

**TOWN OF UNION
LOCAL DEVELOPMENT CORPORATION
REGULAR MEETING MINUTES
THURSDAY, MARCH 21, 2024**

Draft

SYNOPSIS OF MEETING

The Town of Union Local Development Corporation met for its regular meeting on Thursday, March 21, 2024 at the Town of Union Office Building located at 3111 East Main Street in Endwell, New York.

I. THE MEETING WAS CALLED TO ORDER AT 7:58 A.M.

MEMBERS PRESENT: Stephen Trichka, Gary Leighton, James Peduto,
Mary O'Malley-Trumble (8:02 a.m. arrival),
Timothy Strong (8:56 a.m. departure), Kimberly Ward

MEMBERS ABSENT: Jeffrey L'Amoreaux

OTHERS PRESENT: Rosemarie Pope (LDC Board Attorney) via telephone
Jennifer Lindsay (Town Comptroller)
Scott Burto (Town ARPA Grant Coordinator) via telephone
John Bernardo (Executive Director, S.E.P.P. Management Co.)
Thomas Smith, CPA (Director, EFPR Group, LLP)

STAFF PRESENT: Joseph Moody (LDC Director), Robin Shimer (Admin. Asst.)

II. PRESIDENT'S REMARKS

President Trichka welcomed all attendees and recognized Ms. Lindsay, Mr. Bernardo and Mr. Smith.

III. DIRECTOR'S REMARKS

Director Moody noted the pending filing of LDC Board members' 2024 financial disclosure forms with the Broome County Board of Ethics.

IV. APPROVAL OF THE MINUTES

The Minutes of the annual LDC Board Meeting of February 22, 2023 were reviewed and approved as written.

Motion: Tim Strong
Motion 2nd: Jim Peduto
Motion: To approve the annual LDC Board Meeting Minutes of
February 22, 2023 as written.
Vote: Motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain]

V. OLD BUSINESS

A. Mr. Moody presented a request for discussion and LDC Board action to retroactively vote to accept EFPR Group, LLP's 2023 regular and single audit proposal as presented at the February 22, 2024 LDC Board Meeting.

Following the completion of discussion, President Trichka requested a motion to retroactively approve the EFPR Group, LLP 2023 regular and single audit proposal as presented at the prior LDC Board Meeting of February 22, 2024.

Motion: Gary Leighton
Motion 2nd: Kim Ward
Motion: To accept the EFPR Group, LLP audit proposal to perform 2023 Regular and Single Audits of the Town of Union Local Development Corporation (LDC), as presented at the LDC Board Meeting of February 22, 2024.
Vote: [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain]

B. Mr. Moody provided an update about the LDC ARPA 50/50 Commercial Façade Grant of \$100,000.00 to Mr. Shia Teitelbaum, as approved on August 24, 2023, for mixed-use commercial property at 257 Main Street in Johnson City.

C. Mr. Moody presented for discussion the review of the two separate actions regarding an amended Broome County ARPA Fund Agreement and a Broome County ARPA Fund Agreement rescission with the Town of Union Local Development Corporation.

1. After the completion of discussion on the two separate actions, President Trichka requested a motion to approve the amendment of Broome County-Town of Union Agreement CA2927H reflecting a change in S.E.P.P.-related mixed-use commercial building location to 202-208 Garfield Avenue, Endicott, New York, and a greater project participation amount not to exceed \$695,000.00.

Motion: Tim Strong
Motion 2nd: Jim Peduto
Motion: To approve the amendment of Broome County ARPA Fund Agreement CA 2927H that originally approved \$420,000.00 to promote economic development with construction of a mixed-use commercial building at 121-125 Washington Avenue, Endicott, New York for a S.E.P.P., Inc. The amended Agreement shall reflect a change in S.E.P.P. Inc.'s project location to 202-208 Garfield Avenue, Endicott, New York, for a mixed-use workforce housing facility with an increased project participation amount not to exceed \$695,000.00.
Vote: [6 - Yes, 0 - No, 1 - Absent, 0 - Abstain]

2. Mr. Moody advised the LDC Board that Broome County Agreement CA 2927I's was being rescinded by Broome County in the amount of \$250,000.00 in ARPA funds that was to be used for façade improvements in the 100 block of Washington Avenue, Endicott, New York, to possibly be used for proposed parking lot improvements in the Village of Endicott, New York, as determined by Broome County.
- D. Mr. Moody presented for discussion a proposed \$445,000.00 Town of Union ARPA Fund Agreement with the Town of Union Local Development Corporation (LDC) accepting \$445,000.00 in Town of Union ARPA Lost Revenue Replacement Funds for S.E.P.P., Inc.'s proposed residential housing project at 202-208 Garfield Avenue in Endicott and to approve the LDC's signing of such Agreement.

Following the completion of discussion, President Trichka requested a motion to approve the acceptance from the Town of Union of \$445,000.00 in Lost Revenue Replacement

Funds for S.E.P.P. Inc.'s residential housing project at 202-208 Garfield Avenue, Endicott and to approve the signing of such Agreement.

Motion: Kim Ward
Motion 2nd: Gary Leighton
Motion: To approve the acceptance of \$445,000.00 in Town of Union Lost Revenue Replacement Funds for S.E.P.P. Inc.'s proposed mixed-use residential housing project to be located at 202-208 Garfield Avenue, Endicott, New York, and to approve the LDC's signing of such Agreement.
Vote: [6 - Yes, 0 - No, 1 - Absent, 0 - Abstain]

VI. NEW BUSINESS

A. Mr. Moody introduced Mr. Thomas Smith, CPA of EFPR Group. Mr. Smith shared insight of EFPR Group's audit of the LDC for 2023. His review included referencing, among other aspects, LDC total assets, total liabilities, net assets, operating revenue, operating expenses and non-operating revenue.

B. Mr. Moody presented 2021 American Rescue Plan Act (ARPA) LDC 50/50 Commercial Façade Grant Program requests totaling \$150,000.00 in Town of Union allocated ARPA Funds. Three \$50,000.00 grant applications were submitted by Messrs. Thomas and Michael Crowley of Nanticoke & Wendell Holdings, Inc., Mr. Kevin Babcock of K.C. Babcock, LLC, and Messrs. Sharfuddin Chisty, Sheikh Razvi, Salvia Akter and Ms. Saiful Majid of 1st New American, LLC.

1. Following the completion of discussion, President Trichka requested a motion to approve ARPA LDC 50/50 Commercial Façade Grant Program financing of \$50,000.00 to Nanticoke & Wendell Holdings, Inc.

Motion: Tim Strong
Motion 2nd: Gary Leighton
Motion: To approve Town of Union Local Development Corporation 2021 American Rescue Plan Act (ARPA) 50/50 Commercial Façade Program Grant funding in an amount not to exceed \$50,000.00 to Nanticoke & Wendell Holdings, Inc. The purpose of the grant is to assist with exterior façade improvements to the commercial building that houses part of its primary tenant's business, Crowley Fabrication and Machining Co., Inc., at 306 North Nanticoke Avenue in Endicott, New York.
Vote: [6 - Yes, 0 - No, 1 - Absent, 0 - Abstain]

2. Following the completion of discussion, President Trichka requested a motion to approve ARPA LDC 50/50 Commercial Façade Grant Program financing of \$50,000.00 to K.C. Babcock, LLC.

Motion: Mary O'Malley-Trumble
Motion 2nd: Kim Ward
Motion: To approve Town of Union Local Development Corporation 2021 American Rescue Plan Act (ARPA) 50/50 Commercial Façade Program Grant funding in an amount not to exceed \$50,000.00 to K.C. Babcock, LLC. The purpose of the grant is to assist with exterior façade improvements to the commercial building that

houses the primary tenant, Toulson Forward, Inc. d/b/a/ Babcock Bicycles, at 108-110 West Main Street in Endicott, New York.

Vote: [6 - Yes, 0 - No, 1 - Absent, 0 - Abstain]

3. Following the completion of discussion, President Trichka requested a motion to approve ARPA LDC 50/50 Commercial Façade Grant Program financing of \$50,000.00 to 1ST New American, LLC.

Motion: Tim Strong

Motion 2nd: Mary O'Malley-Trumble

Motion: To approve Town of Union Local Development Corporation 2021 American Rescue Plan Act (ARPA) 50/50 Commercial Façade Program Grant funding in an amount not to exceed \$50,000.00 to 1st New American, LLC. The purpose of the grant is to assist with exterior façade improvements to the proposed mixed-use building located at 19 Madison Avenue in Endicott, New York.

Vote: [6 - Yes, 0 - No, 1 - Absent, 0 - Abstain]

- C. Mr. Moody referenced a \$1,140,000.00 ARPA Grant request by Mr. John Bernardo, Executive Director of S.E.P.P. Management Company. Mr. Moody introduced Mr. Bernardo. Mr. Bernardo shared an overview of project details, including construction, duties of involved parties, facility quality, costs and timelines.

Provision of funds required two resolutions approving one American Rescue Plan Act (ARPA) Grant Application request. The resolutions are: (1) \$445,000.00 in Town of Union recently allocated ARPA Funds and (2) \$695,000.00 in Broome County amendment to previously allocated ARPA Funds. The total funding amount for the proposed SEPP, Inc. affordable work-force housing project in the Town of Union is \$1,140,000.00.

Following the completion of discussion, President Trichka requested a motion to approve \$445,000.00 from the LDC to S.E.P.P., Inc. to assist with construction costs at the former St. Ambrose School building, 202-208 Garfield Avenue in Endicott, New York.

Motion: Tim Strong

Motion 2nd: Jim Peduto

Motion: To approve Town of Union Local Development Corporation Project Specific Grant Program funding in an amount not to exceed \$445,000.00 to S.E.P.P., Inc. to assist with construction costs for the properties and buildings located at 202-208 Garfield Avenue in Endicott, New York. Such grant shall be funded by the Town of Union Local Development (LDC) 2021 American Rescue Plan Act (ARPA) as allocated by the Town of Union.

Vote: [6 - Yes, 0 - No, 1 - Absent, 0 - Abstain]

President Trichka requested a motion to approve \$695,000.00 from the LDC to S.E.P.P., Inc. to assist with property acquisition, construction and soft costs with renovations to the former St. Ambrose School building, 202-208 Garfield Avenue, Endicott, New York.

Motion: Jim Peduto

Motion 2nd: Kim Ward

Motion: To approve Town of Union Local Development Corporation disbursement of \$695,000.00 to S.E.P.P., Inc. to assist with property acquisition, construction and soft costs associated with

renovations to the St. Ambrose School building located at 202-208 Garfield Avenue, Endicott, New York. Such grant shall be funded by the Town of Union Local Development (LDC) 2021 American Rescue Plan Act (ARPA) as allocated by Broome County.

Vote: [6 - Yes, 0 - No, 1 - Absent, 0 - Abstain]

Mr. Strong departed at 8:56 a.m. due to a business obligation.

VII. OTHER BUSINESS

- A. Mr. Moody provided a status review about LDC 2021 ARPA Grant portfolio funds.
- B. A litigation matter required Executive Session discussion.

President Trichka requested a motion for the LDC Board members to enter into Executive Session at 9:00 a.m.

Motion: Jim Peduto
Motion 2nd: Kim Ward
Motion: To enter into Executive Session discussion.
Vote: [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain]

President Trichka requested a motion for the LDC Board members to exit from Executive Session at 9:16 a.m.

Motion: Gary Leighton
Motion 2nd: Jim Peduto
Motion: To exit from Executive Session discussion at 9:16 a.m.
Vote: [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain]

VIII. ADJOURNMENT

- A. President Trichka asked if there were other topics for consideration. Due to the LDC Board's affirmed completion of business, he requested a motion to adjourn the meeting.

Motion: Kim Ward
Motion 2nd: Jim Peduto
Motion: To adjourn the regular LDC Board meeting of March 21, 2024 at 9:17 a.m.
Vote: Motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

In recognition of there being no further business, without objection, the March 21, 2024 Regular LDC Board Meeting stood adjourned at 9:17 a.m.

Respectfully submitted,

Joseph M. Moody
Director