

TOWN OF UNION LDC REGULAR BOARD MEETING

AUGUST 20, 2020

TIME: 8:00 AM

IN ATTENDANCE

STEPHEN TRICHKA (Remote)  
DIANE JULIAN (Remote)  
GARY LEIGHTON (Remote)  
JAMES PEDUTO (Remote)  
MARY O'MALLEY-TRUMBLE (Remote)  
JEFFREY L'AMOUREAUX (Remote)  
TIMOTHY STRONG (Remote)

ROSEMARIE POPE, ESQ. (Remote)  
TOWN OF UNION LDC COUNSEL

RICK MATERESE (Remote)  
TOWN SUPERVISOR

STAFF PRESENT IN PERSON

ROB SHIMER, ASSISTANT  
JOE MOODY, DIRECTOR

TRANSCRIBED BY:

Sally Omar  
Czerenda Court Reporting  
71 State Street, Suite 101  
Binghamton, New York 13901

1 MR. MOODY: So, the Meeting, August 20th, 8:01  
2 -- 8:00 a.m. If every could announce who is present.

3 MR. TRICHKA: Do you want me to call the roll?

4 MR. MOODY: Yeah, if you could, okay.

5 MR. TRICHKA: I am Steve Trichka. I do enjoy  
6 that. Okay. So, at least I'll know who I've got on the  
7 line. Tim Strong?

8 MR. STRONG: Here.

9 MR. TRICHKA: Gary Leighton?

10 MR. MOODY: Gary Leighton.

11 MR. TRICHKA: Gary's here.

12 MR. TRICHKA: I saw him.

13 MR. TRICHKA: Gary Leighton.

14 MR. LEIGHTON: Here, can you hear?

15 MR. MOODY: Now, I can.

16 MR. TRICHKA: Jim Peduto?

17 MR. PEDUTO: Here.

18 MR. TRICHKA: Jeff L'Amoreaux?

19 MR. L'AMOREAUX: Here.

20 MR. TRICHKA: It figures I would know what his  
21 last name is by this point. Diane?

22 MS. JULIAN: Here.

23 MR. TRICHKA: Mary?

24 MS. O'MALLYEY-TRUMBLE: Here.

25 MR. TRICHKA: I know we have Rose, and I see

1 Rick on there, as well in attendance and Joe Moody.

2 MR. MOODY: And Rob Shimer.

3 MR. SHIMER: And Rob Shimer here.

4 MR. MOODY: Okay. Excellent. Rick, are you  
5 there?

6 MR. MATERESE: All right, I am.

7 MR. MOODY: Okay. Great, thank you. Okay.  
8 It's all yours.

9 MR. TRICHKA: Okay. Are you going, Joe?

10 MR. MOODY: No, it's all yours, go ahead.

11 MR. TRICHKA: Okay. So, we'll call the meeting  
12 to order, at about 8:02 a.m.

13 So, the first order of business is to approve  
14 the minutes of meeting. I'll switch over to that, the  
15 June 18th Meeting Synopsis. So are there any additions  
16 or corrections to those minutes? Please speak up  
17 (inaudible) --

18 MR. TRICHKA: I did have one question on these,  
19 Joe and I'll bring it up now because it comes up when we  
20 do the Fact Sheet for the Grant Program.

21 MR. MOODY: Yes.

22 MR. TRICHKA: I noticed that the -- these and  
23 I don't recall exactly how we play, but in the meeting it  
24 just said, in Paragraph 6A, that the program would be  
25 available to you companies with 15 to 100 employees.

1 MR. MOODY: Well, yeah.

2 MR. TRICHKA: I have that up on the screen  
3 here and then we -- and then when the (inaudible) came out  
4 it was 25 or fewer.

5 MR. MOODY: Yeah, well --

6 MR. TRICHKA: (Inaudible) --

7 MR. MOODY: -- sort of -- I think that's sort of  
8 -- sort of some of the guidelines I received through our  
9 community development office, and other programs I looked  
10 at that use, the CV Funds. I'm not against the 100, I  
11 just thought that maybe if we kept it 25 or fewer that  
12 would really help more of the small businesses because,  
13 again, when we first looked at this, we were looking at  
14 \$200,000 and that was reduced to \$125,000. So, although I  
15 would like to keep it open to 100, I think with the  
16 reduction from 200 to 125, it sort of necessitated maybe a  
17 reduction of the size of the business we could help. That  
18 was my thought.

19 MR. TRICHKA: I was just trying to see why we  
20 had 1500 in the minutes and that's because that was the  
21 parameters of the program itself as it came down from --

22 MR. MOODY: Well --

23 MR. TRICHKA: -- Small Business Administration.

24 MR. MOODY: Well, yes and no -- no, yes and no  
25 it doesn't -- they were sort of vague on the parameters,

1           but when -- when we initially looked at this, we  
2           initially looked at this, we were looking at \$200,000,  
3           okay? So, then after discussion with our Community  
4           Development  
5           Department, Sarah needed more for non-for-profit  
6           organizations, and therefore the amount we were even  
7           looking at -- potentially looking at was reduced by  
8           \$75,000. So that coupled with the -- well, with the  
9           production and the potential funding, I thought maybe we  
10          needed to reduce the -- the number -- the employment  
11          number intact business with 25 or fewer.

12                        I could -- we could certainly put it back at  
13          100, it's up to you.

14                       MR. TRICHKA: No, no, no, Joe, we don't need to  
15          talk about the program itself right now, I'm just trying  
16          to address the --

17                       MR. MOODY: Yeah, that's --

18                       MR. TRICHKA: -- verity of the minutes, yes --

19                       MR. MOODY: Yes.

20                       MR. TRICHKA: -- and that's what we said, okay.

21                       MR. MOODY: Yes.

22                       MR. TRICHKA: So, I'll -- I'll stand down on  
23          that. Are there any other additions or corrections. If  
24          not, do we have a motion to approve the minutes?

25                       MR. L'AMOREAUX: So moved, Jeff.

1 MR. PEDUTO: Jim Peduto, second.

2 MR. TRICHKA: Jim was the second. All in favor?

3 MALE SPEAKER: Aye.

4 MALE SPEAKER: Aye.

5 FEMALE SPEAKER: Aye.

6 MALE SPEAKER: Aye.

7 MR. TRICHKA: Opposed? All right, motion  
8 carries.

9 So, good morning, everybody, we're doing --  
10 we're going to continue to work in a pandemic -- I noticed  
11 that Tim Strong is dressing up our meetings now. I  
12 appreciate that, Tim.

13 MR. STRONG: Me, too. I still own a tie  
14 (inaudible) --

15 MALE SPEAKER: Just phone in, Tim, you can wear  
16 whatever you want.

17 MS. JULIAN: That's right.

18 MALE SPEAKER: Meeting, meeting.

19 MR. TRICHKA: Over to you, Tim.

20 MR. STRONG: I really don't have any remarks  
21 right now.

22 MR. TRICHKA: Okay. Let's go into old business.

23 MR. MOODY: Okay. Ndarpa approved LDC Pack &  
24 Mail Loan, \$10,000. Rose might want to chime in on this,  
25 too. Rose, I've been working to try to close this loan

1 loan. There were some questions about the job retention,  
2 the people that were supposed to be retained. I believe  
3 one has retired and one has not come back, so I think  
4 we're just working out the details on -- that there's  
5 still a number of jobs to retain, and we still fulfill the  
6 requirement of the -- the grant. Rose, do you have  
7 anything to add to that?

8 MS. POPE: You know, Joe, I don't. Have you  
9 reviewed the list on these that were sent to us.

10 MR. MOODY: The gentleman has sent a list to  
11 us of employees and where they're located et cetera. Yes,  
12 I am reviewing that, yes.

13 MS. POPE: What I see on that is he lost people,  
14 but he's also replacing them --

15 MR. MOODY: Correct.

16 MS. POPE: -- and he's keeping the (inaudible)  
17 but not the people, right? In my opinion, I think he's  
18 okay, but that's up to you to make the final decision on  
19 that.

20 MR. MOODY: Yeah, yeah, I don't see an issue  
21 with it. I think he is fulfilling the requirements, so I  
22 think we can move forward closing. Don't forget. This is  
23 the only one that we're going to be closing on, because  
24 the other one, Greek House has -- has decided not to apply  
25 -- or removed themselves from the funding, okay.

1 MS. POPE: And we should close pretty quickly  
2 because Sean has the documents to sign. He just brought  
3 up this question, so once we answer his question, he'll  
4 sign the document (inaudible) --

5 MR. MOODY: Don't forget, it's a loan so they'll  
6 pay us back, so that's good, too. Okay.

7 MR. TRICHKA: Excellent, okay. The next thing  
8 you have is the DTRT.

9 MR. MOODY: Yeah, DTRT which is also National  
10 Pipe and Plastic. We closed the grant on -- remotely. We  
11 closed the grant and I delivered the check on the 12th for  
12 \$300,000. At that time in my letter, I put in there,  
13 here's the performing period, here's the jobs that have to  
14 be created, and I got a call the next day from Mr.  
15 Colbertson (ph) indicating we did have a discussion after  
16 the loan -- after the grant was approved way back in 2014,  
17 he might be making efforts to create the jobs in Vestal  
18 and then bring them over to Endicott as a part of ramping  
19 up et cetera. Now, as you all know, this grant, or this  
20 closing took quite a long time because of the fact is  
21 there were some additional environmental issues and just a  
22 number of things they had to take care of, not only our  
23 planning and community development, but probably New York  
24 State and Broome County. So, we finally got to the point  
25 that the demoed the building, they started breaking ground



1 on the building, site prep, et cetera, closed down the  
2 building. So, in my commitment letter, the one that was  
3 sent way back when indicated that there had to be five  
4 jobs being created on top of the base level of employment.  
5 So, Mr. Colbertson called me the other day, he goes, well,  
6 I've already created those jobs. I said, okay, can you  
7 please give me a listing of your total number of employees  
8 when those additional jobs are created, so I could see  
9 that. We're about five jobs above the base jobs. So, as  
10 of right now, I still have not received that documentation  
11 as of yet, but I wanted to make you aware that we -- the  
12 performing period was a five-year performing period, and  
13 it was supposed to be based on the day of the grant, first  
14 grant disbursement.

15 Well, the first grant disbursement came far  
16 later than we ever would have expected. So, so I  
17 understand what Mr. Colbertson is saying and I think that  
18 as long as he created the jobs and is bringing them to  
19 Endicott. Now, they're not in Endicott, as far as I know,  
20 until that office building is complete, and it will  
21 probably still at least maybe six to a year away from that  
22 being completed. So, that portion of the forgiveness of  
23 the loan, because we forgive the grant -- excuse me,  
24 forgive the grant on a one third, one third, one third  
25 basis. One third based on the acquisition of property,

1 one third based on the demolition of the property, and on  
2 third based on the jobs being created. I'm sorry,  
3 completing of the building and jobs being created, so we  
4 have a slight dot to that final forgiveness obviously, and  
5 we can't get there until those jobs are there, all the  
6 jobs, not only the jobs, the based jobs that are in  
7 Vestal, but also the jobs that are being created.

8 So, I guess, what I'm trying to say to you,  
9 there's a little determination we have to do and get  
10 approval from the LDC Board that we could retro this back  
11 to when the grant was approved, based on him -- based on  
12 DTRT, excuse me, National Pipe and Plastic creating the  
13 five jobs on top of the base jobs that had to be created.  
14 Now, the base jobs are not only office jobs, but they were  
15 manufacturing jobs. And -- and so it was five jobs on top  
16 of that had to be created.

17 So, I guess the question is we need to amend and  
18 maybe look at this retroactively to when the grant was  
19 approved, and assuming the jobs are being created on top  
20 of the base.

21 So, I guess it's open for discussion now.

22 MR. TRICHKA: I have to admit you kind of lost  
23 me in there. So, why wouldn't the baseline from the  
24 beginning and then from when the grant was approved?

25 MR. MOODY: No, the baseline of the number of

1 jobs was -- that has not changed, okay. The baseline of  
2 employment --

3 MR. TRICHKA: Yeah.

4 MR. MOODY: -- office -- office and  
5 manufacturing personnel has not changed, but you've got to  
6 remember, some of those jobs are in Vestal, some of those  
7 jobs are in Endicott, okay?

8 So, the agreement was that he was going to  
9 create five jobs, National Pipe and Plastic would create  
10 five jobs on top of the base level of employment. That  
11 hasn't changed, okay. The question is -- Dave's question  
12 or comment was they should have been accumulative after  
13 the grant was approved, because he's also started creating  
14 jobs after the grant was first approved, which again  
15 normally our loans and grants cover indicate that. Now,  
16 in this case, our commitment letter did not indicate that,  
17 because we weren't sure exactly when he would get started,  
18 based on the environmental, based on the demolition. So,  
19 we gave him the benefit of the doubt and extended it to  
20 when the first disbursement grant funds would be, that's  
21 when the jobs would be created after that point.

22 Well, he indicated that we had discussed this,  
23 and that we discussed that if he started creating jobs  
24 now, that would be fine, that would be on top -- five job  
25 on top of the base level of jobs. I have no problem with

1           that.

2                       MR. TRICHKA:   So, if he's creating the jobs  
3           right now, but they're going to Vestal because that's  
4           where the headquarters is now and the building is not  
5           built on (inaudible) -- then he's saying if I created  
6           those jobs since the loan approval and I transfer those  
7           jobs from Vestal to Union, I should request for them.  Is  
8           that what he's saying?

9                       MR. MOODY:   Yes, yes, and I -- and I --

10                      MR. TRICHKA:   Okay.

11                      MR. MOODY:   -- I understand it and I don't have  
12           a problem with that, because he did discuss with me  
13           ramping up and having to get employees and train them,  
14           et cetera, and it's just the timeframe.  I mean if we had  
15           been able to close this a year after approving it, it  
16           probably wouldn't have been an issue, but it's been  
17           several years after approving it, and I will add it's the  
18           best money we ever spent for the LDC to get rid of that  
19           building.  I don't know if anybody else wants to chime in  
20           on that, but --

21                      MR. TRICHKA:   Would anybody else have any  
22           comment?

23                      MS. JULIAN:   Joe, this is Diane.

24                      MR. TRICHKA:   Go ahead.

25                      MS. JULIAN:   The jobs will ultimately transfer

1 to Endicott.

2 MR. MOODY: Yes, if they're not there already.  
3 Again, I'm still waiting on documentation from Mr.  
4 Colbertson or his staff, I should say, to tell me exactly  
5 when these people were hired, exactly the number of  
6 employees right now, and to make sure the base is still  
7 maintained and then we still have the five on top of that.

8 And, yes, the Commitment Letter indicates that  
9 we don't forgive the one-third of the grant until those  
10 jobs are actually physically in Endicott.

11 And, Rose, I don't know if you have anything to  
12 add to that. And let me -- while you're talking let me  
13 get --

14 MS. POPE: I agree with what you said. He's  
15 looking for forgiveness of the last third. It's not going  
16 to happen until the jobs are physically in Endicott, even  
17 if he created them already in Vestal.

18 MR. MOODY: Agreed, yup. Now, let me just --  
19 so you have the numbers before you, the jobs that had to  
20 be created or the retained. It was 29 office personnel  
21 and 121 manufacturing personnel. So, it was supposed to  
22 be five employees on top of that. And, again, we approved  
23 this -- well, the application was submitted to us March of  
24 2014, so it's been a good six years.

25 MS. JULIAN: Wow.

1 MR. MOODY: Yeah. And we did --

2 MR. TRICHKA: It's okay.

3 MR. MOODY: Just to let you know, it 2000 -- in  
4 July 2018, we did amend the Commitment Letter. I forget  
5 exactly what it was, but we did amend some of the terms on  
6 it.

7 MR. TRICHKA: So, is there any action we need to  
8 take, or are we just confirming that the jobs need to be  
9 in Endicott, or based in Endicott?

10 MR. MOODY: I think because on the Commitment  
11 Letter that I sent out it indicates that -- let me read  
12 the exact wording for you, if I could find it. Okay.  
13 Bear with me, I'm having a difficult time finding the  
14 exact (inaudible) what it says.

15 MS. O'MALLEY-TRUMBLE: Rose, it's Mary. I just  
16 -- could you repeat what you said a few minutes ago about  
17 the grant can't be forgiven until (inaudible) --

18 MS. POPE: The last one-third won't be forgiven  
19 -- can't be forgiven until the jobs were created, those  
20 people are actually in Endicott.

21 MS. O'MALLEY-TRUMBLE: Okay. So, does it matter  
22 if we extend it any time, I mean it seems like it's --

23 MR. MOODY: Well, let me -- let me -- I don't  
24 think it -- it matters, but just in -- the Commitment  
25 Letter it indicates -- let me read this. So, okay, it

1 says, "The grantee" -- it says, "five year performing  
2 period from the date of the grant closing." That's when  
3 technically the performing period started five years from  
4 the date of the loan -- of the grant closing. No way did  
5 we ever expect this grant to not close for six years. So,  
6 the number of -- so, technically it started the date of  
7 when we distributed the check. However, he makes a good  
8 point that he started ramping up and creating those jobs  
9 after we first approved the grant, and I agree with that  
10 and I have no problem with, as long as he could show he's  
11 got five additional employees on top of the base  
12 employment that we approved, and that we're not actually  
13 forgiven the last one third until they're physically in  
14 Endicott all those employees, in addition to the five that  
15 had to be created.

16 So, I guess, yes, because the job, because the  
17 resolution, or the Commitment Letter indicates that the  
18 performing period was five years from the first  
19 distribution of the grant funds. It does technically not  
20 follow what we -- what my Commitment Letter indicates.

21 MR. TRICHKA: I'm sorry, Don, I'm still confused  
22 as to whether or not we need to make an amendment to the  
23 (inaudible) --

24 MR. MOODY: Well --

25 MS. POPE: Can I jump in?

1 MR. MOODY: Yeah.

2 MS. POPE: I think -- I think, Joe, to clarify  
3 this, if the Board is okay with accepting the five  
4 conditions that were created, prior to our closing of the  
5 grant end of June or July, I don't remember, then I think  
6 you should do a resolution just stating that that it's  
7 in default, but also that the last third will not be  
8 forgiven for those before physically in Endicott, because  
9 I think Mr. Colbertson wants it to be forgiven now, and  
10 that's not a fight I want to get into.

11 MR. MOODY: Agreed.

12 MR. TRICHKA: But there's no forgiveness  
13 attached to the creation of the jobs that are sitting in  
14 Vestal, is there --

15 MR. MOODY: Well, yes and --

16 MR. TRICHKA: -- in the interim?

17 MR. MOODY: -- well, yes and no, because if I  
18 indicate that the base employment was 29 office personnel  
19 and 121 manufacturing, they had to create five jobs on  
20 top of that --

21 MR. TRICHKA: Yeah, I looked at that.

22 MR. MOODY: Yeah, it sort of does.

23 MR. TRICHKA: But creating jobs in Vestal  
24 shouldn't -- yes, he's creating jobs, but they're not in  
25 the Town of Union.



1 MR. MOODY: No, he -- he --

2 MR. TRICHKA: So, I'm not even sure I'm not fine  
3 with saying he created five jobs and he gets credit for  
4 that.

5 MALE SPEAKER: Well, it's not the kind of thing  
6 when the jobs are created, it's really more of a timeline  
7 thing for that --

8 MR. MOODY: Right.

9 MALE SPEAKER: -- and where, it's more about  
10 when are we starting that -- that clock counting for what  
11 counts for credit.

12 MR. MOODY: Yeah. I mean I personally have no  
13 issue with him ramping up and creating the jobs in Vestal  
14 as long as they're on top of the base employment and  
15 they're bringing them all to Endicott. I mean it makes  
16 sense to me that, you know, after six years, he was going  
17 to credit those jobs, and I don't have an issue with that.  
18 I think it's commendable that he created them sooner than  
19 after our grant closing. So, I mean I have no issue with  
20 that as long as the gamut is above the base.

21 MR. TRICHKA: Okay, but that's -- I didn't hear  
22 when Rose talked about what had to be done, it didn't  
23 sound like anything in terms of changing the timeline.  
24 So, now this is --

25 MR. STRONG: Is the question really, how many

1 jobs he has in Endicott? No one is based in Endicott, and  
2 how many does he have now?

3 MR. MOODY: No, that's not the question right  
4 now, the question is when are we going to allow him to use  
5 those jobs that were created as part of his requirement to  
6 create the jobs within X years.

7 MR. STRONG: What's based in Endicott is five  
8 more than when we started.

9 MR. MOODY: No, when its overall base is five  
10 more than when we started, because Vestal --

11 MR. STRONG: Why do we care that he hired  
12 people in Vestal? I get the ramp-up, but until those jobs  
13 are physically present in the Town of Union, why should he  
14 get any money?

15 MR. MOODY: Well, because the job creation forms  
16 have to be filled out, are filled out based on when they  
17 hired the employee. So, our document is saying that he's  
18 not allowed to create the jobs, basically until after we  
19 close the grant, and it's been six years. So, he's saying  
20 well, I've been ramping up based on this grant, and moving  
21 to Endicott, and I've been creating these jobs. So, I  
22 indicated to him, well, give me your documentation that  
23 you've created the five jobs above and beyond the base and  
24 then we can at least use those jobs when they eventually  
25 move to Endicott.

1 MR. STRONG: When he moves to Endicott with the  
2 jobs, it counts. Everything else seems to me to just be  
3 discussion.

4 So, Joe, what I'm wrapped around the (inaudible)  
5 is the second and third of forgiveness around creation of  
6 the jobs? Are we giving him that for the second and the  
7 third forgiveness around creation of the jobs? Are we  
8 giving him credit for that, for the second and third?

9 MR. MOODY: Oh, yeah, one of the thirds is yeah,  
10 that is correct. One was demolition -- I'll read it, hold  
11 on --

12 MR. STRONG: What is the third --

13 MR. MOODY: Let me read it.

14 MR. TRICHKA: Just read us the third.

15 MR. MOODY: I got it. "One third, \$100,000 will  
16 be forgiven upon the successful acquisition and demolition  
17 of 1 North Page Avenue."

18 MR. TRICHKA: Don, okay.

19 MR. MOODY: "One third, \$100,000 will be  
20 forgiven after the new office building has been erected  
21 and occupied by 29 National Pipe and Plastic employees  
22 that are being transferred from Vestal facility to  
23 Endicott. The remaining one third, \$100,000 will be  
24 forgiven upon the creation of a five new full time  
25 equivalent positions in Endicott --

1 MR. TRICHKA: Have we --

2 MR. MOODY: -- above and beyond their base  
3 employment."

4 MR. TRICHKA: Right, right. Have we -- have we  
5 hit the second -- have we passed the second milestone.

6 MR. MOODY: The erection of the building being  
7 completed?

8 MR. TRICHKA: Yes.

9 MR. MOODY: No, we're not there.

10 MR. TRICHKA: Right, okay, so --

11 MR. MOODY: It doesn't --

12 MR. TRICHKA: We're talking about this when the  
13 baseline of jobs is -- is really snapped. When we snap  
14 the baseline on here's the jobs you have, and here's what  
15 five more, and here's what the total is, but none of that  
16 forgiveness, again, and I'm agreeing with Jim on this,  
17 none of that forgiveness kicks in until those jobs  
18 actually land in the Town of Union.

19 MR. MOODY: Correct.

20 MR. TRICHKA: Right.

21 MR. MOODY: But he wants to use those jobs as  
22 the fulfillment requirement when he gets to Endicott, so  
23 the performing period was five years after we basically  
24 cut the check and closed the grant.

25 MR. TRICHKA: All right.

1 MR. MOODY: So, that's the discrepancy. He  
2 wants to go retro-back and, again, I don't have an issue  
3 with it, retro-back to the date that it was originally --  
4 the grant was approved, because he was ramping up. It  
5 makes sense. We could do that with any of our loan  
6 recipients.

7 MR. TRICHKA: I don't mind the calculation, I  
8 just don't think he should be getting any forgiveness for  
9 creating jobs --

10 MR. MOODY: Oh, no, no.

11 MR. TRICHKA: That's where Jim and I getting  
12 kind of -- okay.

13 MR. MOODY: There is no forgiveness.

14 MR. TRICHKA: What we're talking about is, we're  
15 going to draw the baseline at -- and where's the baseline  
16 currently?

17 MR. MOODY: The base employment?

18 MR. TRICHKA: No, the baseline, the date.

19 MR. MOODY: (Crosstalk) --

20 MR. TRICHKA: We should go back to the date that  
21 the loan was approved.

22 MR. MOODY: March of 2014 was the original  
23 application that was submitted and then a little bit after  
24 that fact. Let me walk you through --

25 MR. TRICHKA: I know, but you're -- but what --

1           you keep saying you need the baseline, too, whenever the  
2           loan is approved. But what is the baseline sitting at  
3           right now?

4                       MR. MOODY: That I don't have yet. That's what  
5           I'm waiting from his staff to submit, but here's the point  
6           -- here's the point, but the baseline is not going to go  
7           below the 121 and the 28 or 29 office personnel, that is  
8           what we approved the loan on -- the grant on. We approved  
9           it based on 29 office personnel, 121 at the time of his  
10          application --

11                      MR. TRICHKA: Okay.

12                      MR. MOODY: -- which was March. We approved  
13          it --

14                      MR. TRICHKA: So, it didn't sound like we needed  
15          to do anything. Whenever -- if he has created five more  
16          than five job than that and then he'll -- that's great,  
17          but he doesn't get any forgiveness until those jobs land  
18          in the Town of Union. I mean I'm not -- see that's why  
19          I'm not sure we need to do anything. That's why I'm  
20          confused.

21                      MR. MOODY: Well, yes and no --

22                      MR. STRONG: That's what I was talking --

23                      MR. MOODY: -- the Commitment Letter that was  
24          drawn up and he signed indicates that the jobs will be  
25          created during the five year performing period which was

1           supposed to start at the time we closed the grant, not  
2           knowing that the grant would take six years to close. So,  
3           that's the hang up in my opinion. Rose, you got something  
4           to add to that?

5                   MR. STRONG: I'm still -- I'm having a hard time  
6           with this. I mean whether those jobs are in Vestal or  
7           China doesn't really matter. They're not in the Town  
8           of Union.

9                   MR. MOODY: No, Tom --

10                   MR. STRONG: It covers 100 -- whatever 121 plus  
11           29 jobs in the Town of Union, it doesn't matter.

12                   MR. MOODY: It does matter.

13                   MS. POPE: Let me --

14                   MR. MOODY: Why it does matter is the timing  
15           when the jobs are created.

16                   MALE SPEAKER: Can we wait until we get the  
17           actual numbers?

18                   MR. MOODY: Yeah, I have no -- that's fine. I  
19           have no problem waiting till we have the actual numbers.

20                   MALE SPEAKER: That was the question I was  
21           asking. Jim gave a better response to it. I don't see  
22           what he's getting by getting the timeline changed --

23                   MR. MOODY: Okay. Here's --

24                   MALE SPEAKER: -- also be forgiven.

25                   MR. TRICHKA: The baseline for paying job and

1 getting credit for the performing period. The performing  
2 period got delayed by five years --

3 MR. MOODY: Thank you.

4 MR. TRICHKA: -- so he's saying I should be able  
5 to get credit from the time the loan was approved and the  
6 numbers are whatever 29 and 120 --

7 MR. MOODY: Yeah, thank you.

8 MR. TRICHKA: So all we need to do -- what we  
9 need to do is just clarify that -- that we will give  
10 credit for creation of jobs from -- we can even name the  
11 number of jobs, but that may even make it easier, and then  
12 the jobs over this amount and the placement of those jobs  
13 in the time unit.

14 MR. MOODY: Yes, because --

15 MR. TRICHKA: I mean I'd be okay.

16 MR. MOODY: Yeah.

17 MR. TRICHKA: All right.

18 MR. MOODY: Sorry, it's early, I guess I didn't  
19 explain myself well.

20 MR. TRICHKA: So, one more time, Rose, just tell  
21 us what we're --

22 MR. MOODY: Tell us what we're voting on.

23 MS. POPE: Joe, you did a pretty good job right  
24 there, even if you don't know what you said.

25 MR. MOODY: All right.



1 MS. POPE: To clarify, the five jobs that he  
2 created are required prior to the closing of the  
3 (inaudible) -- I still think you did a better job.

4 MR. TRICHKA: So, I think all we are doing is  
5 shifting the baseline for a job creation from the date of  
6 when we're closing back to the date of loan approval.

7 MR. MOODY: Grant closing, yes.

8 MR. TRICHKA: That's really all we're doing.  
9 You're never going to get (inaudible) get the forgiveness  
10 until those jobs leave Vestal.

11 MR. MOODY: Yes, nothing has changed along those  
12 lines.

13 MR. TRICHKA: Okay. All we're doing is shifting  
14 the baseline for calculation of job creation from the loan  
15 closing back to the loan approval date.

16 MR. MOODY: Loan approval -- with a grant  
17 approval date which is May 15th, 2014.

18 MR. TRICHKA: Right.

19 MR. MOODY: Yes.

20 MR. TRICHKA: Okay. So with that, that's all  
21 we're doing.

22 MR. MOODY: Yes.

23 MR. TRICHKA: Okay. Anything else on the  
24 (inaudible) -- I mean, Jim, are you doing better about  
25 that? Just doing --

1 MR. STRONG: I'm feeling great, great.

2 MR. TRICHKA: That's good. All right, so I  
3 think you ought to (inaudible) to shift that base on the  
4 calculation, but again I would like -- I would like us to  
5 reaffirm that there's no forgiveness until those jobs are  
6 in the Town of Union. I'd like to have that added in so  
7 we're all clear on this.

8 MR. MOODY: Yeah, that's no problem.

9 MR. TRICHKA: Okay. Okay. So, may I have  
10 a motion to approve the resolution to that end, and then  
11 we'll get it written up.

12 MR. STRONG: I feel it's so great, I'll make  
13 that motion.

14 MR. MOODY: Thank you.

15 MALE SPEAKER: Why are you checking the  
16 (inaudible) --

17 MR. STRONG: All in favor?

18 MR. PEDUTO: Aye.

19 MR. L'AMOREAUX: Aye.

20 MS. JULIAN: Aye.

21 MR. LEIGHTON: Aye.

22 MR. STRONG: Opposed?

23 MR. TRICHKA: All right. You could call it time  
24 spent on that one.

25 MR. STRONG: I will never look back.

1 MR. MOODY: So, you're darn right about that.

2 MR. TRICHKA: All right. What's next, Joe.

3 MR. MOODY: All right. Please, I'm exhausted  
4 from that one. Okay. All right. Discussion Rakesh  
5 Shroff of OM Shirdi SAI, LLC. We approved \$100,000  
6 commercial façade loan, that was for the old red carpet in  
7 -- across from En-Joie Golf Course. Obviously with  
8 everything going on with the Covid, with the shutdown, and  
9 just the uncertainty, Mr. Shroff asked for an extension to  
10 his loan that had to be closed by April -- I'm sorry,  
11 September 18th of 2020 and he requested April 21st of 2020  
12 to close it by. Now, after further discussion with Mr.  
13 Shroff, and not only that, myself, and the Town  
14 Supervisor, there was a little discussion that he probably  
15 won't be done till May. So, I said, well, why don't we  
16 just extend it, ask the LDC Board to extend it to June,  
17 the end of June of 2020, and he goes that would be  
18 acceptable to him, so I'm okay with that.

19 MS. POPE: Joe.

20 MR. TRICHKA: Joe --

21 MR. MOODY: Yes.

22 MR. TRICHKA: That would be 2021, Joe?

23 MR. MOODY: 2021, excuse me, 2021.

24 MS. POPE: Okay.

25 MR. MOODY: So, the resolution would extend the

1 -- I'm sorry that shouldn't say April '20, I'll change  
2 that. So, the request is to extend it from September  
3 18th, 2020 to June, I don't care -- June --

4 MS. POPE: 30th.

5 MR. MOODY: Sure, June 30th of 2021, and he's  
6 still committed -- very committed to the project. We did  
7 a lot of brainstorming, with the Town Supervisor and  
8 myself in a meeting the other day with him directly, and  
9 he's very committed to it, so it's good.

10 MR. TRIHKA: I don't think anybody is going to  
11 have an issue I think if he still is committed (inaudible)  
12 to the extension.

13 MR. MOODY: No, I don't think so.

14 MR. TRICHKA: Okay.

15 MR. MOODY: So, I just a resolution.

16 MALE SPEAKER: You need a resolution. We need a  
17 motion from April 2020 to June '21.

18 MR. MOODY: June 30th of 2021.

19 MR. TRICHKA: Okay. So we need a motion to  
20 approve resolution to extend the loan for OM Shirdi to  
21 June 30th, 2021. May I have a motion?

22 MR. STRONG: Let me get this. So moved. Are  
23 there any seconds?

24 MS. JULIAN: I'll second.

25 MR. TRICHKA: All right. All in favor?

1 MS. JULIAN: Aye.

2 MS. O'MALLEY-TRUMBLE: Aye.

3 MR. PEDUTO: Aye.

4 MR. TRICHKA: Opposed, okay, got the extension.

5 MR. MOODY: Okay. That's it. Thank you. All  
6 right, moving on, new business.

7 MR. TRICHKA: Yeah, new business.

8 MR. MOODY: Discussion, Town Board acceptance of  
9 -- of CDBG-CV Funds from HUD via the Cares Act and the  
10 Town of Union for using \$125,000. Now, again, we  
11 discussed this a little earlier in the meeting that the  
12 original amount that we were looking at per the Community  
13 Development Department was \$200,000, but additional funds  
14 are needed for some more not-for-profits, so the amount  
15 that we're looking at was reduced by \$125,000, and I had  
16 given you a proposal in a little blurb and then I sent  
17 additional fact sheets, that' the proposal right there on  
18 the screen. It's a little -- it's a little bit different  
19 than what we originally talked about at the last meeting  
20 in June, being that the dollar amount was reduced. We had  
21 originally looked at 100 up to -- business up with up to  
22 100 employees. I just took it upon myself to reduce that  
23 to 25 small businesses with 25 or fewer employees, one of  
24 which has to be the owner of the business, if you will.  
25 And that there had to be a creation of at least one job

1 of which has to be filled by 51 percent or lower matter  
2 income households. So, we originally -- I think that we  
3 were even we were even looking at \$15,000 grants, but  
4 because the number has been reduced in the way the fund, I  
5 thought it would be appropriate to reduce that to a cap of  
6 \$10,000 still a 50/50 match, could be used for capital  
7 purchases, capital (inaudible) purchases, inventory  
8 purchases, working capital to pay wages and rent, maybe  
9 even utilities, et cetera, and this is sort of in line  
10 with what other entitlement communities, economic  
11 development agencies have done in the United States. You  
12 know, there was room to tweak it here and there, and I  
13 still think we can probably tweak it here and there, but  
14 as of right now, that's sort of the parameters I set up.  
15 The timeframe -- I'd like to get the word out about the  
16 program as soon as possible, and requiring that  
17 applications be in our possession, I forget what date I  
18 put on there off the top of my head, by October 1st. Now,  
19 that might be really aggressive, and maybe we have to  
20 tweak that, too. But then a decision wouldn't come -- a  
21 decision wouldn't come to the grant award recipients until  
22 sometime after December 1st of 2020.

23 Not going over all the parameters, I hope you  
24 all had time to look at the potential uses of the funds,  
25 et cetera.

1                   Now, that being said, I also indicate that we're  
2 not going to be able to help every business out, that it  
3 will be based on maybe those industry sectors that the  
4 Town LDC felt had been hit the hardest.

5                   For example, restaurant industry, businesses we  
6 know have been hit pretty hard, some retail has been hit  
7 pretty hard, motor coach industry has been disseminated,  
8 but whereas other industries sectors, manufacturers may  
9 not have been hit as hard. It depends again on what they  
10 were manufacturing. So, I think we have some  
11 flexibility. I think in the fact sheet I wrote up, it  
12 indicates that it's really based on the Town LDC Board on  
13 what industry sectors they're willing to -- willing to  
14 loan or not to help, you know, based on what we feel has  
15 been hurt the most in our community.

16                   So, that being said, I'm open up for discussion.

17                   MR. TRICHKA: Yeah, I'm in line and agree with  
18 the changes to resetting the cap and resetting the kind of  
19 sales in the business, and I think when I looked at the  
20 fact sheet and I'm going to pull it up here on the screen,  
21 it looked like it was pretty much in line with those  
22 (inaudible) so I'm comfortable with where we're going with  
23 this right now.

24                   MR. MOODY: Okay. Now --

25                   MALE SPEAKER: (Inaudible) --

1 MR. MOODY: Does everybody still feel a need for  
2 a grant program like this?

3 MALE SPEAKER: I know I do. I think we talked  
4 about this as the Federal Aid begins to run out, I think  
5 we're going to see a more heightened level of interest  
6 from this kind of program.

7 MR. MOODY: Correct.

8 MALE SPEAKER: And we had time really when some  
9 of that Federal Aid was still flowing in, so that's why we  
10 thought, and I think still rightly that's what's  
11 depressing the demand for something like this, because  
12 there are other sources of

13 MR. MOODY: Agreed.

14 MALE SPEAKER: -- grant money.

15 MR. MOODY: Agreed.

16 MALE SPEAKER: -- available.

17 MR. MOODY: Agreed. I couldn't come up with a  
18 good name acronym for it, so I just called it a Small  
19 Business Resiliency Grant. So, sorry, I'm tapped out with  
20 these acronyms.

21 FEMALE SPEAKER: How do you plan on getting the  
22 word out, Joe?

23 MR. MOODY: Well, we'll do a press release and  
24 we'll try to do some social media with assistance from --  
25 from one of our strong board members, Tim Strong, no pun



1 intended there, and we'll do what we need to do to get the  
2 word out, get other ad news. But now the question -- now  
3 the question is, don't forget when we did the grant for  
4 the GAP Program, Grant Access Program, we did have a  
5 committee, the committee did come up with a rubric on how  
6 to score to score all these things, so I think we still  
7 need to do all that, and I'd like to have the Committee  
8 rejuvenated and put back into active duty, if you will.

9 MR. TRICHKA: Get the band yet back together,  
10 Joe.

11 MR. MOODY: Yeah, let's get it together, let's  
12 get it together, unless anybody wants to offer -- anybody  
13 step down and somebody else come on. It's up to you, I  
14 don't care.

15 MR. TRICHKA: I can make the question on, are we  
16 consistent between that last program and this, ineligible  
17 use of proceeds and ineligible users?

18 MR. MOODY: In general, yes, I think in general,  
19 and we always have that caveat in there that -- that any  
20 other business that the LDC Board Membership deem  
21 ineligible. So, yes, investment, real estate, gambling  
22 facilities, that's all on their -- use car, leasing  
23 business were on there, nursing homes are on there, family  
24 daycare homes were still on -- are on there, and daycare  
25 centers if not licensed by the State, and business

1 operated from home. I don't think that should change. I  
2 -- I -- I'm in a real issue with that business operated  
3 from home. I think that's not --

4 MR. TRICHKA: I know we had discussion about  
5 other types of businesses in a similar context before, and  
6 we can't (inaudible) nail salon (inaudible) so I just --

7 MR. MOODY: I took --

8 MR. TRICHKA: -- I (inaudible) you know they  
9 were so specific about the (inaudible) users, but I think  
10 we reestablished the committee has a set criteria they're  
11 using to analyze these -- it's an additional filter that  
12 we have to make sure we're being consistent.

13 MR. MOODY: Yeah, let me add -- I'm glad you  
14 brought up the nail and hair salons and all that, yes, I  
15 did remove those from this particular program, and so as  
16 an eligible applicant, because of the fact is they also  
17 were hit pretty hard in the beginning, so I think we  
18 needed to leave the hair salons and nail salons and open  
19 also.

20 MR. STRONG: And is that tattoo parlors, too,  
21 Joe?

22 MR. MOODY: No.

23 MS. JULIAN: Jim, are you okay with tattoo  
24 parlors?

25 MR. STRONG: No.

1 MR. MOODY: I would say no to tattoo parlors,  
2 but I think that's where -- you know, if we get 10  
3 applications, and they're all tattoo parlors, and they're  
4 the only applications, I guess we could address that.

5 MR. TRICHKA: Great.

6 MR. MOODY: So, I --

7 MR. TRICHKA: But we -- go ahead.

8 MR. MOODY: No, go ahead, go ahead.

9 MR. TRICHKA: We've already -- I'm trying to  
10 figure what we've approved. I mean at this point --

11 MR. MOODY: We've approved nothing.

12 MR. TRICHKA: Okay.

13 MR. MOODY: Now, I asked Sarah -- I asked Sarah,  
14 our contact with HUD if we needed a resolution. She goes,  
15 it may not be a bad idea. So, I think --

16 MR. TRICHKA: Yeah.

17 MR. MOODY: -- the resolution -- the resolution  
18 should be -- I wouldn't be specific. I would say  
19 resolution may be accepting \$125,000 in CDBG-CV funds from  
20 HUD via -- I guess via the Town of Union to be used in  
21 economic development related Covid activity, or something  
22 along those lines. I haven't written it out. I just  
23 heard from her, actually this morning. So, I don't --

24 MR. TRICHKA: I guess (inaudible) says right  
25 here, for us to approve the program and in detailing and

1           laying out the fact sheet.

2                   MR. MOODY:  No, I do not --

3                   MR. TRICHKA:  Okay.

4                   MR. MOODY:  I would say as allowable economic  
5           development activities to accept the \$125,000, and I'd  
6           spell out CBDG-CV funds for Covid-related economic  
7           development activities.

8                   MR. TRICHKA:  Yup, I think it's like I said as  
9           laid out here in this summary.

10                  MR. MOODY:  Okay.  And we'll work on the  
11           resolution.  We'll get that out for you to sign.  So, I  
12           need --

13                  MR. TRICHKA:  I need a vote on that.  Any other  
14           discussion on this 50/50 grant proposal.  If not, I'll  
15           make a resolution that approves the proposal as written  
16           here in this summary.

17                  MR. JULIAN:  I move, Diane.

18                  MR. TRICHKA:  Thank you, second.

19                  MR. PEDUTO:  Jim, second.

20                  MR. TRICHKA:  Thanks, Jim.  All in favor

21                  MR. STRONG:  Aye.

22                  MR. L'AMOREAUX:  Aye.

23                  MS. JULIAN:  Aye.

24                  MS. O'MALLEY-TRUMBLE:  Aye.

25                  MR. TRICHKA:  Opposed?  All right.  Motion

1 carries. Next on the list. (Inaudible)

2 MR. MOODY: Thank you. Review of the LDC Loan  
3 Portfolio I sent you an August version and a late August  
4 version and you will see the loans that are there. I  
5 don't see any issues with the -- everybody is actually --  
6 we -- we -- everybody as far as I know has made their  
7 August payment. We did a direct withdrawal and nothing  
8 comes back, knock on wood, as of yet. So, that means that  
9 all of our loans are performing as agreed, even the ones  
10 that we offered the deferred payments to, and so they  
11 should have made their first full payment as of their  
12 August payment, so --

13 MR. TRICHKA: All right.

14 MALE SPEAKER: Joe, I think that most of job  
15 hours will probably charge off by the end of the year.

16 MR. MOODY: I agree with you, and I don't what  
17 the status is with M&T Bank and the disposition of that  
18 property. I don't think, Rose, you have any update on  
19 that, right?

20 MS. POPE: Actually, Joe, I got some filings  
21 with the Court and they're just -- they're spending the  
22 time to do this, because of overly related delays, really,  
23 they're in a holding pattern right now.

24 MR. MOODY: So, with that being said maybe this  
25 year?

1 MR. LEIGHTON: All right.

2 MR. MOODY: Okay. Moving on?

3 MR. TRICHKA: As soon as we have the opportunity  
4 we should meet.

5 MR. MOODY: Okay.

6 MR. TRICHKA: All right. Any thoughts on the  
7 loan portfolio? Otherwise, we'll move on.

8 MR. MOODY: Can I move it on?

9 MR. TRICHKA: Do you feel like moving on?

10 MR. MOODY: Yeah. Item B filled out the  
11 insurance company. You'll see the information they sent  
12 me. You know, I don't think there's anything we need to  
13 do. It's sort of just information for you to make you  
14 aware of that change in their -- actually, a second page,  
15 too, but it doesn't really show anything more than what  
16 was there, or state any more of what's there, so -- so  
17 it's just F.Y.I., I guess, unless anybody has any issues  
18 with what's being indicated there.

19 MR. TRICHKA: Do we know if this is a new  
20 Carveback that we're seeing that other people -- other  
21 carriers are implementing?

22 MR. MOODY: That's a good question. I don't  
23 Rick or Rose -- is Rick on the line still? Rick? Okay.  
24 Rose, have you seen anything like that from the Town's  
25 perspective?

1 MS. POPE: And I hadn't, and I asked Alan if he  
2 had seen anything in other towns, or had heard about it,  
3 he said, no, not yet. So, I don't know if it's just this  
4 insurance company or others that we just haven't heard  
5 about.

6 MR. MOODY: Okay. So, do we --

7 MR. TRICHKA: Okay. Wait, wait.

8 MR. MOODY: We really don't need any action, I  
9 don't think, correct, Rose or Steve?

10 MR. TRICHKA: I don't think there's much for me  
11 to say other than --

12 MALE SPEAKER: (Inaudible) --

13 MR. MOODY: Wait, say that again.

14 MR. TRICHKA: Go ahead. Sorry, Joe.

15 MALE SPEAKER: Are you talking the Town's policy  
16 or is this a separate policy?

17 MR. MOODY: We have our separate policy.

18 MALE SPEAKER: Separate, right?

19 MR. MOODY: Separate policy, and we don't -- and  
20 as you recall back -- way back when sexual harassment  
21 training, we're not part of that training that's required  
22 by the Town either.

23 MR. TRICHKA: They're saying they'll cover  
24 workplace harassment, but if it rises to the level of  
25 abuse, they're not going to cover it.

1 MR. MOODY: Yeah, basically.

2 MR. TRICHKA: Yeah, okay. Rose, are you  
3 comfortable with -- I mean with this at the moment?

4 MS. POPE: With what about it?

5 MR. MOODY: I guess for us.

6 MR. TRICHKA: I didn't. I mean there's nothing  
7 we do than look on their insurers if we thought this was  
8 going to be a significant problem.

9 MS. POPE: Right.

10 MR. TRICHKA: It doesn't seem like it would be  
11 to me. All right.

12 MR. MOODY: Okay? Is that --

13 MR. TRICHKA: Okay.

14 MR. MOODY: Okay.

15 MR. TRICHKA: I don't think there's anything you  
16 need to do on that.

17 MR. MOODY: Well, I don't think so. Okay. I  
18 don't have anything else. So, anybody else have anything  
19 else. Fine, good.

20 MR. TRICHKA: So, Bob, let me know if there's  
21 stuff I need to come in and sign, and we'll figure that  
22 out, otherwise I could do it now.

23 MR. MOODY: Let me just -- just add -- let me  
24 just add that Committee Members, I'll be in contact with  
25 you for the Grant Committee Members, and to start that



1 process as we move forward.

2 MR. TRICHKA: If anybody wants to opt out, just  
3 let Joe know, and we'll reconstitute, put some other folks  
4 on the Committee. We'll just handle it (inaudible) --  
5 that would be fine. Okay. All right, I appreciate  
6 everybody getting on, and -- and participating virtually,  
7 and I hope you have a good rest of the week. So, if I can  
8 get a motion to adjourn.

9 MR. L'AMOREAUX: So moved, Jeff.

10 MS. O'MALLEY-TRUMBLE: Second, Mary.

11 MR. MOODY: Who did the first on that?

12 MR. L'AMOREAUX: Jeff.

13 MR. MOODY: Jeff, okay. And Mary second, okay.  
14 All right, thank you all. Thank you for your time.

15 MALE SPEAKER: Thank you for everything you do  
16 guys.

17 MR. TRICHKA: Thank you everybody.

18 MS. JULIAN: Thanks.

19 MR. TRICHKA: Bye.

20 (MEETING CONCLUDED)

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CERTIFICATION

I, SALLY OMAR, certify that the foregoing Transcript of the Town of Union LDC Regular Board Meeting, held on August 20, 2020 was prepared using electronic transcription equipment and is a true and accurate record of the proceedings.

Date: September 9, 2020



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SALLY OMAR

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