

**Minutes for the October 5th 2011 meetings of
The Village of Lancaster Community Development Corporation**

At 7:30 a.m. on the morning of October 5th 2011, President Jeffrey Stribing convened a meeting of the Executive Committee of the VLCDC in the second floor board room of the Municipal Building at 5423 Broadway, Lancaster, New York. Also present were Secretary Craig McRae, Treasurer John Mikoley and Directors John Evoy, Linda Mallia and Matt Walter. Consultants Mark Aquino and Stanley Keysa were present, as was board prospect John Denee.

John Evoy moved approval of the minutes of the September 7th 2011 meeting; his motion was seconded by John Mikoley and unanimously approved. The vote was as follows:

John Evoy	aye	Linda Mallia	aye
Craig McRae	aye	John Mikoley	aye
Jeffrey Stribing	aye	Matt Walter	aye

John Mikoley presented the Treasurer's report as prepared by Mark Aquino. Mark asked that there be several additions, including paying for the LACC ad and the school tax bill on the "for-profit" portion of the LVP Complex. The tax bill is due by October 15th 2011 or there will be substantial penalties added. Under the lease, the VLCDC pays this year and next. Save-A-Lot is contesting the assessment, which Dave Marrano had put at \$800,000, or \$44/sf. Save-A-Lot has an appraisal valuing at \$375,000. Marrano might agree to something in the \$500-550,000 range. The changed assessment will be reflected in the town, county and village assessments also. The VLCDC can get a refund if it overpays. Stan Keysa noted that Erie County has said it will not support further CDBG grants if there are back taxes owing. Aquino suggested paying the school tax, but holding off on the payment to the auditors until they present their report, expected next month.

Craig McRae then moved approval of issuance of checks 1864 thru 1878 in the amount of \$26,683.61; his motion was seconded by John Evoy. On the question, John noted that he didn't see a check for membership in the LACC, which had been voted and approved previously. Mark said he had no invoice, but would add it to the list. The list, as now amended, was unanimously approved. The vote was as follows:

John Evoy	aye	Linda Mallia	aye
Craig McRae	aye	John Mikoley	aye
Jeffrey Stribing	aye	Matt Walter	aye

Mark Aquino reported that both LifeForms and Orfeo had vacated in preparation for the asbestos abatement project, but that both owed past due rent. Life Forms owes several thousand, and Orfeo owes one month. The board directed Mark to take the matters to small claims court. Mark said sections 2, 3 & 4 (see attached map) were pretty well cleaned out, other than a roll of paper.

Regarding the code inspection items, Mark said there were still about 30 items remaining, of which 20 related to occupancy in areas which were now vacant and probably would not be addressed. He has arranged for the remaining items to be remedied, including a couple of exit signs and extinguishers, which should be in place by next week. Mark said the matter is in the Alden Town Court, and he expected the VLCDC would receive an ACD, or adjournment in contemplation of dismissal.

Stan Keysa raised a question as to what direction had been given to the Erie County Office of Economic Development staff regarding decisions to be made to implement the CDBG grant. Mark replied that Erie County can't hold off on the speculative question of future ownership. "There is a contract in place."

At 7:46 a.m., Supervisor Bob Giza joined the meeting, which then proceeded as a regular meeting of directors.

Jeff Stribing reported that he had sent letters to David Rutecki at M&T Bank, to David Kerchoff at the ECIDA and to Bob Giza at the LIDA asking that each approve the asbestos removal and that they release from their respective mortgages the space required for extension of West Main Street. Discussion followed on whether Dick Young had backed away on his offer to buy the existing mortgages and on the advisability of seeking a modification of the mortgage from M&T.

Jeff noted that the question of the continued presence of Save-A-Lot will ultimately be determined by the structural investigation undertaken by the Village of Lancaster, which has hired Wm Schutt Associates based on a letter of concern from fire inspector Scott Kuhlmeier. There was some delay in getting that started, as the Village Clerk took a week after the meeting to get a letter to Schutt. Jeff has discussed the study with Schutt and made it clear that he is to look at the entire building and detail any structural problems that exist and specify where. Jeff thought Schutt would need to bring in a structural engineer as consultant. Mark noted that Tredo Engineers had been there several times "a couple of years ago."

Stan Keysa noted that he taken a call from Chris Pawenski at Erie County asking about the delay in paying LiRo for a bill submitted several months ago, and that Chris had expressed concern on the part of LiRo being drawn into the study being done by Schutt, who was a subcontractor on the asbestos abatement/demolition project. Jeff said LiRo lacked detail required by the Village on their bill, and that he would contact them.

Discussion followed on Dick Young's apparent backing away from his offer to buy the various mortgages at 50 cents on the dollar, due to Save-A-Lot's continued presence. Jeff noted that the Village, not the VLCDC, is paying for the structural study, as the Village would have responsibility to condemn the building if it were not structurally sound. Discussion followed on seeking alternate funding sources, with John Mikoley making several suggestions.

Matt Walter moved to authorize an *ad hoc* committee of John Mikoley, John Evoy and Linda Mallia explore other funding sources to renew the offer to M&T, LIDA and the B&EC RDC to purchase their mortgages at the reduced price. His motion was seconded by John Mikoley and unanimously approved. The vote was as follows;

John Evoy	aye	Bob Giza	aye
Linda Mallia	aye	Craig McRae	aye
John Mikoley	aye	Jeffrey Stribing	aye
Matt Walter	aye		

Jeff Stribing welcomed John Denee and asked he sit with the board. John's resume was circulated with last month's minutes. Stan Keysa reminded the board that John could be appointed to replace one of the vacancies (positions left open by resignation of Dawn Gaczewski and Richard Young) but only by action of the full membership.

Matt Walter then moved to nominate John Denee to fill the vacancy left by Dawn Gaczewski, and to request that the President schedule a meeting of the full membership at a date and time which Jeff deemed convenient to a majority of the members; his motion was seconded by John Evoy and unanimously approved. The vote was as follows:

John Evoy	aye	Bob Giza	aye
Linda Mallia	aye	Craig McRae	aye
John Mikoley	aye	Jeffrey Stribing	aye
Matt Walter	aye		

Regarding snowplowing, Mark said he would speak to Mayor Cansdale to clarify responsibilities.

Regarding the Village Market, Jeff noted that the board had agreed to deferred payment, and had last been paid in May. Mark said Ann Jordan was now delinquent for four months. Jeff said he had spoken to Ann, and the response, especially on Sundays, had not been as good as expected. Jeff said Ann indicated she plans to pay by November. She said someone she had leased her office to had vacated taking all her equipment. Craig said he understood she had never paid for the map. John Mikoley doubted we would see her again. Mark said he will take steps to recover unpaid license fees, noting she had paid for a period of time.

John Mikoley moved to authorize Mark to commence suit in small claims court to collect unpaid license fees; his motion was seconded by Linda Mallia and unanimously approved. The vote was as follows:

John Evoy	aye	Bob Giza	aye
Linda Mallia	aye	Craig McRae	aye
John Mikoley	aye	Jeffrey Stribing	aye
Matt Walter	aye		

At 8:30 a.m., Linda Mallia left the meeting.

Mark Aquino reported that the Knights of Columbus had elected to returned their keys and said they were locating in the former convent of Sts Peter & Paul parish, which has been sold to a developer. The Fire Council has also left. As a result, there is now space available for renting on the upper level on the north side of West Main St.

At 8:35 a.m., Bob Giza moved to adjourn; his motion was seconded by Craigg McRae and unanimously approved.

Respectfully submitted,



Craigg McRae, Secretary