantee or transferee who has given valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to transfer of title of such property.

e. **Method of Disposition for Real Property**

i. Negotiated Sale

1. **Competitive Listing:** Open market competition shall be used to establish the fair market value of Land Bank property. Staff may list property for sale with a licensed real estate broker and/or on the Land Bank's website to solicit such competition.

2. **Listing Price:** Listing price shall be determined by staff based on a comparative market analysis, consideration of the extent of renovations needed and, as needed, consultation with a licensed real estate broker or agent. The Contracting Officer is empowered to negotiate a proposed purchase price with interested purchasers, taking into

consideration all reasonable business and financial justifications for accepting offers above or below listing price.

3. Award of Purchase Contract: The Contracting Officer shall present the Board of Directors with a summary and analysis of the offers received for a particular property, making a recommendation as to which offers are reasonable and consistent with the Land Bank's mission and purpose.

The Board of Directors, in its sole discretion, may sell property to an Applicant for less than Fair Market Value and/or based on a variety of factors. Properties are not required by law or other policy to be sold to the Applicant who has submitted the highest purchase offer (i.e. sell for less than fair market value). The Land Bank may sell property consistent with the Land Bank's mission and purpose including, by way of example but not limited to, the submission of a redevelopment plan which provides for (i) a more comprehensive renovation of the property, (ii) owner occupancy, (iii) a valuable community service, or (iv) other community benefit. The Board of Directors will also take into consideration the Applicant's qualifications and experience, financial capacity, the quality and extent of their redevelopment plan, and the planned use for the property when selecting to which Applicant it will enter into a purchase contract. In addition, a number of defined discount programs are contained in this Policy which may result in a property being sold for less than fair market value.

ii. Requests for Proposals A Request for Proposals (RFP) may be used for the disposition and redevelopment of certain properties identified by the Land Bank to solicit from a specific pool of potential buyers, to allow a greater length of time for interested buyers to develop an offer and development plan, or to solicit development proposals that meet certain criteria set forth by the Land Bank. As with negotiated sales, offers to redevelop property submitted in response to a Land Bank RFP are NOT public bids for development, but rather offers to purchase and develop properties. The Board of Directors will consider the purchase price offered, the planned use, the scope of the redevelopment plan, the buyer's qualifications and capacity to complete the project, and the funds available for redevelopment, in addition to the content of the response to specific criteria or questions contained within the RFP, when selecting a winning proposal.

iii. Direct Sale The Board of Directors may authorize the sale of property to a buyer without first undertaking the other methods of disposition set forth herein when it determines that a benefit to the community will be had by authorizing such sale without competitive procedures for reasons consistent with the Land Bank's mission and purpose and upon a demonstration that the buyer is qualified to purchase, develop or otherwise return the property to productive use as set forth in Section 5 of this Policy.

f. **Method of Disposition for Personal Property**

i. The Land Bank may dispose of personal property in accordance with its mission, including through Negotiated Sale, Request for Proposals and Direct Sale, as well as by donation. The Land Bank may utilize contractors or professional services to dispose of personal property providing any revenue generated from such disposal is used to support the Land Bank's mission. When determining the method of disposition, the Land Bank shall utilize the method which shall permit obtaining such competition as is feasible under

the circumstances and which is consistent with the value and nature of the personal property proposed for disposition (including whether the personal property involved has qualities separate from the utilitarian purpose of such property, such as artistic quality, antiquity, historical significance, rarity, or other qualities of similar effect, that would tend to impact the value thereof), and which will be most advantageous to the Land Bank, price and other factors considered, and which shall further the interests of and be consistent with the mission and purpose of the Land Bank.

- g. **Board Approval for Disposition of Property** The Land Bank shall not sell, lease, encumber, or alienate real property improvements, or personal property unless authorized by a majority vote of the Board of Directors.

SECTION 5. BUYER QUALIFICATIONS; APPLICATION; CONSIDERATION; DISCOUNT/PREFERENCE PROGRAMS; ENFORCEMENT; LEASING

a. **Buyer Qualifications**

- i. All disposals of Land Bank property shall be made to qualified buyers. A person submitting a proposal or offer to purchase property owned by the Land Bank (an "Applicant") must meet the following requirements to be considered a "qualified buyer":
 1. The Applicant's Principal Residence for the year immediately preceding the date of the Applicant's application was in Albany County, the Applicant intends to relocate to Albany County and can provide satisfactory evidence thereof, or the Applicant has agreed to engage a property manager located in Albany County to manage the property which is being disposed of pursuant to this Policy. The term "Principal Residence" means the property that the Applicant uses as his or her residence. If the Applicant uses more than one property as his or her residence, the Applicant's Principal Residence is the property in which the Applicant lives for the majority of the time during the year and not less than half of the year;
 2. In the event the Land Bank requires the Applicant to complete any renovations or repairs with regard to the property being disposed of pursuant to this Policy, the Applicant has submitted satisfactory evidence that he or she has a feasible plan and adequate financing to complete the necessary renovations or repairs;
 3. If requested by the Land Bank, the Applicant has completed a home-buyer education or related course from a provider approved by the Land Bank;
 4. The Applicant is not disqualified as set forth herein; and
 5. The Applicant has completed an application in accordance with this Policy.

- ii. An Applicant is disqualified if:
 - 1. At the time of the Applicant's application, there are unpaid and past due taxes with respect to any real property owned by the Applicant;
 - 2. A property owned by the Applicant has been foreclosed upon for tax-delinquency by Albany County and transferred to the Land Bank;
 - 3. At the time of the Applicant's application, the Applicant owes amounts for past due bills, fines, or fees with respect to any real property owned by the Applicant;
 - 4. There are open code violations or a history of code violations with respect to real property owned by the Applicant;
 - 5. Multiple nuisance abatement cases or proceedings have been commenced with respect to real property owned by the Applicant; or
 - 6. The Applicant, or any spouse, parent, sibling or child of the Applicant, possessed an interest in the property for which the Applicant is applying to purchase at the time such property was foreclosed upon by Albany County for tax delinquency. The Board of Directors may consider deviating from this criterion (and 5.a.ii.2 above) if the property in question is the Applicant's principal residence or principal source of income and the applicant: 1) presents compelling evidence excusing their failure to redeem the property prior to its foreclosure for unpaid real property taxes; and 2) demonstrates that they have sufficient funds to pay in full (i) the real property taxes that were due at the time of foreclosure, (ii) any other liens that were extinguished by the foreclosure (or the ability to reinstate such liens), and (iii) the Land Bank's expenses associated with the acquisition and maintenance of the property, along with any related fees; and 3) makes all repairs necessary to bring the property into compliance with applicable health, building and zoning laws, rules and regulations, and; 4) demonstrates that they have sufficient income to remain tax-current if they are granted title to the property.
- iii. In addition, an Applicant may be disqualified if the Applicant and/or the Applicant's business or a business in which the Applicant has an ownership interest has one or more judgments currently filed against the Applicant or the business and/or has had at least one judgment taken and filed against the Applicant and/or the business.

- b. **Applications** Land Bank staff shall develop purchase application forms which Applicants shall be required to complete, so that the Land Bank can evaluate the qualifications of Applicants and select Applicants with development plans that are consistent with the Land Bank's mission and purpose and the comprehensive plans of the municipalities in which the Land Bank's real property is located. The information requested in such applications may vary depending on the type of property that the Land Bank is intending sell. The Land Bank may require Applicants to submit redevelopment plans and/or

management plans as part of the application process. The Land Bank may require Applicants to submit a contract to purchase with each application.

- c. **Consideration** In accordance with the terms and conditions of the Land Bank's discount/preference programs, the Land Bank may accept monetary payments, secured financial obligations, covenants and conditions related to the present and future use of any property being disposed of pursuant to this Policy, contractual commitments of the buyer or lessee, and such other forms of consideration deemed appropriate by the Board of Directors.
- d. **Discount/Preference Programs** The Land Bank has adopted the following discount and/or preference programs in order to support, through the sale of Land Bank property, private development activities which further the Land Bank's mission and purpose:
 - i. **Tenant to Home Owner Program** The Land Bank may provide a preference to Applicants who occupy a property being disposed of pursuant to this Policy as tenants at the time the Land Bank acquires such property. The Land Bank will encourage all first-time homebuyers to take home owner education courses and to receive other financial counseling from a provided approved by the Land Bank.
 - ii. **Affordable Housing Development Program** Due to the community benefit derived from the development of affordable housing, the Land Bank may sell certain properties, including properties with vacant buildings, at a discounted price to Applicants who plan to develop income-restricted affordable housing. In order to qualify for this discount, the development must be subject to restrictive covenants or otherwise regulated by an affordable housing funder for a defined affordability period.
 - iii. **Inclusive Neighborhoods Program** In order to encourage the proliferation of permanent affordable housing and create more affordable housing opportunities for economically disadvantaged Albany County residents in the City of Albany, the Land Bank may make certain properties located outside the Land Bank's Focus Neighborhoods available for sale to the Albany Community Land Trust ("Land Trust") at a discount. Under this program, residential properties in eligible neighborhoods will be available for purchase by the Land Trust for a limited time. The Land Trust shall renovate the property, if needed, and sell to a low-income buyer who will occupy the Land Trust home as their Principal Residence and abide by the affordability restrictions outlined in their 99-year ground lease.
 - iv. **Community Garden/Green Space Program** The Land Bank recognizes the economic, environmental, and social value of community gardens and green space. Accordingly, the Land Bank may sell or lease certain unimproved residential parcels for a nominal fee to Applicants who plan to develop such parcels into community gardens or green spaces. Any lease agreement entered into by the Land Bank and a lessee pursuant to this Community Garden/Green Space Program will require the lessee to be responsible for all property maintenance and upkeep; obtain any required permits for use or development; comply with all local building, zoning, and property maintenance ordinances; obtain approval from the Land Bank prior to installing improvements exceeding

\$1,000 in value or placing any signs on the property; and furnish the Land Bank with liability waivers signed by each gardener who will have the right to use the property; and provide the Land Bank with copies of all insurance policies and must name the Land Bank as an additional insured on said policies.

- v. **Geographically Targeted Revitalization Programs** From time to time, the Land Bank may reduce the sales price of properties in a clearly defined geographic area in order to attract multiple private investors, such that the investors might leverage one another's investments. These targeted programs will be created by resolution of the Board of Directors. The resolution will define the geographic boundaries of the program, whether it is limited to a certain category of real property, the percentage by which the sales price is to be discounted, and the duration of the program. These programs will be advertised on the Land Bank's website and in other promotional materials during the course of the program, and the justification for discounting the sales price will be stated in the resolution disposing of each property.

- vi. **Residential Side-Lot Program**

Certain vacant residential lots acquired by the Land Bank may not be readily marketable because of their size, location, or other characteristics. The Land Bank may sell certain vacant residential lots for a discounted price to property owners who own lots which are directly adjacent to such vacant lots. Owners of adjacent, well-maintained properties are the most likely purchasers to take care of these vacant lots in many instances, thereby enhancing the value of the buyer's property, beautifying the surrounding neighborhood, and improving surrounding property values.

Generally, single vacant lots can enhance the values of adjacent residential property.

- 1.) Definition: A side lot sale is defined as the sale of a single vacant lot (bound by buildings or vacant land owned by others) to the adjacent property owner. Eligible lots must be in an Albany County Land Bank focus neighborhood. This includes; West Hill, Arbor Hill, Sheridan Hollow and the South End.
- 2.) Buyer Eligibility: Homeowners of property that is adjacent to (has a shared property line), who occupy their home and live in a focus neighborhood are eligible for the side lot program. If multiple adjacent owner-occupied applicants apply for the same property it is at the sole discretion of the Land Bank Board of Directors to determine the chosen buyer.
- 3.) Application: At any time that a complete application is submitted to the Land Bank on an available side lot and that the applicant requests review as a side-lot sale, staff will verify the adjacent ownership, occupancy requirements and lot eligibility to determine if the application and lot may be considered under this policy. The Land Bank at its sole discretion may determine that the lot is not eligible due to it being held for site assembly or an alternate use as determined by the Land Bank's property disposition policy.

4.) Price: The sales price for applicants whom meet all the above requirements and are approved by the Land Bank Board of Directors' will be \$500 plus closing costs. A discounted price of \$100 plus closing costs will be available to those who provide documentation showing that they are at 50% or less than the AMI for the Albany-Schenectady-Troy region as defined by HUD. Note that the Board of Directors at its sole discretion may exceptions to the income thresholds and/or make a sale contingent upon fulling certain requirements to achieve desired outcomes in accordance with the Land Bank's mission and authority. An example of this might be the requirement to merge the side lot with their existing property.

vii. **Spend a Little, Get a LOT!** The Land Bank's Spend a Little, Get a LOT! program is designed to increase local ownership of vacant lots to help stabilize neighborhoods by providing residents with more opportunities to acquire a lot. Under the program, the Land Bank will identify participating lots and make them available for purchase at a discounted price by qualified buyers. In order to qualify, buyers must meet the Land Bank's Buyer Qualifications and the terms and conditions of the Spend a Little, Get a LOT! program. The program is open to owner-occupants and renters who meet the tenancy requirements fo the program. In the event of multiple purchase applications for the same participating lot, the Land Bank shall consider factors as set forth in the Spend a Little, Get a LOT! program guideline. Qualified buyers will receive discounted closing costs, as determined by the Land Bank.

viii. **Additional Discount/Preference Programs** From time to time, the Land Bank may adopt, by Resolution of the Board of Directors, additional discount or preference programs in furtherance of its purpose or mission.

e. **Enforcement: Real Estate Disposition Monitoring and Enforcement Policy**

i. **Purpose and Background** This policy outlines the process by which Albany County Land Bank Corporation (Land Bank) will monitor and enforce enforcement notes, deed restrictions and other related instruments employed by the Land Bank to ensure productive and successful outcomes of real estate transactions and rehabilitation projects.

The primary purpose of the Albany County Land Bank is to facilitate the process of acquiring, improving and redistributing vacant properties, eliminate the harms and liabilities caused by such properties and return properties to productive use in a manner consistent with local redevelopment and comprehensive plans. The Land Bank acquires tax-foreclosed vacant or abandoned properties from Albany County and disposes of them to responsible buyers through an application process that includes a multi-layered review and approval process. All property sales are approved by the Land Bank's Board of Directors. Properties purchased from the Land Bank typically require improvements which are the responsibility of the buyer. As part of the Land Bank's property purchase application, buyers are required to provide a scope of work, proposed budget and rehabilitation timeline.

Land Bank staff reviews these aspects of the application to ensure that the buyer has a fundamental understanding of the level of rehabilitation, timeframe and associated costs in order to increase the likelihood of a successful outcome for the Land Bank, the buyer and the surrounding neighborhood. Property sales requiring significant improvements are subject to an enforcement mortgage that secures a lien against the property. Depending on the buyer's proposal and the desired outcome of a property transaction, the Land Bank may decide to place deed restrictions and/or reverter clauses in a property sale. In some cases deed restrictions may be applied in conjunction with an enforcement note and mortgage.

ii. Enforcement Tools and Definitions

1. Enforcement Note and Mortgage Property sales requiring significant renovation or improvement are subject to an enforcement mortgage that secures a lien against the property. The Land Bank executes a "Development Enforcement Note and Mortgage Agreement" ("Development Agreement") that sets the Land Bank's lien terms, or enforcement mortgage. As part of this Agreement, the buyer agrees to improve, develop and/or repair the property in accordance with a redevelopment plan, which addresses the scope of the renovations needed. Once the required renovations or improvements are completed to the Land Bank's satisfaction, the Land Bank will discharge the mortgage and the property is deemed to be back to productive use.

Pursuant to the Development Agreement buyers agree to complete any agreed-upon work on the property within an agreed-upon timeframe from the closing sale date ("Completion Date"). On or before the Completion Date, the buyer must provide the Land Bank with a Certificate of Occupancy from the respective local government's Code Enforcement (or equivalent) Office showing that the property meets code requirements. Upon receipt of the Certificate, the Land Bank must inspect the property to determine if the buyer has met the terms of the Development Agreement and completed the redevelopment plan. If the agreed-upon improvements have been made, the Land Bank issues to the buyer a Certificate of Substantial Compliance and a Discharge-of-Mortgage is filed with the County Clerk. If a buyer does not achieve substantial compliance by the required Completion Date, the Land Bank may give the buyer a 10-day written notice to correct any deficiencies. If a notice is issued and insufficient action is taken by the buyer within the 10 days of the notice, the Development Agreement is considered in default and the Land Bank may exercise its right of reversion of the property and/or begin foreclosure proceedings. If the Land Bank determines, at its sole discretion, that the Land Bank must commence foreclosure proceedings, buyer waives any right to off-set for improvements already made to the property and will be required to deliver to the Land Bank, a Deed-in-Lieu of Foreclosure.

The Land Bank understands that the rehabilitation vacant and abandoned properties require can present significant known and unknown challenges that may impact the buyers' original Development Agreement. It is

paramount that buyers notify the Land Bank of any events encountered by the buyer during the project that would impact the buyers' ability to satisfy the Development Agreement. In some cases buyers may be able to request an extension of time to satisfy the Development Agreement. The Land Bank is under no obligation to grant an extension of time to complete the Development Agreement.

2. Deed Restrictions "Deed Restrictions" are private agreements that restrict the use of the real estate in some way, and are listed in the deed. Deed Restrictions may limit the use of land and may impose a duty upon the landowner. The Land Bank may place Deed Restrictions in a sale to ensure an agreed upon outcome such as merging two adjoining tax parcels or preserving open space. In some cases deed restrictions may be applied in conjunction with an enforcement note and mortgage. All deeds from the Albany County Land Bank shall have a Five Year "no-flip" clause. This clause means that the buyer may not sell the property without the express written approval of the Land Bank.

3. Reverter A "Reverter" (also called a "Reversion") in the context of real property, means the return to the grantor or his/her heirs of real property after all interests in the property given to others have terminated. Generally the Land Bank requires a Right of Reversion be granted to the Land Bank should the buyer not improve the property per the Development Agreement, or complete the redevelopment plan by the Completion Date. Reverter clauses are inserted in all Land Bank deeds along with other Deed Restrictions as they apply to each property. A Right of Reversion of the property may be released upon certain conditions being met by the buyer, such as when the buyer decides to sell the property or completes the agreed upon Development Agreement. Buyers may seek a release from the Land Bank. However, the Land Bank is under no obligation to provide a release unless all the conditions of the Reverter and Deed Restrictions have been met. All deeds from the Albany County Land Bank shall have a Five Year no-flip clause. This clause means that the buyer may not sell the property without the express written approval of the Land Bank. All vacant lots will have a reverter clause requiring all properties be brought up to code within Thirty (30) days of the Closing.

4. Enforcement Procedures Adequate procedures to effectively monitor compliance with the Agreements helps to secure the buyers' completion of their redevelopment plans and help the Land Bank meet its mission to eliminate vacant and abandoned properties, lessen the burdens they pose to local governments and communities, improve quality of life for surrounding residents and grow the local property tax base. The following measures will be taken to ensure timely and effective enforcement:

5. Monitoring Land Bank Staff shall proactively monitor progress for each Development Agreement and Deed Restriction. Each quarter, Land Bank staff shall contact each buyer via phone and/or email to check in on progress and

identify any issues/concerns that may cause an applicant to miss the Completion Date. Record of contact and outcome of engagement shall be recorded in the Land Bank's files to document the outcome of each interaction. Nonresponsive buyers will be considered in default on the terms of the enforcement note and mortgage and are subject to all further actions available to the Land Bank.

Development Agreements, Deed Restrictions, Reverters and related documents are subject to monitoring by the New York State Authorities Budget Office and the New York State Attorney General's Office.

iii. Reporting Each quarter, Land Bank staff shall produce a report summarizing the outcome of the quarterly monitoring. Such report shall be submitted to the Executive Director for review and direction on any additional actions as he/she may deem necessary.

iv. Inspection Under the terms of sale, the Land Bank has the right to inspect properties sold to buyers during rehabilitation. Each quarter Land Bank staff shall select, at its sole discretion, a representative sample of properties to inspect. The properties may be selected at random and/or based on concerns identified from field observations, reports from, but not limited to, residents, community groups, municipalities or discussions with buyers during routine monitoring.

v. Modification of Completion Dates In some cases Completion Dates may be modified by the Land Bank. Any request to modify a Completion Date must be submitted to the Land Bank in writing for consideration by the Executive Director. If approved, the Land Bank may grant a modification to the Completion Date at its sole discretion and issue notification of any such extension to buyer. The Land Bank is under no obligation to grant an extension of the Completion Date. All owners must submit an extension request on the proper form and pay any fees, if applicable, at least Sixty (60) days prior to the expiration of the timeline set forth in the Enforcement Note and Mortgage.

vi. Project Completion Upon the completion of an agreed upon Development Agreement and/or action governed by a deed restriction, the buyer must notify the Land Bank and provide satisfactory evidence of completion. In the event of a Development Agreement such evidence shall include the Residential Occupancy Permit, Certificate of Occupancy - or acceptable equivalent document depending on municipality or project - and schedule a walk-through inspection with Land Bank staff. Upon satisfactory outcome of walk-through, the Land Bank will initiate the discharge of the appropriate enforcement on the subject property in timely manner. Documentation of the walk-through and evidence of project completion from buyer will be retained in the Land Bank's records. The project will be deemed complete upon discharge of the enforcement mortgage.

- f. **Leasing** It may be in the best interest of the Land Bank and the furtherance of its mission to lease its real property under certain circumstances, including but not limited to, the following:
- i. **Existing Occupants.** In order to avoid displacing persons occupying real property at the time it is acquired by the Land Bank, the Land Bank may enter into lease

agreements with any such persons. The Land Bank may offer occupants relocation assistance if the real property is not habitable or if the occupants are unwilling to enter into lease agreements.

- ii. **Properties Pending Sale** The Land Bank may lease an occupied parcel of real property for which a sale is pending in order to allow the occupant to enhance the value of the real property and prevent vandalism, to which vacant properties are susceptible.

SECTION 6. LAND BANKING AND PLANNED DEVELOPMENT

In some instances the Land Bank will acquire and assemble multiple properties in a geographic area and may “land bank” those properties for a period of time until a redevelopment plan can be developed and implemented, or the assemblage of properties can be advertised for sale. Redevelopment plans will include input from relevant stakeholders including but not limited to, a municipality, community development corporations and neighborhood associations. Once a plan has been developed, certain properties may be appropriate for the Land Bank to hold for a longer period of time until necessary funds have been secured for their redevelopment pursuant to the plan, until the Land Bank has acquired other strategic properties nearby, assembled larger parcels, certain development approvals have been granted, or other necessary conditions to effectuate the plan are met.

Properties identified as appropriate for affordable housing development (see definition of Affordable Housing in 5.d.ii. of this Policy) through such a planning effort will be advertised as available only for redevelopment that accomplishes the objectives stated in the plan. These objectives may include certain income-restrictions/affordability thresholds, restriction to rental or owner-occupancy, and minimum standards for the quality of renovation or new construction. Other properties in the plan may be deemed appropriate for sale to private developers or individuals using standard methods to advertise properties for negotiated sale. Particular terms of sale (such as design standards or minimum renovation standards) and/or a hierarchy of preferred redevelopment plans may be adopted by the Board of Directors specific to this geographic area as allowable under 5.d.vi. of this Policy. The Land Bank may acquire an assortment of properties and choose to list them for sale soliciting competing offers. In both instances the Land Bank will take into consideration that funds may not yet have been awarded for subsidized projects and that the Applicant may not yet be able to demonstrate proof of funds awarded, and the Land Bank may approve the sale with a closing date to occur once proof of funds is obtained and when the applicant is ready to take title and begin work (i.e. land banking it for the project in order to minimize the buyer’s total carrying costs in light of the community benefits these projects provide). In some cases the Land Bank may land bank properties until an optimal method of disposition can be identified and effectuated.

SECTION 7. MISCELLANEOUS

- a. **Modification and Amendment; Filing** These guidelines are subject to modification and amendment at the discretion of the Land Bank and shall be filed annually with all local and state agencies as required under applicable law.
- b. **Posting on the Land Bank Website** This Policy shall be posted on the Land Bank's website.
- c. **Annual Review** This Policy shall be reviewed annually by the Land Bank and approved by the Board of Directors of the Land Bank.



RESOLUTION NO. 17 OF 2021

**RESOLUTION AUTHORIZING THE SALES OF
MULTIPLE PARCELS OF REAL PROPERTY**

A regular meeting of the Albany County Land Bank Corporation (the “Land Bank”) was convened in public session via teleconference in accordance with Executive Order 202.1 of New York State on March 16, 2021 at 5:30 PM, local time.

The meeting was called to order by the Chair of the Land Bank and, upon roll being called, the following members of the Land Bank were:

MEMBERS:

Board Member	Title	Present (Y/N)
Charles Touhey	Chairman	Y
Natisha Alexander	Treasurer	Y
Samuel Wells	Secretary	Y
Mark Bobb-Semple	Member	Y
Anthony J. Capece, Jr.	Member	Y
Joseph LaCivita	Member	Y
Juanita Nabors	Member	Y
David C. Rowley	Member	Y
Chris Spencer	Member	N

LAND BANK STAFF/COUNSEL PRESENT INCLUDED THE FOLLOWING:

Name	Title
Adam Zaranko	Chief Executive Officer
Nicole Green	Legal Counsel
Amanda Wyckoff	Director of Operations
Will Sikula	Planning & Projects Coordinator
Elista Gayle	Applications Coordinator

The following resolution was offered by David Rowley, seconded by Anthony Capece, to wit:

RESOLUTION NO. 17 OF 2021

**RESOLUTION AUTHORIZING THE SALES
OF MULTIPLE PARCELS OF REAL PROPERTY**

WHEREAS, New York Not-For-Profit Corporation Law §1609(d) authorizes the Albany County Land Bank Corporation, Inc. ("Land Bank") to convey, exchange, sell, or transfer any of its interests in, upon or to real property; and

WHEREAS, The Land Bank Bylaws and New York Not-For-Profit Corporation Law §1605(i)(5) requires that a sale of real property be approved a majority vote of the Board of Directors; and

WHEREAS, all disposals of Land Bank property must be made to qualified buyers pursuant to Section 5 of the Property Disposition Policy; and

WHEREAS, the Land Bank owns certain parcels of real property situate in the County of Albany and State of New York and more particularly identified on the Properties List attached hereto as Schedule A (individually, a "Property" or collectively, the "Properties"); and

WHEREAS, Land Bank staff, after evaluating all purchase offers received for the Properties in accordance with the Property Disposition Policy, have recommended that the Land Bank sell each Property to the corresponding Buyer identified on the Properties List (individually, a "Buyer" or collectively, the "Buyers") in accordance with the terms and conditions set forth therein; and

WHEREAS, Land Bank staff have determined that each Buyer is a qualified buyer; and

WHEREAS, the Land Bank has obtained such competition as is feasible under the circumstances for each Property by advertising the Property on its website and/or listing the Property with a licensed real estate broker; and

WHEREAS, as each Buyer's plans are consistent with the mission, purpose and governing statute of the Land Bank, the Property Disposition Policy permits the Land Bank to sell each Property to the corresponding Buyer by negotiation; and

WHEREAS, the Land Bank desires to sell each Property to the corresponding Buyer identified on the Properties List at the price, which was offered by each Buyer, as set forth on the Properties List; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ALBANY COUNTY LAND BANK, AS FOLLOWS:

The recitals above are hereby incorporated into this Resolution as if fully set forth herein.

1. The Members of the Board hereby authorize the Land Bank to sell each Property to the corresponding Buyer identified on the Properties List pursuant to its Bylaws and Article 16 of the New York State Not-For-Profit Corporation Law; and;
2. The Members of the Board hereby authorize the Executive Director Adam Zaranko and/or Charles Touhey, Chairman to enter into Sales Contracts. Each Contract to Purchase will be agreeable in form and content to the Executive Director.
3. Executive Director Adam Zaranko and/or Charles Touhey, Chairman are each hereby authorized and directed to execute all documents on behalf of the Land Bank which may be necessary or desirable to further the intent of this Resolution and do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.
4. The other officers, employees and agents of the Land Bank are hereby authorized and directed for and in the name and on behalf of the Land Bank to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution.
5. This Resolution shall take effect immediately.

EXHIBIT A

List of Properties

- SEE ATTACHED -

ALBANY COUNTY LAND BANK MARCH 2021 BOARD OF DIRECTOR MEETING PROPERTY SALE RECOMMENDATIONS

Parcel Number	Property Address	Applicant Name	Intended Use	Offer Amount	Sales Recommendation
64.30-3-45	10 Hazelhurst Avenue	Jonathan Geist	Driveway-Parking	\$600	Recommend to advance sale to Jonathan Geist
64.53-2-40	105 Oliver Avenue	Douglas and Nana Roest-Gyimah	Residential Home Property	\$650/each (Total \$9,750) (B&F)	Recommend to advance sale to Douglas & Nana Roest-Gyimah
64.53-2-39	107 Oliver Avenue				
64.53-2-38	109 Oliver Avenue				
64.53-2-37	111 Oliver Avenue				
64.53-2-36	113 Oliver Avenue				
64.53-2-35	115 Oliver Avenue				
64.53-2-34	117 Oliver Avenue				
64.53-2-33	119 Oliver Avenue				
64.53-2-32	121 Oliver Avenue				
64.53-2-31	123 Oliver Avenue				
64.61-1-40	51 Woodville Avenue				

Parcel Number	Property Address	Applicant Name	Intended Use	Offer Amount	Sales Recommendation
64.61-1-43	57 Woodville Avenue				Recommend to advance sale to Douglas & Nana Roest-Gyimah
64.53-2-25	63 Woodville Avenue				
64.53-2-22	69 Woodville Avenue				
64.53-2-20	73 Woodville Avenue				
65.73-5-2	158 Second Street	Metropolitan Community Properties LLC (Brenda Peoples-Jones)	Driveway-Parking	\$600	Recommend to advance sale to Metropolitan Baptist Church
65.73-5-85	62 Lark Street	Metropolitan Community Properties LLC (Brenda Peoples-Jones)	Driveway-Parking	\$600	Recommend to advance sale to Metropolitan Baptist Church
65.39-1-4	38 Ontario Street	April E. & Joseph N. Ferguson	Fence	\$800	Recommend to advance sale to April E. & Joseph N. Ferguson
76.31-3-10	402 Madison Avenue	Daniel & Jessica Vincent	New Construction-Rental	\$17,000 BAF REQUESTED/ NOT RECEIVED	Recommended to advance sale to Balamurugan Rathnam Gopal & Lulu Gan with Daniel & Jessica Vincent as alternate buyer. <u>Recommend to enforce new construction requirement and not close sale until receiving satisfactory proof of financing.</u>
		Balamurugan Rathnam Gopal & Lulu Gan	New Construction Primary Residence & Rental	\$17,000 (BAF)	

Parcel Number	Property Address	Applicant Name	Intended Use	Offer Amount	Sales Recommendation
65.52-1-10	52 Albany Street	Manuel Pena Jr.	Primary Residence	\$4,200	Recommend to advance sale to Manuel Pena Jr.
76.57-5-5	38 Morton Avenue	Tajsaun Douglas	Rehab/Owner Occupy	\$20,000	Recommend to advance sale to Tajsaun Douglas



ALBANY COUNTY
LAND BANK CORPORATION

RESOLUTION NO. 18 OF 2021

RESOLUTION TO ENTER INTO AGREEMENT FOR DEMOLITION AND ABATEMENT SERVICES BY AND AMONG ALBANY COUNTY LAND BANK CORPORATION AND DITONNO & SONS, LLC FOR PROPERTY LOCATED AT 1366 CENTRAL AVENUE, COLONIE, NEW YORK

The Annual Meeting of the Albany County Land Bank Corporation (the “Land Bank”) was convened in public session via teleconference in accordance with Executive Order 202.1 of New York State on March 16, 2021 at 5:30 PM local time.

The meeting was called to order by the Chair of the Land Bank and, upon roll being called, the following members of the board of directors of the Land Bank were present:

DIRECTORS:

Board Member	Title	Present (Y/N)
Charles Touhey	Chairman	Y
Natisha Alexander	Treasurer	Y
Samuel Wells	Secretary	Y
Mark Bobb-Semple	Member	Y
Anthony J. Capece, Jr.	Member	Y
Joseph LaCivita	Member	Y
Juanita Nabors	Member	Y
David C. Rowley	Member	Y
Chris Spencer	Member	N

LAND BANK STAFF/COUNSEL PRESENT INCLUDED THE FOLLOWING:

Name	Title
Adam Zaranko	Executive Director
Nicole Green	Legal Counsel
Amanda Wyckoff	Director of Operations
Will Sikula	Planning & Projects Coordinator
Elista Gayle	Applications Coordinator

The following resolution was offered by Anthony Capece, seconded by Natisha Alexander, to wit:

RESOLUTION NO. 18 OF 2021

RESOLUTION TO ENTER INTO AGREEMENT FOR DEMOLITION AND ABATEMENT SERVICES BY AND AMONG ALBANY COUNTY LAND BANK CORPORATION AND DITONNO & SONS, LLC FOR PROPERTY LOCATED AT 1366 CENTRAL AVENUE, COLONIE, NEW YORK

WHEREAS, the Albany County Land Bank Corporation (the “Land Bank”) requested proposals for asbestos abatement and demolition contracting services to be rendered for 1366 Central Avenue, Colonie, New York, which is currently owned by the Land Bank;

WHEREAS, the Land Bank accepted the proposal of Ditonno & Sons, LLC (the “Contractor”) and desires to enter into an Agreement for Demolition and Abatement Services with the Contractor in substantially the form attached to this Resolution as Appendix “A” (the “Agreement”); and

WHEREAS, the Executive Director, has reviewed the proposed Agreement and believes it is in the best interest of the Land Bank to enter into the Agreement with the Contractor, which is subject to approval of the Land Bank’s Board of Directors (the “Board”) in accordance with the Land Bank’s Bylaws.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby authorize, approve and adopt in all respects the form, term, and provisions of the Agreement; and be it further

RESOLVED, that the appropriate officers of the Land Bank, including, without limitation, the Executive Director and the Chairman of the Land Bank (each an “Authorized Officer”) be, and each hereby is, authorized and directed, for and in the name and on behalf of the Land Bank, to execute and deliver to the appropriate parties the necessary documentation, including all exhibits thereto, substantially in the forms submitted to and reviewed by the undersigned, with such changes therein and such amendments, modifications, and supplementations thereto or assignments thereof, if any, as the Authorized Officer executing the same shall, in such Authorized Officer’s sole discretion, deem necessary or appropriate, the execution and delivery of such documents in furtherance of the Agreement, including all exhibits thereto, by such Authorized Officer to be conclusive evidence of the approval of the Board thereof and all matters relating thereto; and be it further

RESOLVED, that each Authorized Officer be, and each of them hereby is, authorized to prepare, execute, deliver and perform such agreements, documents and other instruments, to pay or cause to be paid on behalf of the Land Bank any related costs and expenses, to execute and deliver or cause to be executed and delivered such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, undertakings, supplements, amendments, further assurances or other instruments or communications in the name and on behalf of the Land Bank, and to take such other action in the name and on behalf of the Land Bank, as each such Authorized Officer shall, in such Authorized Officer’s sole discretion, deem necessary or advisable to carry out and comply with the terms and provisions of the foregoing resolutions and complete and effect the foregoing transactions and to carry out the intent and purposes of the foregoing resolutions and the transactions contemplated thereby, the taking of such action and the preparation, execution, delivery and performance of any such agreements, documents and other instruments or the performance of any such act shall be conclusive evidence of the approval of the

Committee thereof and all matters relating thereto; and be it further

RESOLVED, that all actions heretofore taken by the Board, its Committees and/or Officers of the Land Bank with respect to the foregoing transactions and all other matters contemplated by the foregoing resolutions are hereby in all respects, approved, adopted, ratified and confirmed.

CERTIFICATION

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Board Member	Vote
Charles Touhey	Y
Natisha Alexander	Y
Samuel Wells	Y
Mark Bobb-Semple	Y
Anthony J. Capece, Jr.	Y
Joseph LaCivita	Y
Juanita Nabors	Y
David C. Rowley	Y

The foregoing Resolution was thereupon declared duly adopted, meeting the requirements of the Land Bank's bylaws requiring a majority of the Board approving this resolution.

STATE OF NEW YORK)

) SS.:

COUNTY OF ALBANY)

I, the undersigned Secretary of the ALBANY COUNTY LAND BANK CORPORATION DOES HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Board, including the Resolution contained therein, held on March 16, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein.

I FURTHER CERTIFY that (A) all members of the Board had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Board present throughout said meeting; and (E) pursuant to the Land Bank's Bylaws, a majority of the Board has voted to approve this resolution.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Land Bank this 16th day of March 2021.



Secretary

Appendix A

Form of Demolition and Abatement Services Agreement

[See attached]

