

**TOWN OF UNION  
LOCAL DEVELOPMENT CORPORATION  
REGULAR MEETING MINUTES  
THURSDAY, MARCH 23, 2023**

**DRAFT**

**SYNOPSIS OF MEETING**

The Town of Union Local Development Corporation met for its regular meeting on Thursday, March 23, 2023 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:** Stephen Trichka, Diane Julian, Gary Leighton, James Peduto, Jeffrey L'Amoreaux (8:35 a.m. departure), Timothy Strong (8:05 arrival)

**MEMBERS ABSENT:** Mary O'Malley-Trumble

**OTHERS PRESENT:** Alan Pope (Town Attorney)  
Scott Burto (Town ARPA Grant Coordinator) via phone (8:45 a.m. departure)  
Janeen Schrann, CPA (Piaker & Lyons, Co-Managing Partner)

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

**II. PRESIDENT'S REMARKS**

President Trichka extended a warm welcome to all meeting attendees.

**III. DIRECTOR'S REMARKS**

Director Moody commented about the meeting's projected timeframe.

**IV. APPROVAL OF THE MINUTES**

The Minutes of the special LDC Board Meeting of February 23, 2023 were reviewed and approved as written.

Motion: Jeff L'Amoreaux  
Motion 2<sup>nd</sup>: Diane Julian  
Motion: To approve the special LDC Board Meeting Minutes of February 23, 2023 as written.  
Vote: Motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain]

**V. OLD BUSINESS**

A. Mr. Moody presented for discussion a request by SSE3, LLC for release of the collateral lien position on BMEJ, LLC-owned property located at 1221 Campville Road, Endicott in exchange for a \$25,000.00 paydown of the loan balance. Mr. Moody then provided further details, including reference to the previously approved \$300,000.00 LDC loan to SSE3, LLC and his perspective of the business being a solid company. The LDC Board

members' subsequent discussion and questions included, among others, inquiries about the loan balance amount, LDC lien positioning and equity status.

After the completion of discussion, President Trichka requested a motion to approve the release of the collateral lien position on the BMEJ, LLC property in exchange for a \$25,000.00 paydown of the outstanding loan balance of \$275,483.69.

Motion: Jeff L'Amoreaux  
Motion 2<sup>nd</sup>: Diane Julian  
Motion: To approve the release of the collateral lien position on BMEJ, LLC-owned property located at 1221 Campville Road, Endicott in exchange for a \$25,000.00 paydown of the loan balance of \$275,483.69.  
Vote: All yes, motion approved [6 - Yes, 0 - No, 1 - Absent, 0 - Abstain].

## VI. NEW BUSINESS

- A. Ms. Janeen Schrann, CPA and Co-Managing Partner at Piaker & Lyons, Certified Public Accountants, reviewed the 2022 LDC Auditor's Report. She noted there were few changes to audit regulations. Ms. Schrann cited the second paragraph opinion of the audited LDC financial statements, and said the LDC was provided with the highest level of accounting service and received the firm's best opinion. She noted the firm's opinion of LDC financial statements was one of information fairly stated in all material respects. She then referenced, among aspects of the report, auditor and management responsibilities, agreement of balance sheet net assets and liabilities, statement of activities, and operating revenues and expenses. She said page 12, the listing of loans, provides detail of the balance sheet on page 4. Ms. Schrann completed her review with explanation of Notes 1-9 on pages 8-10, and changes in the contributions and grants section I.'s availability of contributions for unrestricted use, and cash, cash equivalents and restricted cash section F.'s restricted cash reporting.

Following the completion of discussion, President Trichka requested a motion to accept the 2022 Independent Auditor's Report of the Town of Union Local Development Corporation's Financial Statements as prepared by Piaker and Lyons, CPAs.

Motion: Gary Leighton  
Motion 2<sup>nd</sup>: Tim Strong  
Motion: To accept the 2022 Independent Auditor's Report of the Town of Union Local Development Corporation's Financial Statements for the year ended December 31, 2022, as prepared and provided by the accounting firm of Piaker & Lyons, Certified Public Accountants.  
Vote: All yes, motion approved [6 - Yes, 0 - No, 1 - Absent, 0 - Abstain].

- B. Mr. Moody presented for discussion a resolution approving a 2021 American Rescue Plan Act (ARPA) grant request for town-allocated ARPA (lost revenue replacement) funding. The request was submitted by Ms. Jamie Paglia Motsko (d/b/a Jamie Leigh Hair Studio) for Project Specific Infrastructure Improvement funds in the amount of \$38,000.00. The grant's purpose is to purchase the building in which Ms. Paglia Motsko's salon is located. The grant may be considered to be of mixed use classification due to the second floor's potential for residential housing. Mr. Moody supported the approval of the request and sought Mr. Burto's insight. Mr. Burto affirmed the request met ARPA funding criteria.

Following the completion of discussion, President Trichka requested approval of a 2021 American Rescue Plan Act (ARPA) grant request for town-allocated ARPA (lost revenue replacement) funding to Ms. Jamie Paglia Motsko (d/b/a Jamie Leigh Hair Studio) in the amount of \$38,000.00 via the Project Specific Infrastructure Improvement program.

Motion: Diane Julian

Motion 2<sup>nd</sup>: Jeff L'Amoreaux

Motion: To approve a 2021 American Rescue Plan Act (ARPA) grant request in town-allocated ARPA (lost revenue replacement) funds to Ms. Jamie Paglia Motsko (d/b/a Jamie Leigh Hair Studio) in the amount of \$38,000.00 applicable to the ARPA Project Specific Infrastructure Improvement Grant Program.

Vote: All yes, motion approved [6 - Yes, 0 - No, 1 - Absent, 0 - Abstain].

- C. Mr. Moody presented for discussion the topic of Town of Union LDC ARPA Grant, CDBG & UDAG loan eligibility. He sought LDC Board guidance about the potential consideration of ARPA grant financing for an LDC Board member in an instance where a new business seeks to purchase an existing business previously impacted by COVID-19. He also has sought the advice of Counselor Pope and ARPA Grant Coordinator Burto. Mr. Moody said there are various determination of eligibility components, such as: (1) does the LDC allow its Board members to apply for grant funding, (2) can ARPA funds be used, and (3) can the project in general be tied to ARPA funds. Mr. Moody asked Mr. Burto if ARPA funds can be used to purchase a business. Mr. Burto said a new business seeking to buy an existing business impacted by COVID-19 does not qualify for ARPA funding. He also said an existing business seeking to buy an existing business affected by COVID-19 does qualify.

Mr. Moody then asked about the potential for an LDC Board member to apply for a loan. Subsequent discussion included reference to the LDC Code of Ethics, Bylaws, and Bylaw Amendments. It was noted certain aspects of each document could be enhanced. There also was an expressed desire to consolidate the Bylaws and Bylaw Amendments. In summation following all-inclusive discussion, the LDC Board members shared a common belief of not taking any action that could provide the appearance of impropriety. Therefore, there was universal agreement to disallow an LDC Board member to receive either loan or grant funding provided by the Town of Union Local Development Corporation.

## **VII. OTHER BUSINESS**

- A. Mr. Moody presented for discussion Fuller Holding Company of Broome County, LLC's [i.e. Simulation Control Technologies, Inc. (SCT)] non-performance of loan approval requirements. He advised the LDC Board of the company's delay in relocation, which is pertinent to the previously approved LDC funding. A primary reason for the prolonged timeframe is COVID-19's detrimental effect on the business. He is currently awaiting a reply from HUD regarding its position for extending the performance period.
- B. Mr. Moody informed the LDC Board members he has now received all of their completed 2023 Financial Disclosure forms. He said he will soon submit the packet of those forms to the Broome County Board of Ethics prior to the March 31, 2022 deadline.

## **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: Tim Strong  
Motion 2<sup>nd</sup>: Gary Leighton  
Motion: To adjourn the regular LDC Board meeting of March 23, 2023.  
Vote: Motion approved [5 - Yes, 0 - No, 2 - Absent, 0 - Abstain].

In recognition of there being no further business, without objection, the  
March 23, 2023 Regular LDC Board Meeting stood adjourned at 9:00 a.m.

Respectfully submitted,

Joseph M. Moody  
Director