

DRAFT

A regular meeting of the Local Development Corporation (LDC) was held on Tuesday, April 28, 2009 at the Village Hall, 60 East Main Street.

MEMBERS PRESENT:

President	John Holden
Vice President	Bryan Powers
Secretary/Treasurer	Steve Van Dyke
Director	Thomas Walker
Director	Jack Marren
Attorney	Reid Holter
Executive Director	Kathy Rayburn
Minutes Clerk	Suzanne Paquin

MEMBER ABSENT: Timothy Brown, Business Outreach Specialist

OTHERS PRESENT: John Wilson, Sue Stehling, Paul Lytle, Joel Richter and Maura Steed

Meeting was called to order by President John Holden at 8:15am.

Salute to the flag.

Resolution #14-09LDC

Acceptance of Minutes

On a motion made by Bryan Powers, seconded by Jack Marren, the following resolution was ADOPTED 5 AYES 0 NAYS

Resolved, that the Local Development Corp (LDC) accepts the minutes from the meeting dated March 24, 2009 with two spelling corrections.

Financial Report

Payment of Bills

Steve Van Dyke read each of the invoices to be paid from Abstract #4. The unpaid invoices on vouchers #45-57 totaled \$5,311.65 to be paid from the General Fund.

Resolution #15-09LDC

Payment of Bills

On a motion made by Jack Marren, seconded by Thomas Walker, the following resolution was ADOPTED 5 AYES 0 NAYS

Resolved, that the Local Development Corporation has reviewed and approved invoices for payment that appear on Abstract #4, using vouchers #45-54, 56 & 57, in the amount of \$5,311.65.

Resolution #16-09LDC

Payment of Invoice – Nozzolio Grant Fund

On a motion made by Thomas Walker, seconded by Jack Marren, the following resolution was ADOPTED 5 AYES 0 NAYS

Discussion: At the February 24, 2009 meeting the Board approved contracting with Stu Brown Associates to assist with the administration of the NYMS Grant.

Resolved, that the Local Development Corporation approves the invoice to Stu Brown Associates Inc that appears on Abstract #4, using voucher #55, in the amount of \$2,500.00 to be paid out of the Nozzolio Grant Fund.

Privilege of the Floor

Technical Assistance Grant (TAG) – Paul Lytle & John Wilson

Ms. Rayburn noted that she has met with Jack Marren, Paul Lytle and John Wilson regarding the Technical Assistance Grant (TAG) which is for Modock Springs. The LDC has been approached because a 501 C3 entity is needed to apply for the TAG Grant. The LDC currently has a 501 C4 status. John Wilson, Bristol Consulting, has looked into the LDC changing their status to a 501 C3 and feels that this could be obtained.

Paul Lytle, E & L Solutions Inc, has been hired by the Town of Victor to coordinate the Modock Springs investigation. The Department of Health is currently conducting a cancer study which will be completed in 6-8 months. There is an opportunity to obtain \$50,000 from the Department of Environmental Conservation (DEC) with a program called the Technical Assistance Grant (TAG). The TAG is primarily focused on stabilizing neighborhoods, providing communications and value protection. The grant would be awarded to the LDC as the TAG Coordinator. The money would be utilized by the Town & Village to provide enhanced communications, to help fund charges for an environmental attorney and fees from E & L Solutions Inc.

The requirement of the TAG is that all applicants have to be 501 C3 certified. Ms. Rayburn noted that the LDC would prefer to have a 501 C3 status for fundraising purposes. Mr. Lytle stated that the 501 C3 status would also be beneficial when applying for other grants. Stu Brown Associates is the Town of Victor's grant writer who would prepare the grant. E & L Solutions Inc would prepare the paperwork to modify the LDC's 501 C4 status to a 501 C3, if approved by the LDC Board. Once the status is modified, the grant would be applied for. If the TAG Grant is awarded there would be a list of requirements, in the grant approval, and the LDC Board would decide where the money would be housed and what type of process would be required to dispense the money.

Mr. Holden stated that the LDC would establish a special fund/account for the grant money. Mr. Holden asked if there was a list of where the funds should go. Mr. Lytle

noted that the grant will have criteria that will be followed in order to dispense the money.

Tom Walker inquired if Reid Holter, Attorney was asked about changing the LDC's status from a 501 C4 to a 501 C3. Mr. Walker noted that the former Attorney, William Kocher, had implied that the 501 C3 status could not be obtained.

Ms. Rayburn stated that she has discussed the modification with Mr. Holter and he had said to proceed. The process can be a tedious one and if John Wilson, Bristol Consulting, can accomplish the task it would be a benefit to the LDC. The biggest benefit would be for fundraising efforts, businesses could deduct their donations. The other advantage would be that the LDC could apply for more grants. Many grants require a 501 C3 status.

Mr. Powers asked what E & L Solutions Inc does. Mr. Lytle stated that he is an environmental scientist. He has been hired by the Town of Victor and currently serves as liaison between the Town, the DEC, and the Department of Health. He also works on communications with the Modock Springs Citizens Advisory Committee and is implementing the value protection plan that the Town Board has passed as a resolution.

Reid Holter entered the meeting at 8:30am

John Wilson, Bristol Consulting, stated that he has met with Jack Marren, Kathy Rayburn, and Paul Lytle. Mr. Wilson stated that it is possible to convert the LDC's status from a 501 C4 to a 501 C3. IRS Form 1023 allows/affords an organization the mechanism upon formation or conversion to obtain a charitable organization status.

Mr. Wilson noted that the LDC's By-Laws were written correctly at the time of formation. Mr. Wilson stated that another form, IRS 2848, will need to be completed for power of attorney designation. Mr. Wilson noted that he will need to spend about two hours with Ms. Rayburn to talk about finance.

Ms. Rayburn noted that she has given the form, IRS 2848, to Diane White, Treasurer, so that she could review ahead of time what was going to be required.

Mr. Wilson stated that he is prepared to complete the 501 C3 filing paperwork for a flat fee of \$500.

Mr. Marren stated that since the Town of Victor will benefit from the LDC achieving the 501 C3 status, he feels that the fee should be split between the Town and the LDC.

Resolution #17-09LDC

Hire Bristol Consulting to Obtain a 501 C3 Status

On a motion made by Thomas Walker, seconded by Bryan Powers, the following resolution was ADOPTED 5 AYES 0 NAYS

Resolved, that the Local Development Corporation authorizes payment to Bristol Consulting to obtain a 501 C3 status for the Victor LDC for a fee of \$500; fee to be split with the Town of Victor.

Executive Director Report

Activity Report

Victor Job Fair – Today, April 28, 2009 at Eastview Mall in the BonTon court. Ms. Rayburn noted that there are 35 businesses that have signed up to participate. Ms. Rayburn is anticipating a large number of job seekers. Last year there were approximately 200 and she is expecting to double that number. The list of participating businesses is on the LDC website, www.victorldc.org. Ontario County Workforce Development co-sponsors the event.

Victor Business Awards – Thursday, May 7, 2009 at Cobblestone Creek Country Club. Ms. Rayburn noted that Assemblyman Joe Errigo will be in attendance this year. Tim Brown has been invited along with friends and family. Reservations are coming in slowly.

Farmers' Market – The market will open on May 20, 2009. There will be some new vendors and some prior vendors won't be returning this year due to space limitations. There will be a total of 25 vendors.

Banners – The banners have been hung in the Village and will be hung in the Town. They look wonderful. Ms. Rayburn asked if a letter could be sent from the Mayor & the Supervisor. A press release will be done once the banners in the Town have been hung. The LDC has been collecting money to offset the cost of both sets of banners. A mailing went out to businesses and it was noted in the Victor Voice Newsletter. To date the LDC has collected \$680. Ms. Rayburn has also received calls from some residents interested in donating towards the banners. Mr. Walker suggested possibly sending a certificate to the school from the Village in recognition of the students work.

1 East Main St – The building has been remodeled. There are two new tenants downstairs, Hopper Hills Florist & a Tailor/Dry Cleaner. George Mitris and MetLife have moved upstairs. Ms. Rayburn noted that there is someone interested in the space vacated by Hopper Hills Florist at 23 East Main Street.

33 School St – Mr. Holden noted that the property owner has until May 22nd to file the subdivision plat and the final site plan with appropriate signatures. Ms. Rayburn stated

that the property owner is interested in applying for Restore New York grant funds that would assist him with building costs. In order to do so, the Village would need to apply for the grant. Mr. Holden suggested that Ms. Rayburn attend the Village pre-board meeting on Thursday, April 30th, to discuss this.

72 West Main Street – Ms. Rayburn stated that there is a very promising tenant that would lease the entire building. It would be an upscale restaurant.

Mr. Powers asked about the parking lot adjacent to 72 West Main Street. Mr. Holden noted that the parking area has been designated “cluster” parking for all the adjacent buildings. Mr. Walker noted that at one point the Village had discussed taking the parking area over and paving it. Mr. Holden noted that a letter has been drafted regarding improvements for proper drainage.

Mr. Powers asked what the status was of Slice of Napa, 90 West Main Street. Ms. Rayburn stated that the business has been sold to new owners and it will be called Lucca Wood Fired Pizza.

Mr. Powers asked if Tri-Running & Walking was going to be changing hands. Ms. Rayburn noted that the Kurvach’s had a five year plan and they were successful. They were no longer able to carry the top brands, so they decided to sell the business.

End Activity Report

LDC Board Member Training

Ms. Rayburn stated that the LDC Board training has been changed to a webinar program. Members are still required to register. The training has been broken up into two sessions, 9:30-11:30am and 1:00-2:30pm. Ms. Rayburn noted that NYS will also be scheduling dates in the fall. Ms. Rayburn stated that she will look into reserving a conference room at the Town Hall.

LDC Annual Meeting

Ms. Rayburn met with Mr. Holden, Mr. Marren and Pete Hessney, Town Board, to discuss the LDC in general. It was discovered that a joint annual meeting needs to be scheduled between the Town Board, the Village Board, and the LDC Board and that this meeting should be held every year.

Mr. Holden stated that a workshop, prior to a regularly scheduled board meeting, could be held from 6-7pm. Mr. Holter will review the LDC’s By-Laws to see if this would qualify for the annual meeting.

Friends of the Railroad (FORR) – LDC Commitment

Ms. Rayburn asked the Board for direction regarding the Friends of the Railroad (FORR) and train excursions. She is a liaison to this group, but has not attended many of the FORR meetings.

Mr. Marren noted that there has not been any new progress regarding the land issue. Mr. Marren & Mr. Holden are working with lawyers from Ontario County. He noted that Joel Richter, FORR, has asked for permission to hold some upcoming events.

Mr. Holden noted that the Village has been working with Ontario County and Finger Lakes Scenic Railway (FLSR) for over a year on the land issue. There was a tentative agreement in place and then FLSR pulled out. Mr. Holden stated that he felt any of the summer events that the FORR have scheduled can proceed, as long as they have insurance and they fill out the necessary paperwork with the Village.

Ms. Rayburn noted that the FORR is a 501 C3 organization and no longer needs the LDC to control/manage the money received from ticket sales.

Ms. Rayburn noted that she had received an email from a member of the FORR regarding the possibility of a commuter train coming to Victor. The FORR member stated that they were disappointed that no one from the LDC/Village lobbied in favor of the commuter train. Mr. Holden noted that he was not aware of the commuter train issue until after the fact. Once a week the commuter train comes out of Geneva, NY and goes to Canandaigua, NY. There was the possibility of an additional stop to Victor added. Discussion followed regarding the numerous opportunities to the merchants in Victor that this would bring.

Ms. Rayburn stated that the FORR have asked for her help with their upcoming events and she is asking the Board if this would be an issue since the land agreement has not been finalized.

Joel Richter, FORR, noted that Ontario County & FLSR are in agreement with the use of the railroad for their events.

Mr. Holden stated that the LDC could help to coordinate any of the FORR events that would benefit the Victor merchants.

Mr. Holden stated that the LDC received an invoice from Dan Mossien, Architect, for \$5,112.50 for Design Services regarding the proposed "train station building," which would be built adjacent to the Village Hall. Mr. Holden noted that he has heard that the FORR might not be interested in this site anymore.

Mr. Richter concurred that this is a possibility. Mr. Richter stated that the FORR generated the funds from the ticket sales, Train Festival 2008, and provided over 600 hours of volunteer labor. At the time of the festival the FORR was not a 501 C3 organization and could not receive the money from the ticket sales. The LDC was designated the entity to receive that money. The funds would then be for the development of the land adjacent to the Village Hall for a "train park." Mr. Richter

stated that the plans that Mr. Mossien designed are part of the parcel adjacent to the Village Hall. The FORR are looking into other possible sites that would be valuable to the railroad.

Discussion followed regarding other plans that the FORR have; whether the proposed train building would be built elsewhere; and the invoice submitted from Dan Mossien.

Mr. Holden stated that the design work completed by Mr. Mossien was not approved by the LDC Board prior to it being done. Mr. Richter stated that Ms. Rayburn was aware that the work was being done.

Mr. Richter stated that the proposed train building would not be built elsewhere; it was designed for the parcel adjacent to the Village Hall.

Mr. Holden stated that the invoice was not on the agenda and would not be approved this month. Mr. Holden would like to discuss the invoice with the Board further. He would also like to receive assurances from the FORR that the train building would not be built elsewhere if the invoice was approved for payment.

Mr. Richter stated that the FORR feels that their efforts have been met with nothing but negativity and road blocks all along. Discussion followed.

Ms. Rayburn stated that she and the LDC Board have never questioned how beneficial the train excursions & events would be for Victor. The problem lies when approvals are not sought before work or purchases are made.

Mr. Richter assured the LDC Board that the plans for the train building are specific to the site adjacent to the Village Hall and that the FORR are committed to the site.

Mr. Holden asked that the FORR draft a letter stating that fact and submit it prior to the next LDC meeting and the invoice from Mr. Mossien will be placed on that agenda.

Discussion followed regarding the land agreement issue.

Mr. Powers stated that the LDC Board should have been presented with a contract from Dan Mossien before any drawings were completed. Instead the work was completed and then the LDC Board was presented with an invoice for \$5,000. Mr. Powers stated that before anymore work is done, the FORR needs to come before the LDC Board and present what they wish done and how much.

Discussion followed regarding the other site that the FORR is looking at, 251 West Main Street; the fact that no other Board has had any input on the design for the train building; and the original intent for the money received from the ticket sales.

Ms. Rayburn noted that the LDC approved payment of \$1,000 to Stu Brown/Labela Associates to conduct a funding search for the FORR which would come out of the funds from the ticket sales. The balance of the funds from the ticket sales would go towards the \$5,112.50 invoice from Dan Mossien. The FORR have asked for the remaining balance of Mr. Mossien's invoice to be paid from the Village Revitalization Task Force.

Discussion followed regarding Ms. Rayburn helping to coordinate future FORR events & the involvement of the Victor Chamber of Commerce; and public perception of the LDC in relation to train events.

Adjournment

Meeting was adjourned on motion at 10:05am.

Suzanne Paquin, Minutes Clerk