

**TOWN OF UNION
LOCAL DEVELOPMENT CORPORATION
MEETING MINUTES
THURSDAY, DECEMBER 16, 2021**

DRAFT

SYNOPSIS OF MEETING

The Town of Union Local Development Corporation remotely met for a regular meeting on Thursday, December 16, 2021 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 8:01 A.M.

MEMBERS PRESENT: Diane Julian, Gary Leighton, James Peduto,
Jeffrey L'Amoreaux, Timothy Strong

MEMBERS ABSENT: Stephen Trichka, Mary O'Malley-Trumble

OTHERS PRESENT: Rosemarie Pope (LDC Board Attorney)
Richard Materese (Town Supervisor)
Gina Middleton (Coughlin & Gerhart)

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

II. APPROVAL OF THE MINUTES

The Minutes of the regular LDC Board Meeting of November 18, 2021 were reviewed and approved, as written.

Motion: Tim Strong
Motion 2nd: Gary Leighton
Motion: To approve the regular LDC Board Meeting Minutes of
November 18, 2021, as written.
Vote: Motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain]

III. VICE PRESIDENT'S REMARKS

Vice President Julian shared her best wishes for an enjoyable and safe holiday season.

IV. DIRECTOR'S REMARKS

Director Moody referenced the meeting agenda and the listed topics for consideration.

V. OLD BUSINESS

A. Mr. Moody presented a request by Bada Bing Hospitality, Inc. d/b/a Southern Tier Cheesesteak Company for Town of Union Microenterprise Loan Program financing in an amount not to exceed ten thousand dollars (\$10,000.00). The loan shall assist

with a working capital loan for the business that was established in 2010 and operational since March of 2020 (during the onset of COVID-19) at 9 Washington Avenue in Endicott, New York. Mr. Moody noted the original requested loan amount at the November LDC Board Meeting of \$20,000.00 has been modified to \$10,000.00. There was also a suggestion to consider the uses of Urban Development Action Grant (UDAG) funds if approved. The LDC Board members expressed preference for the \$10,000.00 modified loan amount. It also was discussed that the LDC Board approval would be subject to, among other items, the following: LDC participation in assuring direct application of part of the LDC provided working capital loan be used to pay off the Knight Capital Funding loan, LDC 1st lien position on sports memorabilia and a list of the item and estimated values (if available), 2nd position lien on all business assets behind a GHS 1st lien position, no additional debt be taken out on the collateral, and to inquire about the status of the lease.

Upon the conclusion of discussion, Vice President Julian requested a motion to approve the resolution with the conditions required by the LDC Board.

Motion: Jim Peduto

Motion 2nd: Tim Strong

Motion: To approve a Town of Union Microenterprise Loan Program financing in an amount not to exceed ten thousand dollars (\$10,000.00) in UDAG funds to Bada Bing Hospitality, Inc. d/b/a Southern Tier Cheesesteak Company. The loan shall be used to assist with a working capital loan for the business located at 9 Washington Avenue in Endicott, New York. Loan conditions include, but are not limited to the following: Assisting in paying off the Knight Capital Funding loan, requiring a 1st lien position on sports memorabilia, no additional debt being taken out on loan collateral without prior written approval from the LDC.

Vote: Motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

VI. NEW BUSINESS

VII. OTHER BUSINESS

- A. Mr. Moody informed the LDC Board members of the pending business relocation of Sonostics, Inc. as was mentioned at the November 18th, 2020 LDC Board Meeting. The plan is to move the business from its original site at 204 Washington Avenue in Endicott to 111 Grant Avenue in Endicott. Sonostics, Inc. CEO Kenneth McLeod, Ph.D. has requested LDC Board approval of a one week loan payment deferment in November, and is now seeking Board approval for the business move. Discussion of Dr. McLeod's proposed move and pending \$10,000,000.00 private sector investment resulted in the LDC Board's interest in seeking additional information about the investment terms and possibly requesting a potential payoff of the LDC loan (based on the investment terms). Mr. Moody said he will convey the Board members' comments and their request for additional information on the investment to Dr. McLeod.

- B. Mr. Moody informed the LDC Board members of Endicott's winning Downtown Revitalization Initiative (DRI) grant status. As an active participant involved with the preparation of the village's grant application and finding many of the proposed projects, he was pleased with the successful outcome of receiving one of the region's two state-awarded \$10,000,000.00 grants. In addition, the Town of Union was just awarded a NYS Consolidated Funding Application (CFA) grant of \$100,000.00 for a new Town wide comprehensive plan, and the Village of Endicott was awarded a \$300,000.00 Brownfield Opportunity Area (BOA) strategic planning grant via the same NYS CFA grant announcement.
- C. Mr. Moody noted the Town's Director of Planning and Community Development recently resigned. In response to Mr. Peduto's inquiry if a replacement has been hired, Mr. Moody said that process has yet to be completed. Supervisor Materese shared that, due to the notable breadth of Planning Director duties, there will be a revamping of that position. Mr. Materese also thanked the LDC Board members for their ongoing devotion and service to the Town of Union.

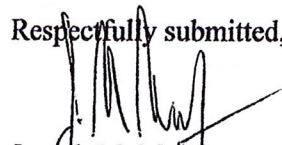
VIII. ADJOURNMENT

- A. Vice President Julian inquired if the LDC Board members desired to discuss other potential topics. Due to there being no topics for further review, she then requested a motion to adjourn the meeting.

Motion: Diane Julian
Motion 2nd: Gary Leighton
Motion: To adjourn the regular LDC Board meeting of December 16, 2021.
Vote: Motion approved [5- Yes, 0 - No, 2 - Absent, 0 - Abstain].

The meeting was adjourned at 8:46 a.m.

Respectfully submitted,



Joseph M. Moody
Director

**TOWN OF UNION
LOCAL DEVELOPMENT CORPORATION
ANNUAL MEETING MINUTES
THURSDAY, DECEMBER 16, 2021**

DRAFT

SYNOPSIS OF MEETING

The Town of Union Local Development Corporation remotely met for its annual meeting on Thursday, December 16, 2021 via Cisco Webex video conferencing from various sites.

I. THE MEETING WAS CALLED TO ORDER AT 8:47 A.M.

MEMBERS PRESENT: Diane Julian, Gary Leighton, James Peduto,
Jeffrey L'Amoreaux, Timothy Strong

MEMBERS ABSENT: Stephen Trichka, Mary O'Malley-Trumble

OTHERS PRESENT: Rosemarie Pope (LDC Board Attorney)
Richard Materese (Town Supervisor)
Gina Middleton (Coughlin & Gerhart)

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

II. VICE PRESIDENT'S REMARKS

Vice President Julian thanked the Board members for their loyalty and service to the town.

III. DIRECTOR'S REMARKS

Director Moody shared his appreciation with the Board members for their devoted service.

IV. APPROVAL OF THE MINUTES

There were no Minutes for consideration of approval. Minutes of the annual LDC Board Meeting of December 17, 2020 were approved at the regular January 21, 2021 meeting.

V. OLD BUSINESS

There were no Old Business topics for consideration of approval.

VI. NEW BUSINESS

A. Reappointment of LDC Board Members:

Vice President Julian said the terms of Ms. Julian and Mr. Peduto will expire on December 31, 2021. She then requested a motion to approve the reappointment of Ms. Julian to the LDC Board of Directors for a three (3) year term. The duration of her term shall begin on January 1, 2022 and expire on December 31, 2024.

• **Diane Julian**

Motion: Jim Peduto

Motion 2nd: Tim Strong

Motion: To approve the reappointment of Ms. Diane Julian to the LDC Board of Directors for a term of three (3) years, to begin on January 1, 2022 and expire on December 31, 2024.

Vote: All yes, motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

Vice President Julian next requested a motion to approve the reappointment of Mr. James Peduto to the LDC Board of Directors for a three (3) year term. The duration of his term shall begin on January 1, 2022 and expire on December 31, 2024.

- James Peduto

Motion: Diane Julian

Motion 2nd: Tim Strong

Motion: To approve the reappointment of Mr. James Peduto to the LDC Board of Directors for a term of three (3) years, to begin on January 1, 2022 and expire on December 31, 2024.

Vote: All yes, motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

B. Election of LDC Officers:

Mr. Moody recommended the following Board members for 2022 officer service: Mr. Trichka, President; Ms. Julian, Vice President; Mr. L'Amoreaux, Secretary/Treasurer; and Mr. Moody as Executive Director, Chief Executive Officer, Chief Financial Officer, and Property Disposition Officer. After discussion, Vice President Julian called for the nomination and approval of recommended officer candidates for the 2022 calendar year.

- Stephen Trichka, President

Motion: Tim Strong

Motion 2nd: Gary Leighton

Motion: To approve the reappointment of Mr. Stephen Trichka as President of the LDC Board of Directors for a term of one (1) year, to begin on January 1, 2022 and expire on December 31, 2022.

Vote: All yes, motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

- Diane Julian, Vice President

Motion: Tim Strong

Motion 2nd: Gary Leighton

Motion: To approve the reappointment of Ms. Diane Julian as Vice President of the LDC Board of Directors for a term of one (1) year, to begin on January 1, 2022 and expire on December 31, 2022.

Vote: All yes, motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

- Jeffrey L'Amoreaux, Secretary/Treasurer

Motion: Tim Strong

Motion 2nd: Gary Leighton

Motion: To approve the reappointment of Mr. Jeffrey L'Amoreaux as Secretary/Treasurer of the LDC Board of Directors for a term of one (1) year, to begin on January 1, 2022 and expire on December 31, 2022.

Vote: All yes, motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

- Joseph Moody, Executive Director
- Joseph Moody, Chief Executive Officer
- Joseph Moody, Chief Financial Officer
(Chief Contracting Officer & Compliance Officer)
- Joseph Moody, Property Disposition Officer

Motion: Tim Strong
Motion 2nd: Gary Leighton
Motion: To approve the reappointment of Mr. Joseph Moody as Executive Director, Chief Executive Officer, Chief Financial Officer (Chief Contracting Officer & Compliance Officer), and Property Disposition Officer. All positions are for a term of one (1) year, to begin on January 1, 2022 and expire on December 31, 2022.
Vote: All yes, motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

C. Appointment of Committee Members

Director Moody shared with the LDC Board members his appreciation for their service on the Audit Committee, Governance Committee and Loan Committee. Vice President Julian then requested a motion to approve the reappointments of the following committee members for the 2022 calendar year.

1. Audit Committee – 1. James Peduto, Chair, 2. Diane Julian, 3. Gary Leighton.

Motion: Jeff L'Amoreaux
Motion 2nd: Tim Strong
Motion: To approve the reappointments of Mr. James Peduto, Chair and Ms. Diane Julian and Mr. Gary Leighton to the LDC's Audit Committee. The reappointments are for a one (1) year term, to begin on January 1, 2022 and expire on December 31, 2022.
Vote: All yes, motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

2. Governance Committee – 1. Jeffrey L'Amoreaux, Chair, 2. Mary O'Malley-Trumble, 3. Timothy Strong.

Motion: Jim Peduto
Motion 2nd: Gary Leighton
Motion: To approve the reappointment of Mr. Jeffrey L'Amoreaux, Chair and the reappointments of Ms. Mary O'Malley-Trumble and Mr. Timothy Strong to the LDC's Governance Committee. The reappointments are for a one (1) year term, to begin on January 1, 2022 and expire on December 31, 2022.
Vote: All yes, motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

3. Loan Committee – 1. Timothy Strong, Chair, 2. Diane Julian, 3. James Peduto.

Motion: Gary Leighton
Motion 2nd: Jeff L'Amoreaux
Motion: To approve the reappointment of Mr. Timothy Strong, Chair and the reappointments of Ms. Diane Julian and Mr. James Peduto to the LDC's Loan Committee. The reappointments are for a one (1) year term, to begin on January 1, 2022 and expire on December 31, 2022.
Vote: All yes, motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

D. Review of LDC Loan Portfolio/Annual Report

Mr. Moody shared an overview of the Loan Portfolio/Annual Report, as provided by the Town Comptroller.

E. Discussion – Available CDBG and UDAG Funds for Economic Activity

Mr. Moody referenced the balance of funds for each category of accounts.

E. Discussion – American Rescue Plan Act (ARPA) funds.

Mr. Moody commented on the American Rescue Plan Act (ARPA) and funding of town economic development projects. Mr. Moody asked Mr. Materese if he desired to offer Town Board perspective about ARPA funds. Supervisor Materese identified one million dollars as the amount the Town Board approved for LDC use. He noted extra funds may be available pending LDC proposal of additional viable economic development projects. Mr. Moody said the LDC's ARPA Grant Committee will meet in January to finalize the terms of the initial four potential Town LDC programs.

VII. OTHER BUSINESS

- A. Mr. Moody provided the Board members with the proposed 2022 calendar of regular monthly LDC Board meetings, as scheduled for the second to last Thursday of each month.

VIII. ADJOURNMENT

- A. Vice President Julian asked if there were additional topics for the Board's consideration. Due to the Board's affirmed completion of business, Ms. Julian requested a motion to adjourn the annual meeting.

Motion: Diane Julian

Motion 2nd: Tim Strong

Motion: To adjourn the annual LDC Board meeting of December 16, 2021 at 9:01 a.m.

Vote: Motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

The annual meeting was adjourned at 9:01 a.m.

Respectfully submitted,

Joseph M. Moody
Director

Intro No.

Date

Reviewed by
Co. Attorney

Date

8

12/28/2021

111

12/28/21

RESOLUTION
BROOME COUNTY LEGISLATURE
BINGHAMTON, NEW YORK

Permanent No. 2021-535

Date Adopted 12/28/2021

Effective Date 01/03/2022

Sponsored by: Finance Committees

Seconded by: Hon. Scott D. Baker

**RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS VENDORS AND AGENCIES
FOR FUNDS TO SUPPORT ECONOMIC DEVELOPMENT AND COMMUNITY PROJECTS IN
BROOME COUNTY**

WHEREAS, the County has received funding through the American Rescue Plan Act to address economic impacts from the COVID-19 pandemic and wishes to use a portion of this funding to promote economic development and community projects within Broome County, and

WHEREAS, it is also necessary to amend Resolutions 2021-282 and 2021-316 to revise the projects and agencies set forth in those resolutions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Port Crane Fire Department, 844 State Route 369, PO Box 130, Port Crane, NY 13883 in the amount of \$31,000 for the purchase of an emergency standby generator, and be it

FURTHER RESOLVED, that this County Legislature authorizes an agreement with the Food Bank of the Southern Tier, 388 Upper Oakwood Ave, Elmira, NY 14903 for funding in the amount of \$100,000 to support food pantries in school districts located in Broome County, and be it

FURTHER RESOLVED, that this County Legislature authorizes an agreement with the Outreach Ministries of the Southern Tier/Showers of Hope, 9 Leroy St., Binghamton, NY 13905 for funding in the amount of \$20,000 to support a food pantry in Broome County, and be it

FURTHER RESOLVED, that this County Legislature authorizes an agreement with the Southern Door Community Land Trust Inc., 133 Main Street, Binghamton, NY 13905 for funding in the amount of \$100,000 to support local housing improvements in Broome County, and be it

FURTHER RESOLVED, that this County Legislature authorizes an agreement with the Town of Union Local Development Corporation, 3111 East Main St. Endwell, NY 13760 for funding in the amount of \$350,000 to promote economic development at 745 West Main Street, Endicott New York which will enhance the area around the En-Joie Golf Course, and be it

* BC to
Amend to reflect
745 West
Main Street

FURTHER RESOLVED, that this County Legislature authorizes an agreement with the Southern Tier Community Center d/b/a Children's Home of Wyoming Conference for funding in the amount of \$150,000 for building infrastructure improvements at 1 Clubhouse Road, Endicott, NY 13760 which will support a child care program, and be it

FURTHER RESOLVED, that this County Legislature authorizes an agreement with the Friends of Kirkwood Community, Inc., PO Box 22, Kirkwood, NY 13795 for funding in the amount of \$25,000 for a handicap accessible playground, and be it

FURTHER RESOVLED, that this County Legislature authorizes an agreement with the Town of Vestal Fire District, 605 Vestal Parkway West, Vestal, NY 13850 for funding in the amount of \$90,000 for generators and associated electrical system upgrades to retrofit stations 1, 2 and 3, and be it

Intro No.

Date

Reviewed by
Co. Attorney

Date

8

12/28/2021

RESOLUTION
BROOME COUNTY LEGISLATURE
BINGHAMTON, NEW YORK

Permanent No. 2021-535

Date Adopted 12/28/2021

Effective Date 01/03/2022

FURTHER RESOLVED, that this County Legislature authorizes an amendment to Resolution 2021-282 to modify the use of funds by the Broome County Local Development Corporation as follows: \$250,000 for the restaurant program and \$250,000 for funding for a film office, and be it

FURTHER RESOLVED, that this County Legislature authorizes an amendment to Resolution 2021-316 to authorize that the agreement be with the Broome County Local Development Corporation, 5 College Drive, Binghamton, NY 13905 in place of the Broome County Industrial Development Agency, and be it

FURTHER RESOVLED, that Resolutions 2021-316 and 2021-282 to the extent consistent therewith shall remain in full force and effect, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget of \$37,000,061 by including revenue of \$37,000,061 AARPA revenue (5000993) and expenditure of \$7,000,000 for revenue replacement for the provision of government services public safety (salary full time 6001000) and \$30,000,061 for contracted services (60004255) and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the term of the grant agreement for the purpose of expending any unexpended funds, and be

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to make any transfers of funds required within this grant budget provided that the employee head count is not increased, the County's contribution is not increased and the hourly rate or salary total for a position is not changed, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

COUNTY OF BROOME) ss:
STATE OF NEW YORK)

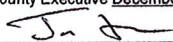
I, the undersigned, Clerk of the Legislature of the County of Broome, DO HEREBY CERTIFY that the above is an original resolution of such Legislature duly adopted on the 28th day of December, 2021, by a majority of the members elected to the Legislature of said County at a regular meeting of said Legislature.

I FURTHER CERTIFY that at the time said resolution was adopted said Legislature was comprised of fifteen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 29th day of December, 2021.

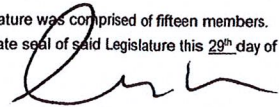
Date sent to County Executive December 29, 2021.

Approved



County Executive

Date 1/3, 2022


Clerk, County Legislature
County of Broome