

Russian Orthodox Church Cabramatta
Russian Relief Association of St Sergius of Radonezh
Minutes of Information Session: Sunday 8 July 2018
Venue: Church Hall Cabramatta

Meeting commenced: 12.40 pm

Closed: 3.20 pm

Present for ROC Cabramatta:

Fr. Boris Ignatievsky
Mark Ganin
Alex Roudenko
Alex Alechna
Bernie Owen

Present for RRA:

Nick Ostin
Igor Kazagrandi

1. Prayer and welcome

The meeting commenced after a lunch was provided by the Sisterhood. Fr Boris opened proceedings by stating that this meeting is to inform parish members and not to make any final decisions today. Fr Boris made a reference to the sermon he gave in the previous week where the demons do not like progress in a Church community and will seek to create interruptions. Fr Boris has been the rector for 17 years and it seems like the topic of the land sale to the RRA was mentioned at various recent AGMs with no real progress made.

2. History

Fr Boris continued from his opening by mentioning that the Church and RRA facilities were originally founded by the same people. Early immigrants were quick to realise that old people needed help, especially those who came from Europe and China. Groups began to form, lead by people like Fr Rostislav, to help out old people and from these initiatives came establishments such as the current RRA.

We need to discuss this in a Christian manner that is cordial and respectful with brotherly love where Christ resides. Fr Boris urged the audience to take the example of Christ: there have been hundreds of years of spiritual life under Christ that is still relevant in the 21st century. Throughout the history of the RRA there have been Church members who have been directors of the RRA and the friendship needs to continue.

Fr Boris addressed the question of how the Church views the matter and mentioned that the position of the Parish Council is that something needs to happen. The Church block at 291 Cabramatta Road has blocked their path to future progress and Church members have been reluctant to sell. We need to seek a compromise and allow access to the RRA. The land belonged to a previous Church Warden and parish members paid where there was also a significant donation by the Kraevsky family. Land that the Church owns is a wonderful asset, but we don't have any meaningful plans. We currently collect some rent from it, use it as a car park and store our garbage on it, but have no long term plans.

Fr Boris added that our Parish is not easy to manage and we now have a generally lower attendance. This became more evident in 2007 after the merging with the Moscow Patriarchate that caused a division within the parish. Fr Boris described the state of the Church and what could be done: the basement of the Church is in a bad state and this was

addressed in 2017 when one trench was dug for a cost of \$132k. Fr Rostislav built the Church and basement with the vision that the basement could also be used a Church or Chapel. If something were done downstairs, then Christenings and Baptisms could be held there. The current priority is the hall and kitchen and future works could include new bells, re-golding of the cupolas, rental houses and landscaping. Current revenue for the Church comes from candles, prosphora, donations, rentals and the Sisterhood. Fr Boris accepts the directors of the RRA respect the Church's point of view. The Church does not seek a win-lose scenario, but rather a win-win situation. This is a chance for something good to happen and to maintain good relations with the RRA.

3. Position of the RRA

Nick Ostin spoke for the RRA. He commenced by saying that there were many offers over the years and that the RRA understands the Church position of not wanting to lose the land. Nick acknowledged that the Church has needs and then described the current situation for the RRA. The RRA currently has a license for 168 beds which are divided across 109 rooms with the following composition:

- 62 rooms with 1 bed
- 35 rooms with 2 beds
- 12 rooms with 3 beds

To allow for everyone to be in a room with 1 bed, then 59 more rooms would need to be built. The RRA is looking to avoid a situation that would resemble a soviet commune. There are currently 10 people on a waiting list for a room with 1 bed and 7 people are currently not accepting available accommodation in a room with 2 or 3 beds. The facility is at 98% capacity and there is a quick turn over of spare bed spaces when they become available.

The RRA has closed down the old 22 bed dementia building at 287 Cabramatta Rd as it became impractical and uneconomical to service, ie to provide hot food, laundry, nursing staff etc that required staff to go along the footpath at front or a path at the back of 291 Cabramatta Road. It is also not viable to build 1-storey buildings on land that is zoned to build 3-storey buildings (R3).

In the past 10-12 years the RRA has completed three building projects at an average of one every four years. By the time a project was planned, built and occupied, the RRA had to start on the next extension. Nick Ostin stated that when he became president that he looked for a solution and developed a 15- 20 year long term plan. Nick then described the current long term plans for expansion and showed diagrams on the screen. These plans can be viewed as Annex A and include 150 underground car parking spaces and a new 150 bed facility. The whole project can be built in stages where the first stage, an underground car park, would need to be done all at once. An underground car park is preferred because above ground car parking takes up a lot of expensive land space.

Nick Ostin then explained how the land swap deal was developed in response to the Church not accepting / responding to RRA offers to buy. Seeking a win-win solution that would be good for both sides, the RRA offered a deal where the Church gives up 2100 m2 at 291 Cabramatta Road in exchange for 2600m2 of the current RRA land including 10 ILUs. The RRA would lease back the ILUs at \$100K per annum and the RRA continue to manage the ILUs. After initially proposing this offer to the Church, some more investigation revealed

that technically this land would need to be noted on plans at Land Titles. These are new government requirements that were introduced in 2016 that guarantee retirement village residents their bond deposits and the RRA is obliged to continue provide service to residents under contract in the ILUs. If a land swap did occur, then the RRA would sign a contract with the Church to rent back the ILUs, manage them and provide the Church with \$100k a year rentals. The initial period could be for 9 years with a 3 yearly review adjustment to the CPI.

Nick Ostin then concluded his presentation and the floor was opened to questions and discussion. There were many questions from many people that generated robust discussion that was productive. There was a question of costs for the RRA proposed development and Nick Ostin summarised, that the car park could cost \$8M and that needs to be completed in a single build. Subsequent construction can occur in stages as required and as more money becomes available. The whole development could cost up to \$40M.

The financial position of the RRA is that it has \$12M, of which \$2M is owed to residents in bonds. Effectively the RRA has \$10M in the bank to get started. Profit during FY 16-17 was in the order of \$3M, which was unusually high due to extra government funding. No extra government funding was granted in FY 17-18 which should show a relatively normal profit figure of about \$1.5M.

There was a question as to what offers have been received to date, with the follow up as to why parish members were never made aware of such offers. The response was that written offers were only made relatively recently and that for a decade only verbal offers were made. Option A, as set out in the Information Circular, is a summary of the most recent offer.

The discussion then shifted again to the RRA proposed land swap, the villas on their own are landlocked and it must be necessary to consolidate the titles with the present Church land. It was added that the Church owned ILU land parcel would need to be registered at the Lands Title as a retirement village facility with residents interests on title and that it is being managed and operated by RRA. A response was provided later on, when Alex Jones spoke. Nick Ostin reminded the audience that it is an unequal swap in that the RRA is giving up 2600m² their land which has facilities and infrastructure for 2100m² in return.

The discussion diverted to a question about the scale of the development across the available blocks of land and access to parking. Nick Ostin reiterated that that Church attendees would have access to the underground car park via a single lane access from the corner nearest to the Church toilet block (near the wedge that allows access). People would then need to exit the car park onto Cabramatta Road. The RRA currently only has 60 car spaces for 160 residents and this will need to be expanded by 150 car parking spaces to 210 in total.

Nick Brusentsev explained that for a long time he was past Director of RRA and categorically stated that there is no legal access from the Church to 291 Cabramatta Road for parking. The small triangle of land, known to some as 'the wedge', that is currently used to access parking is owned by RRA. There is no easement, no right of way to pass over their land, it is purely at the generosity of RRA that they have allowed parish vehicles to pass over their land to access parking. The RRA have the right to shut the gate at any time and the parishioners will have to drive in from Cabramatta Road to access parking and then walk one kilometre around the block to get to Church.

The discussion went off topic and became heated at times and Dimitri Roudenko addressed the audience by referring to the Parish By-Laws and the obligations of the Parish Council. First and foremost the Parish Council needs to look after the interests of the Parish members and parishioners. Dima spoke of his experience on the Diocesan Council and reminded the assembled that at this meeting it is not too important to focus on the small details. Interactions between the Parish Council and RRA Directors will make or break this deal. Alex Roudenko followed up and spoke of his authority as the Church Warden. His position is that the land swap cannot occur because the land is worth \$0 if the Church ever tried to sell it (because it would be landlocked). Alex Roudenko confirmed that in the past that there were poor relations with certain RRA Directors, that parishioners are still feeling this and that things have changed with the changes in director positions. He stated that we need to remain open to proposals and negotiations and work with the RRA to look for an amicable solution.

At times there was a comment made, by several different individuals, that the RRA is a company. It was said in a tone that implied a negative connotation. To clarify the matter, the RRA is a company registered under the Corporation Act 2001. The RRA has no formal links to the Russian Orthodox Church in Cabramatta, nor to the ANZ Diocese of ROCOR.

4. Presentation for the residents in RRA ILUs

The discussion related to the RRA position wrapped up and Alex Jones, a resident in one of the ILUs, was given the opportunity to address the audience. Alex acknowledged that today is an important meeting and that such a meeting was not previously seen. Alex made comments as to how the RRA was working in secret and how the residents were never told anything. He then read through the content of a petition that was signed by all residents in ILUs 1-10. This petition is attached as Annex B and is in English and Russian. Alex then added that the ILU residents are being treated as hostages whose rights are being bargained away and of the need to change license agreements. Fairfield Council has also received this petition and will get involved in the process if a land swap goes ahead. Alex Jones concluded his presentation in a belligerent tone when referring to Fr Boris and Nick Ostin and handed the signed petition to Mark Ganin with great fanfare and finished by saying that this is the second time that he is submitting this petition.

Mark Ganin replied that it is in fact the third time that he has received that signed petition and that the Parish Council has been aware of the petition, and position of the ILU residents, for almost a year. The Parish Council has not done anything about this because, to date, nothing was required. When the negotiations become serious, the petition will be mentioned and will be given its due consideration.

5. Option D presentation

Mark Ganin explained the process which allowed Nick Rotenko to be able to speak today. The Information Circular was released on 10 June 2018 which invited Parish members to put forward their ideas. Noting that the RRA and Parish Council might not have the best solution, Option D was implemented to give someone else the opportunity to present their idea. This idea would need to be registered with the Parish Secretary by 24 June 2018 and Nick Rotenko was the only one to do so.

Nick Rotenko displayed a well thought out and structured PowerPoint presentation. The main points were presented in English and Nick spoke mostly in Russian. This presentation is

available as Annex C. The presentation and subsequent discussion often switched between English and Russian.

Nick Rotenko began by saying that the land was donated to the Parish. Fr Boris corrected Nick by saying that the land at 291 Cabramatta Road was purchased and that the Kraevsky family chipped in a significant amount. It was asked how the land came to be in the Church's possession and Michael Shevchenko provided a historical background which set the context for the situation that we have today. Essentially the house and land was willed to the Church and Mr Yakunin was a distant relative who got the land. It is still unknown how the land was given to the Church because apparently the Church bought the land when Fr Alexis Rosentool was the Rector (1980 – 1987). Mr Yakunin was in conflict with Archbishop Paul and Fr Alexis and real estate agents refused to sell the land. Metropolitan Hilarion asked that the land be registered and this was process by Bill Reid, the Diocesan lawyer. Nick Rotenko provided commentary on the options presented in the Information Circular and these comments are published in Annex C. Nick used this commentary to introduce the details of his plan, namely that the RRA purchase the blocks of land located at 132 and 134 John Street and the RRA gives the block at 134 John Street to the Church. Nick Rotenko was able to present all his slides that then created significant discussion.

Nick Ostin gave a reply that it would cost \$50M to buy the 24 units with 3200m² of land under them. If the RRA did indulge in such a land purchase then it would incur a 200% fine as it would not be buying land to the direct benefit of old people. It would be in fact illegal for the RRA to purchase land at 132 and 134 John Street. Buying the land at 291 Cabramatta Road is legal because the proposed development is to the immediate and direct benefit of old people.

Much discussion followed and the topics switched back and forth between what all presenters said during the day. A question was then raised to Nick Ostin as to what will the RRA do if there is no sale and no land swap? Nick Ostin stated that the RRA had no alternative plan at the moment and calmly stated his personal view that the RRA could look to sell up in Cabramatta and look to build on a suitably large facility somewhere in Sydney. The current facilities may then go to the open market and could be bought by anyone looking for a ready to go aged care facility.

Such an option goes against the original intent of Fr Rostislav and would greatly upset many people who helped establish the Church and the RRA. Late discussion focussed on the possibility of the Church leasing the land or possibly the Church and RRA becoming partners. The matter was left unresolved and there was consensus that these ideas warrant further discussion in meetings with the Parish Council and RRA Directors.

To wrap up discussions, Alex Roudenko then provided a closing verbal informal offer to Nick Ostin that if the RRA wants a realistic deal then the Church will keep 1200m² across the 2 blocks of land at 289 and 291 Cabramatta Road and for the RRA to pay an additional sum of \$5.5M. Nick Ostin replied that he does not have the authority to answer right now and will have to take the matter to the RRA Board of Directors.

Noting that agenda items 1-5 took 2 ½ hours to cover, Mark Ganin raced through agenda items 6-9 in under 5 minutes:

6. Position of the Church This was covered by Fr Boris in the introductory comments, namely that the Church needs to be open to compromise and to seek a win-win scenario with the RRA.

7. Clarification of available options After all the presentations and subsequent discussions, none of the 5 options listed in the Information Circular can be fully accepted nor outright rejected. The Church will wait for the RRA to present new formal offers.

8. Survey of preferred options This was deliberately omitted. The presentations and discussions provided both sides with a good indication of what the parish members want and feel. Attempting a survey would create new and unnecessary discussions that would be a repeat of what was already said.

9. Where to from here The Church Parish Council promised to keep parish members well informed as to what happens next. There will be more meetings between the Parish Council and Directors of the RRA. When the situation becomes clearer as to the viable options, then both sides will bring in lawyers to conduct serious negotiations. There may yet be another information session prior to the formal vote and no timings can be provided at this stage. We are currently working through a process where the end result is a final decision made by the Parish members in a formal vote by secret ballot.

The meeting concluded with prayer and participants were then welcome to stay after the meeting for individual discussions. Many people were pleased that progress was being made and that they were being informed and were involved in the process.

For ROC Cabramatta



Fr. Boris Ignatievsky

Date: 17.7.2018

For RRA



Nick Ostin

Date: 17/07/2018

Annexes

- A** Proposed development for the RRA as displayed by Nick Ostin
- B** Petition signed by the ILU residents as tabled by Alex Jones
- C** Option D presentation from Nicholas Rotenko