

Date: November 16, 2022

At a meeting of the Town of Brookhaven Industrial Development Agency (the “Agency”), held at the offices of the Agency, on the 16th day of November, 2022, at 1 Independence Hill, 2nd Floor, Farmingville, New York 11738, the following members of the Agency were:

Present: Frederick C. Braun III, Chairman
Felix J. Grucci, Jr., Vice Chair
Martin Callahan, Treasurer
Ann-Marie Scheidt, Secretary
Mitchell H. Pally, Member

Recused:

Excused: Gary Pollakusky, Asst. Secretary
Frank C. Trotta, Asst. Treasurer

Also Present: Lisa M. G. Mulligan, Chief Executive Officer
John LaMura, Deputy Director
Jocelyn Linse, Executive Assistant
Terri Alkon, Administrative Assistant
Annette Eaderesto, Esq., Counsel to the Agency
William F. Weir, Esq., Transaction Counsel
Howard R. Gross, Esq., Transaction Counsel (via Zoom)

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to acquisition of a leasehold interest in and title to a certain industrial development facility more particularly described below (BLSF, LLC 2022 Facility) and the leasing of the facility to BLSF, LLC.

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

Voting Aye

Braun
Grucci
Callahan
Scheidt
Pally

Voting Nay

AMENDED RESOLUTION OF THE TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY APPROVING THE APPOINTMENT OF BLSF, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ON BEHALF OF ITSELF AND/OR THE PRINCIPALS OF BLSF, LLC AND/OR AN ENTITY FORMED OR TO BE FORMED ON BEHALF OF ANY OF THE FOREGOING AS AGENT OF THE AGENCY FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND EQUIPPING THE FACILITY, APPROVING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF SUCH INDUSTRIAL DEVELOPMENT FACILITY AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE FACILITY AND APPROVING THE FORM, SUBSTANCE AND EXECUTION OF RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 358 of the Laws of 1970 of the State of New York, as amended from time to time (collectively, the “**Act**”), the Town of Brookhaven Industrial Development Agency (the “**Agency**”) was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, BLSF, LLC, a Delaware limited liability company, on behalf of itself and/or the principals of BLSF, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “**Company**”), submitted its Application for Financial Assistance, dated July 17, 2022, as amended to date (collectively, the “**Application**”), requesting the Agency’s assistance in the acquisition of a long term ground leasehold interest in approximately 30.0 acres of capped land (closed) and a part of a larger approximately 525 acre parcel of land at the Brookhaven Landfill located at 350 Horseblock Road, Yaphank, New York (the “**Land**”), owned by the Town of Brookhaven (the “**Town**”), and the development and construction of a solar photovoltaic array facility thereon (the “**Improvements**”), and the equipping thereof, including, but not limited to, approximately 16,000 solar photovoltaic panels with a capacity of 540 Watts totaling approximately 8.640 MW [DC], inverters, transformer stations, steel racking system, switch gear equipment and other electrical equipment (collectively, the “**Equipment**”; and together with the Land and the Improvements, the “**Facility**”), which Facility will be used by the Company to provide solar-generated energy to the residents of the Town and feed into the PSEG Long Island grid, for the benefit of low and moderate income customers (collectively, the “**Project**”); and

WHEREAS, the Agency, by resolution duly adopted on September 27, 2022 (the “**Authorizing Resolution**”), approved the requested assistance of the Company; and

WHEREAS, as of on or about October 21, 2022, Coast Energy DevCo, LLC, a project company owned by Coast Energy, LLC, became the sole member of the Company, pursuant to a certain membership interest purchase agreement entered into with i.on renewables, LLC (the “**Change in Ownership**”); and

WHEREAS, in connection therewith and subsequent to the Authorizing Resolution, the Company submitted a letter to the Agency, dated October 26, 2022 (the “**October 2022 Request**”), describing the Change in Ownership, in connection with a request that the Agency approve and consent to the Change in Ownership of the Company; and

WHEREAS, subsequent to the Authorizing Resolution, the Agency held a supplemental public hearing (the “**Supplemental Hearing**”) on November 14, 2022, so that all persons with views in favor of or opposed to either the financial assistance contemplated by the Agency or the location or nature of the Facility, could be heard; and

WHEREAS, notice of the Supplemental Hearing was given on November 4, 2022, and such notice (together with proof of publication), was substantially in the form annexed hereto as Exhibit A; and

WHEREAS, the report of the Supplemental Hearing is substantially in the form annexed hereto as Exhibit B; and

WHEREAS, the Agency will acquire a subleasehold interest in the Land and a leasehold interest in the Improvements pursuant to a certain Company Lease Agreement, dated as of November 1, 2022 or such other date as the Chairman, the Chief Executive Officer of the Agency and counsel to the Agency shall agree (the “**Company Lease**”), by and between the Company and the Agency; and

WHEREAS, the Agency will acquire title to the Equipment pursuant to a certain Bill of Sale, dated the Closing Date (as defined in the hereinafter defined Lease Agreement) (the “**Bill of Sale**”), from the Company to the Agency; and

WHEREAS, the Agency will sub-sublease the Land, sublease the Improvements and lease the Equipment to the Company pursuant to a certain Lease and Project Agreement, dated as of November 1, 2022 or such other date as the Chairman, the Chief Executive Officer of the Agency and counsel to the Agency shall agree (the “**Lease Agreement**”), by and between the Agency and the Company; and

WHEREAS, the Agency contemplates that it will provide financial assistance to the Company in the form of: (i) exemptions from mortgage recording taxes for one or more mortgages securing an amount presently estimated to be \$12,196,102 but not to exceed \$15,000,000, corresponding to mortgage recording tax exemptions presently estimated to be \$91,471.00 but not to exceed \$112,500.00, in connection with the financing of the acquisition, construction and equipping of the Facility and any future financing, refinancing or permanent financing of the costs of acquiring, constructing and equipping the Facility, (ii) exemptions from sales and use taxes in an approximate amount not to exceed \$560,763.00, in connection with the purchase or lease of equipment, building materials, services or other personal property with respect to the Facility, and (iii) abatement of real property taxes (as set forth in the PILOT Schedule attached as Exhibit C hereof); and

WHEREAS, in connection with the abatement of real property taxes as set forth in the PILOT Schedule on Exhibit C hereof, the current pro-rata allocation of PILOT payments to each affected tax jurisdiction in accordance with Section 858(15) of the Act and the

estimated difference between the real property taxes on the Facility and the PILOT payments set forth on the PILOT Schedule on Exhibit C hereof are more fully described in the Cost Benefit Analysis (“**CBA**”) developed by the Agency in accordance with the provisions of Section 859-a(5)(b) of the Act, a copy of which CBA is attached hereto as Exhibit D; and

WHEREAS, the requested financial assistance with respect to the abatement of real property taxes deviates from the Agency’s Uniform Tax Exemption Policy, originally adopted on June 20, 2012, as amended (collectively, the “**Policy**”), because the contemplated abatement of real property taxes will be for a term of up to thirty (30) years (the “**PILOT Benefit**”); and

WHEREAS, the Agency proposes to deviate from the Policy because the Project would not be economically viable without a thirty (30) year PILOT Benefit; and

WHEREAS, the proposed Facility is an energy-related project whose purpose is to build a renewable energy generating facility; and the proposed Facility will be located on property owned by the Town and the requested financial assistance is necessary to induce the Company to locate the Facility in the Town, thus increasing the economic health and well-being of residents of the Town; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, as security for a loan or loans, the Agency and the Company will execute and deliver to a lender or lenders to be determined (collectively, the “**Lender**”), a mortgage or mortgages, and such other loan documents satisfactory to the Agency, upon advice of counsel, in both form and substance, as may be reasonably required by the Lender, to be dated a date to be determined, in connection with the financing, any refinancing or permanent financing of the costs of the acquisition, construction and equipping of the Facility (collectively, the “**Loan Documents**”); and

WHEREAS, the Agency has given due consideration to the Application and to the October 2022 Request and to representations of the Company therein; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively, the “**SEQR Act**” or “**SEQR**”), the Agency constitutes a “State Agency”; and

WHEREAS, to aid the Agency in determining whether the Facility may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form (“**EAF**”) and related documents (collectively, the “**Questionnaire**”) with respect to the Facility, a copy of which is on file at the office of the Agency; and

WHEREAS, the Questionnaire has been reviewed by the Agency; and

WHEREAS, the Town of Brookhaven Town Board (the “Lead Agency”) determined that the Action in connection with the Facility (the “Action”), is an Unlisted Action for SEQR purposes; and

WHEREAS, pursuant to a resolution dated June 9, 2022, the Lead Agency determined that the Action will not have a “significant effect” on the environment, and, therefore, an environmental impact statement will not be prepared; and

WHEREAS, this determination constitutes a negative declaration for purposes of SEQR; and

WHEREAS, as an Involved Agency, the Agency must make its own findings under SEQR prior to funding, undertaking, or approving an Action; and

WHEREAS, the Agency has reviewed the Questionnaire and such other documents as the Agency felt it necessary or appropriate to examine to adequately review the proposed Action; and

WHEREAS, the Agency finds that the negative declaration of the Lead Agency accurately and adequately examines environmental issues presented by the Action; and

WHEREAS, the Company has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities that may arise in connection with the transaction contemplated by the sub-subleasing, subleasing and leasing of the Facility by the Agency to the Company.

NOW, THEREFORE, BE IT RESOLVED by the Agency (a majority of the members thereof affirmatively concurring) as follows:

Section 1. Based upon the EAF completed by the Company and other representations and information furnished regarding the Action, the Lead Agency, following coordinated review, determined that, based upon its review of the EAF, the appropriate criteria for determination of significance, and such other and further information which the Lead Agency felt necessary to review the Action, that the Action would not have a “significant effect” on the environment and, therefore, an environmental impact statement will not be prepared. This determination constitutes a negative declaration for purposes of SEQR. The Agency hereby adopts the Lead Agency’s negative declaration as its own negative declaration under SEQR.

Section 2. The Agency hereby finds and determines:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Facility constitutes a “project”, as such term is defined in the Act; and

(c) The acquisition, construction and equipping of the Facility and the leasing of the Facility to the Company, will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of Town of Brookhaven, and the State of New York and improve their standard of living and thereby serve the public purposes of the Act; and

(d) The proposed PILOT Benefit deviates from the Agency's Policy, and the Agency hereby determines such deviation is because the Project would not be economically viable without a thirty (30) year PILOT Benefit, as further detailed on Exhibit C hereof; and the proposed Facility (an energy-related project whose purpose is to build a renewable energy generating facility) will be located on property owned by the Town and the requested financial assistance is necessary to induce the Company to locate the Facility in the Town, thus increasing the economic health and well-being of residents of the Town; and

(e) The acquisition, construction and equipping of the Facility is reasonably necessary to induce the Company to maintain and expand its business operations in the State of New York; and

(f) Based upon representations of the Company and counsel to the Company, the Facility conforms with the local zoning laws and planning regulations of the Town of Brookhaven, Suffolk County, and all regional and local land use plans for the area in which the Facility is located; and

(g) It is desirable and in the public interest for the Agency to lease the Facility to the Company; and

(h) The Company Lease will be an effective instrument whereby the Agency subleases the Land and leases the Improvements from the Company; and

(i) The Lease Agreement will be an effective instrument whereby the Agency sub-subleases, subleases and leases the Facility to the Company, the Agency and the Company set forth the terms and conditions of their agreement regarding payments-in-lieu of taxes, the Company agrees to comply with all Environmental Laws (as defined therein) applicable to the Facility and will describe the circumstances in which the Agency may recapture some or all of the benefits granted to the Company; and

(j) The Loan Documents to which the Agency is a party will be effective instruments whereby the Agency and the Company agree to secure the loan made to the Company by the Lender.

Section 3. The Agency has assessed all material information included in connection with the Application, as amended by the October 2022 Request, including but not limited to, the cost-benefit analysis prepared by the Agency and such information has provided the Agency a reasonable basis for its decision to provide the financial assistance described herein to the Company.

Section 4. In consequence of the foregoing, the Agency hereby determines to:
(i) sublease the Land and lease the Improvements from the Company pursuant to the

Company Lease, (ii) execute, deliver and perform the Company Lease, (iii) lease, sublease and sub-sublease the Facility to the Company pursuant to the Lease Agreement, (iv) execute, deliver and perform the Lease Agreement, (v) grant a mortgage on and security interest in and to the Facility pursuant to the Loan Documents, (vi) execute, deliver and perform the Loan Documents to which the Agency is a party, and (vii) approve the Change in Ownership.

Section 5. The Agency is hereby authorized to acquire the real property and personal property described in Exhibit A and Exhibit B, respectively, to the Lease Agreement, and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition are hereby approved, ratified and confirmed.

Section 6. The Agency hereby authorizes and approves the following economic benefits to be granted to the Company in connection with the acquisition, construction and equipping of the Facility in the form of: (i) exemptions from mortgage recording taxes for one or more mortgages securing an amount presently estimated to be \$12,196,102 but not to exceed \$15,000,000, corresponding to mortgage recording tax exemptions presently estimated to be \$91,471.00 but not to exceed \$112,500.00, in connection with the financing of the acquisition, construction and equipping of the Facility and any future financing, refinancing or permanent financing of the costs of acquiring, constructing and equipping the Facility, (ii) exemptions from sales and use taxes in an approximate amount not to exceed \$560,763.00, in connection with the purchase or lease of equipment, building materials, services or other personal property with respect to the Facility, and (iii) abatement of real property taxes (as set forth in the PILOT Schedule attached as Exhibit C hereof), all consistent with the policies of the Agency. In connection with the abatement of real property taxes as set forth in the PILOT Schedule on Exhibit C hereof, the current pro-rata allocation of PILOT payments to each affected tax jurisdiction in accordance with Section 858(15) of the Act and the estimated difference between the real property taxes on the Facility and the PILOT payments set forth on the PILOT Schedule on Exhibit C hereof are more fully described in the CBA developed by the Agency in accordance with the provisions of Section 859-a(5)(b) of the Act, a copy of which CBA is attached hereto as Exhibit D.

Section 7. Subject to the provisions of this resolution, the Company is herewith and hereby appointed the agent of the Agency to acquire, construct and equip the Facility. The Company is hereby empowered to delegate its status as agent of the Agency to its agents, subagents, contractors, subcontractors, materialmen, suppliers, vendors and such other parties as the Company may choose in order to acquire, construct and equip the Facility. The Agency hereby appoints the agents, subagents, contractors, subcontractors, materialmen, vendors and suppliers of the Company as agents of the Agency solely for purposes of making sales or leases of goods, services and supplies to the Facility, and any such transaction between any agent, subagent, contractor, subcontractor, materialmen, vendor or supplier, and the Company, as agent of the Agency, shall be deemed to be on behalf of the Agency and for the benefit of the Facility. This agency appointment expressly excludes the purchase by the Company of any motor vehicles, including any cars, trucks, vans or buses which are licensed by the Department of Motor Vehicles for use on public highways or streets. The Company shall indemnify the Agency with respect to any transaction of any kind between and among the agents, subagents, contractors, subcontractors, materialmen,

vendors and/or suppliers and the Company, as agent of the Agency. The aforesaid appointment of the Company as agent of the Agency to acquire, construct and equip the Facility shall expire at the earlier of (a) the completion of such activities and improvements, (b) a date which the Agency designates, or (c) the date on which the Company has received exemptions from sales and use taxes in an amount not to exceed \$560,763.00, in connection with the purchase or lease of equipment, building materials, services or other personal property; provided however, such appointment may be extended at the discretion of the Agency, upon the written request of the Company if such activities and improvements are not completed by such time. The aforesaid appointment of the Company is subject to the completion of the transaction and the execution of the documents contemplated by this resolution.

Section 8. The Company is hereby notified that it will be required to comply with Section 875 of the Act. The Company shall be required to agree to the terms of Section 875 pursuant to the Lease Agreement. The Company is further notified that the tax exemptions and abatements provided pursuant to the Act and the appointment of the Company as agent of the Agency pursuant to this Authorizing Resolution are subject to termination and recapture of benefits pursuant to Sections 859-a and 875 of the Act and the recapture provisions of the Lease Agreement.

Section 9. The form and substance of the Company Lease, the Lease Agreement and the Loan Documents to which the Agency is a party (each in substantially the forms presented to or approved by the Agency and which, prior to the execution and delivery thereof, may be redated and renamed) are hereby approved.

Section 10.

(a) The Chairman, the Chief Executive Officer of the Agency or any member of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Company Lease, the Lease Agreement and the Loan Documents to which the Agency is a party, all in substantially the forms thereof presented to this meeting with such changes, variations, omissions and insertions as the Chairman, the Chief Executive Officer of the Agency or any member of the Agency shall approve, and such other related documents as may be, in the judgment of the Chairman and counsel to the Agency, necessary or appropriate to effect the transactions contemplated by this resolution (hereinafter collectively called the "**Agency Documents**"). The execution thereof by the Chairman, the Chief Executive Officer of the Agency or any member of the Agency shall constitute conclusive evidence of such approval.

(b) The Chairman, the Chief Executive Officer of the Agency or any member of the Agency are further hereby authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).

Section 11. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Agency Documents, and to execute

and deliver all such additional certificates, instruments and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

Section 12. Any expenses incurred by the Agency with respect to the Facility shall be paid by the Company. The Company agrees to pay such expenses and further agrees to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the Facility

Section 13. This resolution amends the Authorizing Resolution of the Agency dated, September 27, 2022.

Section 14. This resolution shall take effect immediately.

STATE OF NEW YORK)
 : SS.:
COUNTY OF SUFFOLK)

I, the undersigned Chief Executive Officer of the Town of Brookhaven Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town of Brookhaven Industrial Development Agency (the “Agency”), including the resolutions contained therein, held on the 16th day of November, 2022, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

That the Agency Documents contained in this transcript of proceedings are each in substantially the form presented to the Agency and/or approved by said meeting.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with the New York Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, that all members of said Agency had due notice of said meeting and that the meeting was all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand as of the 16th day of November, 2022.

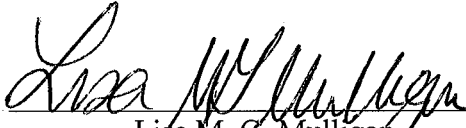
By: 
Lisa M. G. Mulligan
Chief Executive Officer

EXHIBIT A

SUPPLEMENTAL NOTICE OF PUBLIC HEARING

SUPPLEMENTAL NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law will be held by the Town of Brookhaven Industrial Development Agency (the “**Agency**”) on the 14th day of November, 2022, at 10:30 a.m. local time, at Town of Brookhaven Town Hall, Industrial Development Agency, 1 Independence Hill, Farmingville, New York 11738, in connection with the following matters:

BLSF, LLC, a Delaware limited liability company, on behalf of itself and/or the principals of BLSF, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “**Company**”), has applied to the Agency, to enter into a transaction in which the Agency will assist in the acquisition of a long term ground leasehold interest in approximately 30.0 acres of capped land (closed) and a part of a larger approximately 525 acre parcel of land at the Brookhaven Landfill located at 350 Horseblock Road, Yaphank, New York (the “**Land**”), owned by the Town of Brookhaven (the “**Town**”), and the development and construction of a solar photovoltaic array facility thereon (the “**Improvements**”), and the equipping thereof, including, but not limited to, approximately 16,000 solar photovoltaic panels with a capacity of 540 Watts totaling approximately 8.640 MW [DC], inverters, transformer stations, steel racking system, switch gear equipment and other electrical equipment (collectively, the “**Equipment**”; and together with the Land and the Improvements, the “**Facility**”), which Facility will be used by the Company to provide solar-generated energy to the residents of the Town and feed into the PSEG Long Island grid, for the benefit of low and moderate income customers (collectively, the “**Project**”). The Facility will be initially owned, operated and/or managed by the Company.

The Agency will acquire a subleasehold interest in the Land, a leasehold interest in the Improvements and title to or a leasehold interest in the Equipment and will sub-lease, sublease and lease the Facility to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes and abatement of real property taxes, consistent with the policies of the Agency.

A representative of the Agency will at the above-stated time and place hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Facility. At the hearing, all persons will have the opportunity to review the application for financial assistance filed by the Company with the Agency and an analysis of the costs and benefits of the proposed Facility.

This Supplemental Notice of Public Hearing amends the Notice of Public Hearing originally published by the Agency on September 12, 2022 and the revision made in this

Supplemental Notice of Public Hearing is to reflect a change in ownership of the Company. As of on or about October 21, 2022, Coast Energy DevCo, LLC, a project company owned by Coast Energy, LLC, shall be the sole member of the Company pursuant to a membership interest purchase agreement.

Dated: November 4, 2022

TOWN OF BROOKHAVEN INDUSTRIAL
DEVELOPMENT AGENCY

By: Lisa MG Mulligan
Title: Chief Executive Officer

EXHIBIT B

MINUTES OF SUPPLEMENTAL PUBLIC HEARING HELD ON
NOVEMBER 14, 2022 AT 10:30 A.M.

TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY
(BLSF, LLC 2022 FACILITY)

Section 1. Lisa MG Mulligan, Chief Executive Officer of the Town of Brookhaven Industrial Development Agency (the “**Agency**”) called the hearing to order.

Section 2. Lisa MG Mulligan then appointed herself the hearing officer of the Agency, to record the minutes of the hearing.

Section 3. The hearing officer then described the proposed transfer of the real estate, the other financial assistance proposed by the Agency and the location and nature of the Facility as follows:

BLSF, LLC, a Delaware limited liability company, on behalf of itself and/or the principals of BLSF, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “**Company**”), has applied to the Agency, to enter into a transaction in which the Agency will assist in the acquisition of a long term ground leasehold interest in approximately 30.0 acres of capped land (closed) and a part of a larger approximately 525 acre parcel of land at the Brookhaven Landfill located at 350 Horseblock Road, Yaphank, New York (the “**Land**”), owned by the Town of Brookhaven (the “**Town**”), and the development and construction of a solar photovoltaic array facility thereon (the “**Improvements**”), and the equipping thereof, including, but not limited to, approximately 16,000 solar photovoltaic panels with a capacity of 540 Watts totaling approximately 8.640 MW [DC], inverters, transformer stations, steel racking system, switch gear equipment and other electrical equipment (collectively, the “**Equipment**”; and together with the Land and the Improvements, the “**Facility**”), which Facility will be used by the Company to provide solar-generated energy to the residents of the Town and feed into the PSEG Long Island grid, for the benefit of low and moderate income customers (collectively, the “**Project**”). The Facility will be initially owned, operated and/or managed by the Company.

The Agency will acquire a subleasehold interest in the Land, a leasehold interest in the Improvements and title to or a leasehold interest in the Equipment and will sub-sublease, sublease and lease the Facility to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility, exemptions from sales

and use taxes and abatement of real property taxes, consistent with the policies of the Agency.

This Supplemental Notice of Public Hearing amends the Notice of Public Hearing originally published by the Agency on September 12, 2022 and the revision made in this Supplemental Notice of Public Hearing is to reflect a change in ownership of the Company. As of on or about October 21, 2022, Coast Energy DevCo, LLC, a project company owned by Coast Energy, LLC, shall be the sole member of the Company pursuant to a membership interest purchase agreement.

Section 4. The hearing officer then opened the hearing for comments from the floor for or against the proposed transfer of real estate, the other financial assistance proposed by the Agency and the location and nature of the Facility. The following is a listing of the persons heard and a summary of their views:

See attached.

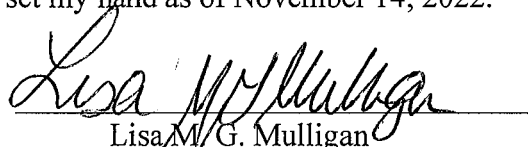
Section 5. The hearing officer then asked if there were any further comments, and, there being none, the hearing was closed at 11:00 a.m.

STATE OF NEW YORK)
 : SS.:
COUNTY OF SUFFOLK)

I, the undersigned Chief Executive Officer of the Town of Brookhaven Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the foregoing copy of the minutes of a public hearing held by the Town of Brookhaven Industrial Development Agency (the “**Agency**”) on November 14, 2022 at 10:30 a.m., local time, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the minutes in connection with such matter.

IN WITNESS WHEREOF, I have hereunto set my hand as of November 14, 2022.



Lisa M. G. Mulligan
Chief Executive Officer

From: Santana, Antonio <ASantana@southcountry.org>
Sent: Monday, November 14, 2022 2:41 PM
To: Lisa Mulligan <lmulligan@brookhavenny.gov>
Cc: Felice, Cheryl <CFelice@southcountry.org>
Subject: South Country CSD Statement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Mulligan,

As requested, below please find the transcript of the statement I made on behalf of the school district and its Board of Education with regards to BLSF, LLC.

The South Country Central School District is aware of a proposed project, BLSF LLC, to be situated within the District's boundaries. In that regard we request the Brookhaven Industrial Development Agency consider the potential impact of the project upon the District and its taxpayers and the needs of the school district in its consideration of the request for financial assistance by this for-profit entity. If any benefit to the District, its students or taxpayers may be achieved through this project, we would request the IDA's assistance in obtaining such benefit. The Board of Education would welcome the opportunity to discuss any such potential benefit that may accrue to the District.

It was good speaking to you today and will follow up with more information regarding the possibility of meeting with our BOE and potentially our legislative committee.

Hope all is well and I will be in touch soon.

Sincerely,
Antonio Santana
Superintendent of Schools
South Country CSD
189 N. Dunton Avenue
East Patchogue, NY 11772
Email: asantana@southcountry.org
Phone: (631) 730-1501
Fax: (631) 286-6394

From: lynne Maher <nicasirena1@gmail.com>
Sent: Monday, November 14, 2022 11:07 AM
To: Lisa Mulligan <lmulligan@brookhavenny.gov>
Subject: Coast Energy Development company

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the IDA,

Once again I am finding the Town of Brookhaven IDA being short sighted and having no regard for quality of education of the students of South School district and no humanity when it comes to the health of the community that has been burdened by the landfill for 50 years.

While I understand that the purpose of the IDA is industrial development any informed, compassionate human would consider the ramifications on the community of slapping a solar farm on a toxic dump without asking about remediation and then offer the company tax breaks that effect a school district that already has a deficit.

I realize that appealing to (most in the towns goverment) concern for the already overburned community is often a futile exercise, I won't give up.

Sincerely

Lynne C. Maher
Brookhaven,NY

DATE: 11/17/2022

PUBLIC HEARING

REQUEST TO ADDRESS THE BROOKHAVEN IDA BOARD

Speakers are limited to three (3) minutes. Longer statements may be submitted in writing to the IDA for distribution and shall become part of the permanent record if desired.

NAME (Please Print)

ANTONIO SANTANA

ADDRESS

189 N DUNTON AVE
E. Patchogue NY 11772

City State Zip

PHONE

631 730 1501

REPRESENTING

South Country USD

HANDICAPPED SERVICES AVAILABLE UPON REQUEST

①
BLSF

DATE: Nov 14, 2022

PUBLIC HEARING

REQUEST TO ADDRESS THE BROOKHAVEN IDA BOARD

Speakers are limited to three (3) minutes. Longer statements may be submitted in writing to the IDA for distribution and shall become part of the permanent record if desired.

NAME (Please Print)

JENNIFER GREENE

ADDRESS

19 COUNTRY CLUB RD
BELLPORT NY 11713

City State Zip

PHONE

631-278-5108

REPRESENTING

self (resident of South Country Central School District)

HANDICAPPED SERVICES AVAILABLE UPON REQUEST

②
BLSF

9/23/ 2022

Dear Supervisor Romaine, Brookhaven Town Council and IDA CEO Mulligan and IDA Board,

We are asking the Brookhaven Industrial Development Association (IDA) to reject the tax exemption application of BLSF, LLC (I.on Energy). We fully support large scale renewable energy projects as a requirement for a just transition away from fossil fuels and to support climate justice. Frontline communities harmed by the Brookhaven Landfill's air, water and soil pollution for the past 50 years, should be at the center of any plans for the Brookhaven Landfill. Landfill redevelopment and remediation plans should be transparent, participatory, inclusive, collaborative and community-driven.

The following questions should be addressed in a public venue with our elected officials prior to consideration of this tax exemption.

1. **COST** What is the cost of this 30 year tax exemption to South Country School District? Why is it fair that the developer can pay a significant lease to the Town of Brookhaven, but cannot pay any property taxes to the South Country School District - a majority-minority majority-economically disadvantaged NYS Target district? The IDA Cost Benefit Analysis (CBA) provided with the application does not accurately delineate the cost of this proposed tax exemption to the South Country School District. The CBA states that the cost of this property tax exemption is \$0. This is incorrect. I.on energy is a private for-profit corporation leasing Town land for a private solar array which will generate private profit. Under Real Property Tax Law (RPTL), Town land used for these purposes is taxable. For it to be not taxable "Property must be held for a public use"-- meaning a use that is of benefit to the community at large (see definition in note below). This requirement is satisfied if the property is devoted to use by the general public or public agencies. Land or improvements, as well as portions thereof, which are leased to a private individual or organization are exempt so long as they are held for a public purpose. **Conversely, if land or improvements, or portions thereof, are leased to a private individual or concern and used for nonpublic purposes they are subject to taxation for all purposes." (Emphasis added)**

https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_03/sec406_1.htm

Unfortunately there is a pattern of the Brookhaven IDA using CBAs that underestimate the cost of tax expenditures in the South Country community. A recent example occurred in December 2021 when the IDA inaccurately stated the Nominal Cost of the Winters NP property tax exemption when in fact the amount reported was the Discounted cost (P5 <https://brookhavenida.org/files/NP%20Winters/CBA.pdf>).

New York State's Climate Leadership and Community Protection Act (CLCPA) commits NYS by law to 70% renewable energy by 2030 and 100% by 2040. While the local Caithness fossil fuel power plant enjoys an extremely generous tax exemption via the

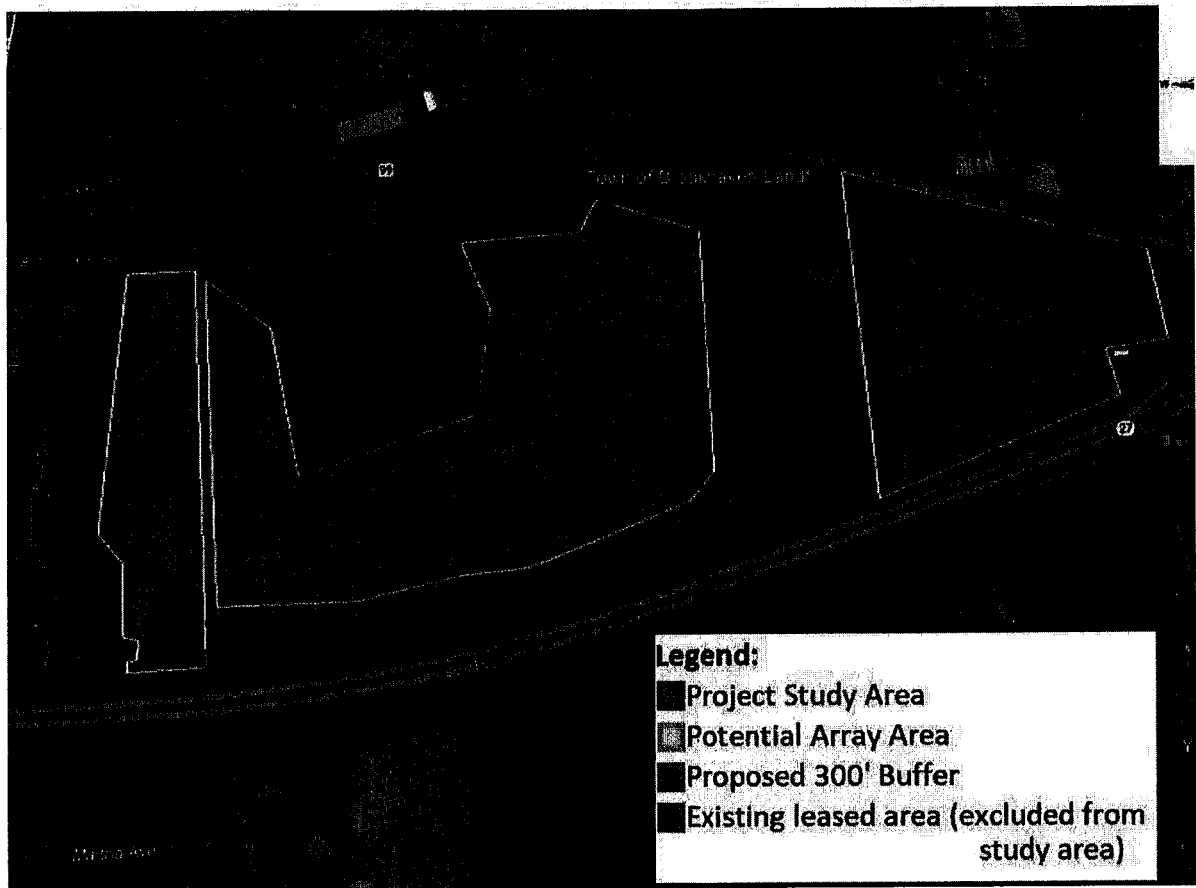
Brookhaven IDA through 2029, at the end of this tax exemption the facility will likely wind down production to meet the requirements of CLCPA. Unfortunately, our community is losing millions of dollars in tax revenue while Caithness is operating due to IDA exemptions, and our community will continue to lose millions in tax revenue after 2030 if large scale renewable projects like BLSF/I.on are also exempted by the Brookhaven IDA. If there is money to pay the Town of Brookhaven a hefty lease payment, there is money for property taxes to support the South Country School District.

2. **COMPETITION** Why was the 30 acre site non-competitively leased to I.on Energy? Communication between the Town of Brookhaven FOIL Officer and Town Clerk Donna Lent stated on August 24, 2021 that "I.on won the award under a bid issued from LIPA" yet when we reached out to LIPA's Deputy General Council James Miskiewicz he clearly stated that LIPA did not select I.on to develop this site. I.on applied for and was accepted under the Feed-In-Tariff (FIT) program. There was nothing precluding the Town of Brookhaven from using a competitive process that would allow other potential developers to apply for a LIPA Feed-In-Tariff award and potentially offer more competitive terms for Brookhaven residents. The concerns over this non-competitive process translate to the other FIT awards I.on energy received for private solar projects on public Town of Brookhaven land including Brookhaven's Pennysaver Amphitheater Car Ports, the Mastic Beach Aquatic Center, the Holtsville Ecology Center and the Moriches Sports Complex Car Ports.

28	PAM-2020-78664	Mastic Beach Solar, LLC (Brookhaven Aquatic Ctr)	I.on Renewables,LLC	700	Solar Photovoltaic	300 Mastic Beach Rd	Mastic Beach 11951	Preconstruction
29	PAM-2020-78665	Holtsville Solar, LC (Brookhaven Ecology Ctr)	I.on Renewables,LLC	990	Solar Photovoltaic	245 Buckley Rd	Holtsville 11742	Preconstruction
30	PAM-2020-79882	MAC Solar,LLC (Moriches Sports Complex Car Ports)	I.on Renewables,LLC	990	Solar Photovoltaic	640 Moriches-Middle Island Rd	Moriches 11955	Preconstruction
Total				18,069				

3. **COMPREHENSIVE PLANNING** Why is a piecemeal development process being used for this site? The site should be developed through a comprehensive planning process - to have two unrelated solar projects on the landfill site is not efficient nor is it comprehensive planning. In the site plan below, the blue area is the existing leased area for the proposed I.on Energy's private solar project. The yellow area is another potential solar field currently subject to a Memorandum of Understanding (MOU) under

NYSERDA's Build Ready program. See site plan below from the NYSERDA MOU:



4. **REMEDICATION** How does this proposal affect the possibility of landfill remediation? The Town of Brookhaven refuses to have any public discussions or make any information publicly available regarding landfill remediation. In 2017 hazardous PFAS chemicals were found in high levels in both leachate and groundwater monitoring wells; subsequent Department of Health testing found contamination in downstream private wells, repeat testing in 2022 confirmed the presence of PFAS in both leachate and groundwater. Communications from August 2022 with Councilman Loguercio and Brookhaven Town Recycling and Sustainable Management Commissioner Fetten show that the Town refuses to disclose its plume remediation plan, nor will the Town disclose how many residential and agricultural private wells continue to draw water from the plume.
5. **COMMUNITY COMMITMENTS** Why are the needs in our diverse community, and the previous promises about the future of the landfill site being ignored? When the landfill was sited by the New York State Environmental Facilities Corporation in the 1970s, there was a public commitment to transform the landfill into a recreational park. There is no discussion of how these solar arrays honor these prior public commitments.

From a dump of sorts to a spot for sports

In terms of sports, suburban sprawl and sprawl: there is not much to distinguish New York's Long Island from any other suburban place in the country. It offers all the usual suburban amenities, including parks, which is going up somewhere as fast as the snow, meaning it's happening in this form. Long Island is offering a mixture of them, of all kinds, different and vital.

Well, why not? More communities have to make it from and probably using the more of the same technology, the same is intended. And I have found a lot of things are on the way now. Here is what some of them have the right name.

West Hill, West Mount Park, an artificial hill made of crushed basaltic rubble, but it now has everything from a 400-acre to a 1,000-acre.

A large amount of land has been set aside in the area, with a certain amount of other things, some of which are in the way of being completed and completed.

Practical trials in 1981 to 1982 were of about 20,000 acres of land, some of which are now being developed, others are still in the way of being developed, some are still in the way of being developed.

In Los Angeles, there has been a part of the area, planning for half a century some kind of project, but it is not until the end of the 1980s that the project is completed.

Now that Long Island has discovered sports, it has discovered that it is not until the end of the 1980s that the project is completed. In Los Angeles, there has been a part of the area, planning for half a century some kind of project, but it is not until the end of the 1980s that the project is completed.

at Brookhaven's Hotel de Ville and a Sports City.

Through the use of "barren" or empty land, which is not used for anything but a typical East Coast dump—open with a million uses—will become a 1,000-acre sports center, 10,000 acres, 11,000 acres, for the most part, in the area of the Hotel de Ville, a 1,000-acre and several thousand acres of land. The center will be built, 100 feet from the ocean, for the most part, in the area of the Hotel de Ville, a 1,000-acre and several thousand acres of land.

This is one of the first designed and planned landfills, but it is not until the end of the 1980s that the project is completed. In Los Angeles, there has been a part of the area, planning for half a century some kind of project, but it is not until the end of the 1980s that the project is completed.

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project is completed before 1974, in time to meet the 1974 anniversary of a nation that has been the most advanced in the world.

Landfill was the first step, and it is not until the end of the 1980s that the project is completed. In Los Angeles, there has been a part of the area, planning for half a century some kind of project, but it is not until the end of the 1980s that the project is completed.

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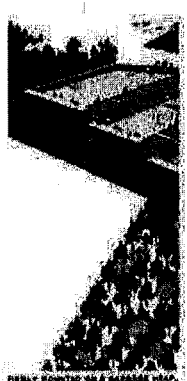


PHOTO COURTESY OF A GARBAGE MAN.

Brookhaven will be covered by another three feet of earth, which will be the end of the project. In Los Angeles, there has been a part of the area, planning for half a century some kind of project, but it is not until the end of the 1980s that the project is completed.

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PHOTO COURTESY OF A GARBAGE MAN.

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The Long Island Advance

A COMBINATION OF THE PATCHOGUE ADVANCE AND THE HORTONSBURY PRESS

5th Year Number 22

1000 Central Islip, N.Y. 11722

THURSDAY, AUGUST 13, 1970

Subscription Price: \$1.00 per Annum

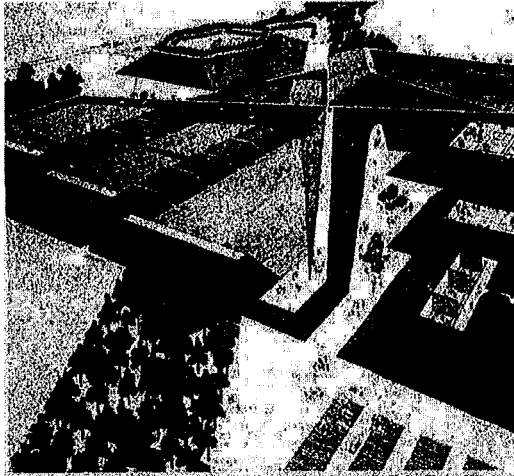
'40 Million Cast in 25 Years:

Landfills, Super Parklands Planned in Garbage Report

Bellport SD Site

Bellport SD a new site—this is described in the summary as "Brookhaven," but is north of the Sunrise Highway and west of Horseblock Road to about one mile east of Station Road in North Bellport. Its 200-plus proposed acres will be started in 1972 on completion of the Holtville site.

The theme will be skiing and the pyramid slopes will be constructed of the collected garbage. The ski slopes will be on the northerly sides, while the two southerly sides will have tennis, handball and basketball. There will be a meadow for picnics and a swimming pool that could also be used in the winter for skating.



HOLTVILLE ON COMPLETION—To be phased out in 1972, the Holtville landfill site will complete paths and recreational areas superimposed in 1972. Refuse will be used to create ramps and terraces for tennis, basketball and handball courts. The Olympic-sized swimming background will have concrete leading down to lower level pools. The park will cover 14 acres coastal areas for varied recreational activities. A heavy use of the parks is seen due to population projected for Holtville and surrounding areas.

misses also when transferred into parklands.

Parklands Planned

The architect, Norval O. White of Brooklyn, drew a magnificent picture of parklands and recreational centers for Brookhaven. Town to be developed on the landfill sites as they were completed and handed over to the town.

The parks-recreational theme to be developed, Mr. White said, will include a 7,000-foot amphitheater and swimming pools for Holtville; two 240-foot high pyramids at the Bellport SD site for snow and ski sports, a swimming pool, and land for the usual handball games; and for the middle island East site a naturalistic topography to be developed "much in the manner of Manhattan's Central Park."

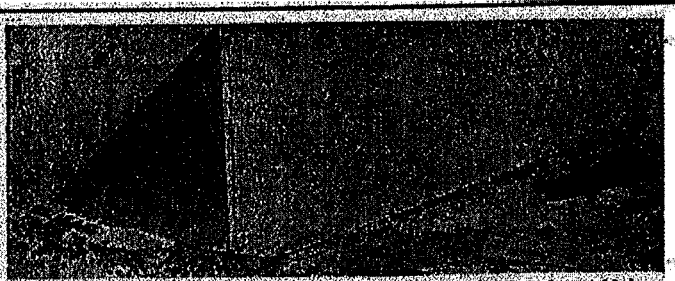
The time schedule for the 25-year program was laid down by Alan Michael of the engineering firm. This was as follows:

Holtville to be used for the next two years as the sole town operated landfill site, and then phased out in 1972. The proposed park would be constructed and handed over to the town in 1973. It would cover 14 acres.

The general appearance for the landfill operations, as laid down by SFO calls for the dumping to be made mostly above ground. It was pointed out that this would involve least interference with the fresh water level.

Mr. White said the refuse will be used to create sloped ramps and terraces for tennis, basketball and handball courts, also football and baseball fields. There would also be the amphitheater, swimming and bathing pools, and other recreational facilities.

Brookhaven sewage treatment site will be heavily screened in by many factors, including high...



An artist's rendering of the proposed conversion of a pyramid of garbage into a ski slope.

Suffolk Park Rising on Garbage

By JAMES TUTE
Special to The News Staff

ROLTSVILLE, La., Sept. 11.—A 74-acre park with facilities for tennis, football, baseball and other sports is being built here on a massive mound of garbage.

This is one of four Suffolk areas to be developed as landfills with a view to park or recreational use. They will be constructed for the Town of Brookhaven with help from the State Environmental Facilities Corporation.

Michael Pope, president of the firm of Pope, Evans & Robbins, consulting engineers for the facility, said part of it would be opened in stages in 1973 and 1974. Besides Roltsville, parks are planned for Brookhaven, Manoeville and Middle Island East.

A feature of the project—ski slopes in Brookhaven on a pyramid of garbage 240 feet high—will be ready in 1978. One side of the pyramid, which will be off Sunrise Highway between Horse Block Road and Old Town Road, will be reserved for tennis and handball courts. Upon completion, the \$20-

million complex will include 11 tennis courts, 10 handball courts, five basketball courts, a football field, six baseball diamonds, a 7,000-seat stadium, and several swimming pools.

Fourteen million tons of compacted solid waste will be covered by layers of top soil.

The Garbage Plan

"Utilizing garbage for sports parks solves the problem of what communities are to do with their solid wastes, as well as assuring space for recreational facilities," Mr. Pope said.

"Under the unique financing arrangement for the Brookhaven sports park, every time a householder puts out a garbage can he is providing some of the land for his baseball field or basketball courts and setting aside two cents to pave the tennis courts."

Instead of a projected cost of \$10 or more a ton for waste disposal when pollution-control devices are added to existing facilities, Brookhaven's disposal cost will be about \$3.05 a ton.

The town, which is expected to triple its current population of 240,000 by the time the project is completed in 1985, will pay the bills, but the Environmental Facilities Corporation will deed the land to Brookhaven and extend the payments over 20 years.

The use of solid wastes for community projects is not new. Los Angeles, Pittsburgh and Norfolk, Va., among other cities, have built parks, game preserves and ski slopes on compacted garbage.

Creating Topography

"The difference here," said Norval C. White, the architect and master planner, "is that we're using the material to create topography. In the past, you just filled up an empty space until it was level with the space adjacent and after it was full and flat you said, 'This is a football field, or 'This is a baseball field.'"

The Environmental Facilities Corporation was created to help municipalities cope with ecological problems.

6. **COMMUNITY BENEFITS** The IDA hearing notice suggests that this solar array is "for the benefit of low and moderate income customers" but there is no information about income-targeted benefits in the Feed-In-Tariff application obtained by FOIL from LIPA, nor is there any information on any income targeted commitments in the IDA application. There is no commitment to train nearby residents for these green jobs.
7. **ZONING** The Ion Energy application states that this project meets zoning requirements at its current location. However, the landfill area under consideration is currently zoned residential. See "Town of Brookhaven § 85-813 Solar energy production facilities. A. Permitted locations. (1) A solar energy production facility may be permitted as a principal use or accessory use in any L Industrial 1, L Industrial 2, J Business 2, J Business 5 and J Business 4 District when authorized by special permit from the Planning Board subject to the requirements of § 85-813B and § 85-107 of this chapter. Nothing herein shall supersede or limit any other code section contained within this chapter that may pertain to solar energy production facilities. No solar energy production facility shall be located in the areas listed in Subsection A(2) below unless a special permit is granted by the Town Board. Said uses shall be subject to the criteria as set forth in Article VI, § 85-68." It does

not appear that a solar energy production facility of this size is permitted under residential zoning.

8. **CONFLICT OF INTERESTS** IDA Board Member Felix Grucci is listed on his LinkedIn site as an officer of the company Starlight Properties which owns land across the street from 350 Horseblock Road. This was confirmed by IDA Chairman Braun in the March 16th minutes of the IDA (available here p14 <https://brookhavenida.org/files/3-16-22%20IDA%20Minutes.pdf>). If this remains the case, this should be disclosed as a conflict of interest prior to the IDA considering this application, and Mr Grucci should recuse himself from this project. If this was true at the time of the Winters NP application before the IDA, Mr Grucci should have also recused himself from the Winters NP project which is located adjacent to property owned by Starlight Properties, and ultimately received almost \$80M in tax exemptions from the IDA.



Felix J. Grucci Jr.

 Starlight Properties, Inc

President/CEO at Starlight Properties, Inc.
Patchogue, New York, United States
1,815 followers · 500+ connections

Join to connect

Experience



President/CEO

Starlight Properties, Inc

1984 - Present · 38 years

Manages 2 lots for sale or lease

1 - 11 +/- ac.

1 - 26 +/- ac

Zoned L2 Heavy industry Broikhaven contact me for details

Best,

Kerim Odekon
Abena Asare
Jennifer Greene
Hannah Thomas
Dennis Nix

11/14/2022

Dear Supervisor Romaine, Brookhaven Town Council and IDA CEO Mulligan and IDA Board,

After the news that "the agency was informed that the membership interest in BLSF, LLC is being sold to Coast Energy Dev Co, LLC, which is a project company owned by Coast Energy, LLC.", we continue to ask the Brookhaven Industrial Development Association (IDA) to reject the tax exemption application of this project. All our concerns submitted during the initial BLSF public hearing remain and have not been addressed by the IDA and we are resubmitting that September letter along with this letter.

We fully support large scale renewable energy projects as a requirement for a just transition away from fossil fuels and to support climate justice. Frontline communities harmed by the Brookhaven Landfill's air, water and soil pollution for the past 50 years, should be at the center of any plans for the Brookhaven Landfill. Landfill redevelopment and remediation plans should be transparent, participatory, inclusive, collaborative and community-driven.

In September, we wrote requesting the IDA information on the cost of this 30 year tax expenditure to the South Country School District. The CBA states that the cost of this property tax exemption is \$0. This is incorrect. BLSF/Coast Energy is a private for-profit corporation leasing Town land for a private solar array which will generate private profit. The September 27th 2022 minutes re-iterate this with Nixon Peabody's Mr Weir stating "once you put a commercial project on a Town property, it would be subject to taxation." In October, I emailed CEO Mulligan requesting information on the cost of this tax expenditure, my request was denied and further questions regarding why were ignored. This is not the action of a professional transparent public agency (see thread below).



me Oct 5
to Lisa v



If the BLSF tax exemption cost was ever calculated, could I request that via FOIL please.

...



Lisa Mulligan Oct 5
to me v



No.

...



me Oct 5
to Lisa v



From: Kerim Odekon kerimodekon@gmail.com
To: Lisa Mulligan lmulligan@brookhavenny.gov
Date Oct 5, 2022, 10:56 AM

Why not?

...

If there is money to pay the Town of Brookhaven a hefty lease payment, there is money for property taxes to support the South Country School District.

The IDA hearing notice suggests that this solar array is "for the benefit of low and moderate income customers" but there is no information about income-targeted benefits in the Feed-In-Tariff application obtained by FOIL from LIPA, nor is there any information on any income targeted commitments in the IDA application. There is no commitment to train nearby residents for these green jobs. When we reached out to CEO Mulligan re income-targeted benefits, she cited a June 24th letter to the IDA by BLSF's Mr Prokopy noting "The output from the Project will be credited to eligible low- and moderate-income customers, who as a byproduct of the System's operation will receive a discount on their electric bill each month". Prior LIPA FOIL request re i.on energy did not result in any information surrounding income targeted benefits. After receiving CEO Mulligan's note we re-requested information from LIPA and in the past month since theFOIL was acknowledged LIPA has been unable to provide documentation surrounding income targeting. Now that Mr Prokopy is selling his membership interest in BLSF, LLC to Coast Energy Dev Co, LLC, we request the IDA please outline how the solar benefit will be targeted to low and moderate-income customers and how this will be memorialized and enforced. What incomes qualify as low and moderate-income to benefit from this solar program?

Our September letter brought up concern regarding Mr Grucci's potential conflict of interest as he has an interest in a company (Starlight Properties) which is listed as owning land across the street from 350 Horseblock road, confirmed by IDA Chairman Braun in the March 16th minutes of the IDA (available here p14 <https://brookhavenida.org/files/3-16-22%20IDA%20Minutes.pdf>).

If this remains the case, this should be disclosed as a conflict of interest prior to the IDA considering this application, and Mr Grucci should recuse himself from this project.

In addition, Ms Eaderesto should have disclosed her role and potential conflict as both IDA attorney at \$300/hr and as a salaried Town of Brookhaven attorney for which she earns over \$150,000/year.



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[Click here for more.](#)

THIS SEARCH: 1 RESULTS TOTAL \$150,763 [SHARE THESE RESULTS](#)

Name	Employer/Agency	Total Pay 	Subagency/Type
Eaderesto, Annette	Brookhaven	\$150,763	NYSLRS - General Employee
Title	NDR		
Rate of Pay	NDR		
Pay Year	2022		
Pay Basis	NDR		
Branch/Major Category	Towns		

When IDA Board Members Mr Pally and Mr Trotta asked questions about whether there “is any way” the project could pay school taxes Ms Eaderesto, according to 9/27 IDA minutes, stated “this particular project, taxing it would be cost prohibitive, it would make this project not viable”. She provided no detail why the Town of Brookhaven must be kept whole with its lease payments while the South Country School District gets zero dollars for the next thirty years. The IDA is robbing one taxing jurisdiction of future taxes for thirty years - the South Country School District - and paying the Town of Brookhaven this balance via lease payments which are otherwise higher than if the project paid property taxes. Ms Eaderesto appears to steer the IDA board away from negotiating any PILOT payments for the South Country school district, yet fails to disclose that by waiving property taxes, the Town of Brookhaven is able to negotiate lease payments worth millions over the course of the BLSF lease. My October 3rd request to CEO Mulligan for “agreements or contracts which define/govern [Ms Eaderesto’s] relationship to the IDA via FOIL was ignored by the IDA (I was only provided a 1/22 resolution stating that Ms Eaderesto is agency counsel), as was my October 27th inquiry asking again if there is a contract governing/outlining Ms Eaderesto’s responsibilities. Ms Eaderesto appears to be in violation of the IDA’s Conflict of Interest Policy and I am requesting the IDA formally investigate this potential violation of IDA policy. The South Country School District is a majority minority majority economically disadvantaged NYS target district. Recent NYS test scores highlight the discrepancies between district students and both Suffolk and NYS scores, as well as major discrepancies across sub-groups of students. South Country is a high need school district which deserves its fair share of property taxes - especially in the case of this project which can afford to pay millions to the Town of Brookhaven over the lease period, yet leaves South Country kids and taxpayers with three decades of zero financial contribution.

Best,

Kerim Odekon
Abena Asare

Re: Solar project Coast Energy Dev Co, LLC

I ask that the application tax breaks be withdrawn and or denied by the Brookhaven Industrial Development Association (IDA) for the tax exemption application of Coast Energy Dev Co, LLC.

Since we are again meeting to give tax breaks for a project that does not specifically plan to benefit the community proportionately to the disproportionate harm that the north Bellport community has faced for nearly 50 years from the landfill and other polluting factors in the area. I am submitting a similar letter as I did before because all are still true.

1. Our School - I am a community member of the South Country Central School District finance and facilities advisory board, an alum, both my parents were/are alums, my son is an alum and a host of my family members past and present. I say that to say that the school is near and dear to my heart! Our school is in fiscal crisis right now. We have a million dollar deficit that we have asked the community to bear. It is absurd for this Brookhaven IDA body to continue to take taxes from a school in a financial crisis. It is wrong to ask for tax breaks for a community Solar project that the school board, the pta, the finance and facilities advisory board and equity board, the students and others have not had a chance to have a discussion about. If you continue to take from our school it needs to be required that our school body has a chance to review all information pertaining to this request for tax breaks. Our school is diverse and services the area of one of the most diverse areas in the county. We cannot allow our governing bodies to continue to use that diversity when filling out for grants and then take from our diverse struggling school to fund it.

- [] Our Community-the fenceline community of the landfill is overburdened with the mountainous requirement to shoulder the needs of the entire town of Brookhaven without any host considerations. Again our community is diverse with a large Indigenous Black and Latinx community. We have some of the worst health on Long Island, Suffolk County and NYS. Where we have the lowest expectancy on the island, the second highest rates of er visits for asthma, the top 100 percentile in NYS for COPD according to the disadvantaged communities map criteria. At this point we need remediation. From the documents on this request there is no consideration for remediation. This is the second solar project at the landfill and I cannot understand how we can have two solar projects on this landfill without a plan for remediation. We have an active plume found PFAS in our groundwater. When is the time that we reverse these ills? Where is that meeting happening so I can be there?

1. Public Engagement- as touched upon already. This area is a disadvantaged community, a potential environmental justice impact area that requires meaningful public engagement. A public hearing at 10 am on a Friday is not meaningful engagement.

2. There are false promises and false appearances that the community Solar project will be a benefit to our community. But there are no direct promises for North Bellport or South Country Central School District that must stop. North Bellport and the South Country Central School District are in crisis right now today. We need remediation and every dollar available today.

I also stand in support of the comments submitted by Kerim Odekon and Abena Asare.

Lastly, having meetings at the 10 an hour on a Monday morning is absurd and puts community at a disadvantage to engage in this process. This must stop. It seems that all of these meetings that happen so often, overburndens a community already overburdened and has low turn out. This seems to me that the IDA is doing something wrong and needs to change this policy.

Sincerely,
Monique Fitzgerald, she/her
10 La Bonne Vie Dr Apt C
Patchogue, NY 11772
631 275-8236

*writing from the unceded Unkechaug Nation ancestral land

EXHIBIT C

Proposed PILOT Schedule

Schedule of payments-in-lieu-of-taxes: Town of Brookhaven, (including any existing incorporated village and any village which may be incorporated after the date hereof, within which the Facility is wholly or partially located), South County Central School District, Suffolk County and Appropriate Special Districts

Definitions:

Normal Tax Due = Those payments for taxes and assessments, other than special ad valorem levies, special assessments and service charges against real property located in the Town of Brookhaven (including any existing incorporated village or any village which may be incorporated after the date hereof, within which the Facility is wholly or partially located), South County Central School District, Suffolk County which are or may be imposed for special improvements or special district improvements, that the Company would pay without exemption.

<u>Year</u>	<u>Payment</u>
1	0% Normal Tax Due
2	0% Normal Tax Due
3	0% Normal Tax Due
4	0% Normal Tax Due
5	0% Normal Tax Due
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29	0% Normal Tax Due
30	0% Normal Tax Due

EXHIBIT D

Cost Benefit Analysis

Date: September 27, 2022

At a meeting of the Town of Brookhaven Industrial Development Agency (the “Agency”), held on the 27th day of September, 2022, at 1 Independence Hill, 2nd Floor Media Room, Farmingville, New York 11738, the following members of the Agency were:

Present: Frederick C. Braun III, Chairman
Felix J. Grucci, Jr., Vice Chair (via Zoom)
Martin Callahan, Treasurer
Gary Pollakusky, Asst. Secretary
Frank C. Trotta, Asst. Treasurer
Mitchell H. Pally, Member

Recused:

Excused: Ann-Marie Scheidt, Secretary

Also Present: Lisa M. G. Mulligan, Chief Executive Officer
Lori LaPonte, Chief Financial Officer
Jocelyn Linse, Executive Assistant
Terri Alkon, Administrative Assistant
Amy Illardo, Director of Marketing
John LaMura, Deputy Director
Annette Eaderesto, Esq., Counsel to the Agency
William F. Weir, Esq., Transaction Counsel
Howard Gross, Esq., Transaction Counsel

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to acquisition of a leasehold interest in and title to a certain industrial development facility more particularly described below (BLSF, LLC 2022 Facility) and the leasing of the facility to BLSF, LLC.

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

Voting Aye

Braun
Grucci
Callahan
Pollakusky
Trotta
Pally

Voting Nay

RESOLUTION OF THE TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY APPROVING THE APPOINTMENT OF BLSF, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ON BEHALF OF ITSELF AND/OR THE PRINCIPALS OF BLSF, LLC AND/OR AN ENTITY FORMED OR TO BE FORMED ON BEHALF OF ANY OF THE FOREGOING AS AGENT OF THE AGENCY FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND EQUIPPING THE FACILITY, APPROVING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF SUCH INDUSTRIAL DEVELOPMENT FACILITY AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE FACILITY AND APPROVING THE FORM, SUBSTANCE AND EXECUTION OF RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 358 of the Laws of 1970 of the State of New York, as amended from time to time (collectively, the “**Act**”), the Town of Brookhaven Industrial Development Agency (the “**Agency**”), was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, BLSF, LLC, a Delaware limited liability company, on behalf of itself and/or the principals of BLSF, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “**Company**”), has applied to the Agency, to enter into a transaction in which the Agency will assist in the acquisition of a long term ground leasehold interest in approximately 30.0 acres of capped land (closed) and a part of a larger approximately 525 acre parcel of land at the Brookhaven Landfill located at 350 Horseblock Road, Yaphank, New York (the “**Land**”), owned by the Town of Brookhaven (the “**Town**”), and the development and construction of a solar photovoltaic array facility thereon (the “**Improvements**”), and the equipping thereof, including, but not limited to, approximately 16,000 solar photovoltaic panels with a capacity of 540 Watts totaling approximately 8.640 MW [DC], inverters, transformer stations, steel racking system, switch gear equipment and other electrical equipment (collectively, the “**Equipment**”; and together with the Land and the Improvements, the “**Facility**”), which Facility will be used by the Company to provide solar-generated energy to the residents of the Town and feed into the PSEG Long Island grid, for the benefit of low and moderate income customers (collectively, the “**Project**”); and

WHEREAS, the Agency will acquire a subleasehold interest in the Land and a leasehold interest in the Improvements pursuant to a certain Company Lease Agreement, dated as of September 1, 2022 or such other date as the Chairman, the Chief Executive Officer of the Agency and counsel to the Agency shall agree (the “**Company Lease**”), by and between the Company and the Agency; and

WHEREAS, the Agency will acquire title to the Equipment pursuant to a certain Bill of Sale, dated the Closing Date (as defined in the hereinafter defined Lease Agreement) (the “**Bill of Sale**”), from the Company to the Agency; and

WHEREAS, the Agency will sub-lease the Land, sublease the Improvements and lease the Equipment to the Company pursuant to a certain Lease and Project Agreement, dated as of September 1, 2022 or such other date as the Chairman, the Chief Executive Officer of the Agency and counsel to the Agency shall agree (the “**Lease Agreement**”), by and between the Agency and the Company; and

WHEREAS, the Agency contemplates that it will provide financial assistance to the Company in the form of: (i) exemptions from mortgage recording taxes for one or more mortgages securing an amount presently estimated to be \$12,196,102 but not to exceed \$15,000,000, corresponding to mortgage recording tax exemptions presently estimated to be \$91,471.00 but not to exceed \$112,500.00, in connection with the financing of the acquisition, construction and equipping of the Facility and any future financing, refinancing or permanent financing of the costs of acquiring, constructing and equipping the Facility, (ii) exemptions from sales and use taxes in an approximate amount not to exceed \$560,763.00, in connection with the purchase or lease of equipment, building materials, services or other personal property with respect to the Facility, and (iii) abatement of real property taxes (as set forth in the PILOT Schedule attached as Exhibit C hereof); and

WHEREAS, in connection with the abatement of real property taxes as set forth in the PILOT Schedule on Exhibit C hereof, the current pro-rata allocation of PILOT payments to each affected tax jurisdiction in accordance with Section 858(15) of the Act and the estimated difference between the real property taxes on the Facility and the PILOT payments set forth on the PILOT Schedule on Exhibit C hereof are more fully described in the Cost Benefit Analysis (“**CBA**”) developed by the Agency in accordance with the provisions of Section 859-a(5)(b) of the Act, a copy of which CBA is attached hereto as Exhibit D; and

WHEREAS, the requested financial assistance with respect to the abatement of real property taxes deviates from the Agency’s Uniform Tax Exemption Policy, originally adopted on June 20, 2012, as amended (collectively, the “**Policy**”), because the contemplated abatement of real property taxes will be for a term of up to thirty (30) years (the “**PILOT Benefit**”); and

WHEREAS, the Agency proposes to deviate from the Policy because the Project would not be economically viable without a thirty (30) year PILOT Benefit; and

WHEREAS, the proposed Facility is an energy-related project whose purpose is to build a renewable energy generating facility; and the proposed Facility will be located on property owned by the Town and the requested financial assistance is necessary to induce the Company to locate the Facility in the Town, thus increasing the economic health and well-being of residents of the Town; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, as security for a loan or loans, the Agency and the Company will execute and deliver to a lender or lenders to be determined (collectively, the “**Lender**”), a mortgage or mortgages, and such other loan documents satisfactory to the Agency, upon advice of counsel, in both form and substance, as may be reasonably required by the Lender, to be dated a date to be determined, in connection with the financing, any refinancing or permanent financing of the costs of the acquisition, construction and equipping of the Facility (collectively, the “**Loan Documents**”); and

WHEREAS, a public hearing (the “**Hearing**”) was held on September 23, 2022 and notice of the Hearing was given and such notice (together with proof of publication) together with the minutes of the Hearing are in substantially in the form annexed hereto as Exhibits A and B respectively; and

WHEREAS, the Agency has given due consideration to the application of the Company and to representations by the Company that the proposed Facility is either an inducement to the Company to maintain and expand the Facility in the Town of Brookhaven or is necessary to maintain the competitive position of the Company in its industry; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively, the “**SEQR Act**” or “**SEQR**”), the Agency constitutes a “State Agency”; and

WHEREAS, to aid the Agency in determining whether the Facility may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form (“**EAF**”) and related documents (collectively, the “**Questionnaire**”) with respect to the Facility, a copy of which is on file at the office of the Agency; and

WHEREAS, the Questionnaire has been reviewed by the Agency; and

WHEREAS, the Town of Brookhaven Town Board (the “**Lead Agency**”) determined that the Action in connection with the Facility (the “**Action**”), is an Unlisted Action for SEQR purposes; and

WHEREAS, pursuant to a resolution dated June 9, 2022, the Lead Agency determined that the Action will not have a “significant effect” on the environment, and, therefore, an environmental impact statement will not be prepared; and

WHEREAS, this determination constitutes a negative declaration for purposes of SEQR; and

WHEREAS, as an Involved Agency, the Agency must make its own findings under SEQR prior to funding, undertaking, or approving an Action; and

WHEREAS, the Agency has reviewed the Questionnaire and such other documents as the Agency felt it necessary or appropriate to examine to adequately review the proposed Action; and

WHEREAS, the Agency finds that the negative declaration of the Lead Agency accurately and adequately examines environmental issues presented by the Action; and

WHEREAS, the Company has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities that may arise in connection with the transaction contemplated by the sub-subleasing, subleasing and leasing of the Facility by the Agency to the Company.

NOW, THEREFORE, BE IT RESOLVED by the Agency (a majority of the members thereof affirmatively concurring) as follows:

Section 1. Based upon the EAF completed by the Company and other representations and information furnished regarding the Action, the Lead Agency, following coordinated review, determined that, based upon its review of the EAF, the appropriate criteria for determination of significance, and such other and further information which the Lead Agency felt necessary to review the Action, that the Action would not have a "significant effect" on the environment and, therefore, an environmental impact statement will not be prepared. This determination constitutes a negative declaration for purposes of SEQR. The Agency hereby adopts the Lead Agency's negative declaration as its own negative declaration under SEQR.

Section 2. The Agency hereby finds and determines:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Facility constitutes a "project", as such term is defined in the Act; and

(c) The acquisition, construction and equipping of the Facility and the leasing of the Facility to the Company, will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of Town of Brookhaven, and the State of New York and improve their standard of living and thereby serve the public purposes of the Act; and

(d) The proposed PILOT Benefit deviates from the Agency's Policy, and the Agency hereby determines such deviation is because the Project would not be economically viable without a thirty (30) year PILOT Benefit, as further detailed on Exhibit C hereof; and the proposed Facility (an energy-related project whose purpose is to build a renewable energy generating facility) will be located on property owned by the Town and the requested financial assistance is necessary to induce the Company to locate the Facility in the Town, thus increasing the economic health and well-being of residents of the Town; and

(e) The acquisition, construction and equipping of the Facility is reasonably necessary to induce the Company to maintain and expand its business operations in the State of New York; and

(f) Based upon representations of the Company and counsel to the Company, the Facility conforms with the local zoning laws and planning regulations of the Town of Brookhaven, Suffolk County, and all regional and local land use plans for the area in which the Facility is located; and

(g) It is desirable and in the public interest for the Agency to lease the Facility to the Company; and

(h) The Company Lease will be an effective instrument whereby the Agency subleases the Land and leases the Improvements from the Company; and

(i) The Lease Agreement will be an effective instrument whereby the Agency sub-subleases, subleases and leases the Facility to the Company, the Agency and the Company set forth the terms and conditions of their agreement regarding payments-in-lieu of taxes, the Company agrees to comply with all Environmental Laws (as defined therein) applicable to the Facility and will describe the circumstances in which the Agency may recapture some or all of the benefits granted to the Company; and

(j) The Loan Documents to which the Agency is a party will be effective instruments whereby the Agency and the Company agree to secure the loan made to the Company by the Lender.

Section 3. The Agency has assessed all material information included in connection with the Company's application for financial assistance, including but not limited to, the cost-benefit analysis prepared by the Agency and such information has provided the Agency a reasonable basis for its decision to provide the financial assistance described herein to the Company.

Section 4. In consequence of the foregoing, the Agency hereby determines to: (i) sublease the Land and lease the Improvements from the Company pursuant to the Company Lease, (ii) execute, deliver and perform the Company Lease, (iii) lease, sublease and sub-sublease the Facility to the Company pursuant to the Lease Agreement, (iv) execute, deliver and perform the Lease Agreement, (v) grant a mortgage on and security interest in and to the Facility pursuant to the Loan Documents, and (vi) execute, deliver and perform the Loan Documents to which the Agency is a party.

Section 5. The Agency is hereby authorized to acquire the real property and personal property described in Exhibit A and Exhibit B, respectively, to the Lease Agreement, and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition are hereby approved, ratified and confirmed.

Section 6. The Agency hereby authorizes and approves the following economic benefits to be granted to the Company in connection with the acquisition, construction and equipping of the Facility in the form of: (i) exemptions from mortgage recording taxes for one or more mortgages securing an amount presently estimated to be \$12,196,102 but not to exceed \$15,000,000, corresponding to mortgage recording tax exemptions presently estimated to be \$91,471.00 but not to exceed \$112,500.00, in connection with the financing

of the acquisition, construction and equipping of the Facility and any future financing, refinancing or permanent financing of the costs of acquiring, constructing and equipping the Facility, (ii) exemptions from sales and use taxes in an approximate amount not to exceed \$560,763.00, in connection with the purchase or lease of equipment, building materials, services or other personal property with respect to the Facility, and (iii) abatement of real property taxes (as set forth in the PILOT Schedule attached as Exhibit C hereof), all consistent with the policies of the Agency. In connection with the abatement of real property taxes as set forth in the PILOT Schedule on Exhibit C hereof, the current pro-rata allocation of PILOT payments to each affected tax jurisdiction in accordance with Section 858(15) of the Act and the estimated difference between the real property taxes on the Facility and the PILOT payments set forth on the PILOT Schedule on Exhibit C hereof are more fully described in the CBA developed by the Agency in accordance with the provisions of Section 859-a(5)(b) of the Act, a copy of which CBA is attached hereto as Exhibit D.

Section 7. Subject to the provisions of this resolution, the Company is herewith and hereby appointed the agent of the Agency to acquire, construct and equip the Facility. The Company is hereby empowered to delegate its status as agent of the Agency to its agents, subagents, contractors, subcontractors, materialmen, suppliers, vendors and such other parties as the Company may choose in order to acquire, construct and equip the Facility. The Agency hereby appoints the agents, subagents, contractors, subcontractors, materialmen, vendors and suppliers of the Company as agents of the Agency solely for purposes of making sales or leases of goods, services and supplies to the Facility, and any such transaction between any agent, subagent, contractor, subcontractor, materialmen, vendor or supplier, and the Company, as agent of the Agency, shall be deemed to be on behalf of the Agency and for the benefit of the Facility. This agency appointment expressly excludes the purchase by the Company of any motor vehicles, including any cars, trucks, vans or buses which are licensed by the Department of Motor Vehicles for use on public highways or streets. The Company shall indemnify the Agency with respect to any transaction of any kind between and among the agents, subagents, contractors, subcontractors, materialmen, vendors and/or suppliers and the Company, as agent of the Agency. The aforesaid appointment of the Company as agent of the Agency to acquire, construct and equip the Facility shall expire at the earlier of (a) the completion of such activities and improvements, (b) a date which the Agency designates, or (c) the date on which the Company has received exemptions from sales and use taxes in an amount not to exceed \$560,763.00 in connection with the purchase or lease of equipment, building materials, services or other personal property; provided however, such appointment may be extended at the discretion of the Agency, upon the written request of the Company if such activities and improvements are not completed by such time. The aforesaid appointment of the Company is subject to the completion of the transaction and the execution of the documents contemplated by this resolution.

Section 8. The Company is hereby notified that it will be required to comply with Section 875 of the Act. The Company shall be required to agree to the terms of Section 875 pursuant to the Lease Agreement. The Company is further notified that the tax exemptions and abatements provided pursuant to the Act and the appointment of the Company as agent of the Agency pursuant to this Authorizing Resolution are subject to termination and

recapture of benefits pursuant to Sections 859-a and 875 of the Act and the recapture provisions of the Lease Agreement.

Section 9. The form and substance of the Company Lease, the Lease Agreement and the Loan Documents to which the Agency is a party (each in substantially the forms presented to or approved by the Agency and which, prior to the execution and delivery thereof, may be redated and renamed) are hereby approved.

Section 10.

(a) The Chairman, the Chief Executive Officer of the Agency or any member of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Company Lease, the Lease Agreement and the Loan Documents to which the Agency is a party, all in substantially the forms thereof presented to this meeting with such changes, variations, omissions and insertions as the Chairman, the Chief Executive Officer of the Agency or any member of the Agency shall approve, and such other related documents as may be, in the judgment of the Chairman and counsel to the Agency, necessary or appropriate to effect the transactions contemplated by this resolution (hereinafter collectively called the “**Agency Documents**”). The execution thereof by the Chairman, the Chief Executive Officer of the Agency or any member of the Agency shall constitute conclusive evidence of such approval.

(b) The Chairman, the Chief Executive Officer of the Agency or any member of the Agency are further hereby authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).

Section 11. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Agency Documents, and to execute and deliver all such additional certificates, instruments and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

Section 12. Any expenses incurred by the Agency with respect to the Facility shall be paid by the Company. The Company agrees to pay such expenses and further agrees to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the Facility.

Section 13. This resolution shall take effect immediately.

ADOPTED: September 27, 2022

STATE OF NEW YORK)
 : SS.:
COUNTY OF SUFFOLK)

I, the undersigned Chief Executive Officer of the Town of Brookhaven Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town of Brookhaven Industrial Development Agency (the “Agency”), including the resolutions contained therein, held on the 27th day of September, 2022, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

That the Agency Documents contained in this transcript of proceedings are each in substantially the form presented to the Agency and/or approved by said meeting.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with the New York Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, that all members of said Agency had due notice of said meeting and that the meeting was all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand as of the 27th day of September, 2022.


By: 
Chief Executive Officer

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law will be held by the Town of Brookhaven Industrial Development Agency (the “Agency”) on the 23rd day of September, 2022, at 10:00 a.m. local time, at Town of Brookhaven Town Hall, 1 Independence Hill, Farmingville, New York 11738, in connection with the following matters:

BLSF, LLC, a Delaware limited liability company, on behalf of itself and/or the principals of BLSF, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Company”), has applied to the Agency, to enter into a transaction in which the Agency will assist in the acquisition of a long term ground leasehold interest in approximately 30.0 acres of capped land (closed) and a part of a larger approximately 525 acre parcel of land at the Brookhaven Landfill located at 350 Horseblock Road, Yaphank, New York (the “Land”), owned by the Town of Brookhaven (the “Town”), and the development and construction of a solar photovoltaic array facility thereon (the “Improvements”), and the equipping thereof, including, but not limited to, approximately 16,000 solar photovoltaic panels with a capacity of 540 Watts totaling approximately 8.640 MW [DC], inverters, transformer stations, steel racking system, switch gear equipment and other electrical equipment (collectively, the “Equipment”; and together with the Land and the Improvements, the “Facility”), which Facility will be used by the Company to provide solar-generated energy to the residents of the Town and feed into the PSEG Long Island grid, for the benefit of low and moderate income customers (collectively, the “Project”). The Facility will be initially owned, operated and/or managed by the Company.

The Agency will acquire a subleasehold interest in the Land, a leasehold interest in the Improvements and title to or a leasehold interest in the Equipment and will sub-lease, sublease and lease the Facility to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes and abatement of real property taxes, consistent with the policies of the Agency.

A representative of the Agency will at the above-stated time and place hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Facility. At the hearing, all persons will have the opportunity to review the application for financial assistance filed by the Company with the Agency and an analysis of the costs and benefits of the proposed Facility.

Dated: September __, 2022

TOWN OF BROOKHAVEN INDUSTRIAL
DEVELOPMENT AGENCY

By: Lisa MG Mulligan
Title: Chief Executive Officer

EXHIBIT B

MINUTES OF PUBLIC HEARING HELD ON
SEPTEMBER 23, 2022 AT 10:00 A.M.

TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY
(BLSF, LLC 2022 FACILITY)

Section 1. Lisa MG Mulligan, Chief Executive Officer of the Town of Brookhaven Industrial Development Agency (the “**Agency**”) called the hearing to order.

Section 2. Lisa MG Mulligan then appointed herself the hearing officer of the Agency, to record the minutes of the hearing.

Section 3. The hearing officer then described the proposed transfer of the real estate, the other financial assistance proposed by the Agency and the location and nature of the Facility as follows:

BLSF, LLC, a Delaware limited liability company, on behalf of itself and/or the principals of BLSF, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “**Company**”), has applied to the Agency, to enter into a transaction in which the Agency will assist in the acquisition of a long term ground leasehold interest in approximately 30.0 acres of capped land (closed) and a part of a larger approximately 525 acre parcel of land at the Brookhaven Landfill located at 350 Horseblock Road, Yaphank, New York (the “**Land**”), owned by the Town of Brookhaven (the “**Town**”), and the development and construction of a solar photovoltaic array facility thereon (the “**Improvements**”), and the equipping thereof, including, but not limited to, approximately 16,000 solar photovoltaic panels with a capacity of 540 Watts totaling approximately 8.640 MW [DC], inverters, transformer stations, steel racking system, switch gear equipment and other electrical equipment (collectively, the “**Equipment**”; and together with the Land and the Improvements, the “**Facility**”), which Facility will be used by the Company to provide solar-generated energy to the residents of the Town and feed into the PSEG Long Island grid, for the benefit of low and moderate income customers (collectively, the “**Project**”). The Facility will be initially owned, operated and/or managed by the Company.

The Agency will acquire a subleasehold interest in the Land, a leasehold interest in the Improvements and title to or a leasehold interest in the Equipment and will sub-sublease, sublease and lease the Facility to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of exemptions from mortgage recording taxes in connection with the

financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes and abatement of real property taxes, consistent with the policies of the Agency.

Section 4. The hearing officer then opened the hearing for comments from the floor for or against the proposed transfer of real estate, the other financial assistance proposed by the Agency and the location and nature of the Facility. The following is a listing of the persons heard and a summary of their views:

See attached.

Section 5. The hearing officer then asked if there were any further comments, and, there being none, the hearing was closed at 10:41 a.m.

From: [Lisa Mulligan](#)
To: amos184@juno.com
Subject: RE:
Date: Monday, September 26, 2022 10:00:40 AM

Thank you for your comment. Please be aware it was received after the hearing was closed. I will provide your comments to the IDA Board, but they may not be included in the final resolution.

Lisa M.G. Mulligan
CEO Brookhaven Industrial Development Agency
CEO Brookhaven Local Development Corporation



Phone: (631) 451-6563 | Cell (631) 987-8364 | Fax: (631) 451-6925
Email: LMulligan@BrookhavenNY.gov
One Independence Hill
Farmingville, NY 11738

From: amos184@juno.com <amos184@juno.com>
Sent: Friday, September 23, 2022 10:56 PM
To: Lisa Mulligan <lmulligan@brookhavenny.gov>
Subject:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Mulligan,

I would like to give some input on the proposed tax exemption for the solar array at the Brookhaven Town Landfill. It seems logical to me that the town should have a remediation plan in place before we move to solar installation. That plan should have extensive input from the North Bellport community that has been so adversely affected by the Landfill for the past fifty years. This is a community that has suffered negative impacts on its air, water, and soil. A concrete and realistic plan should be developed to remediate those negative effects before any other move is contemplated at this site. The financial needs of the local school district should also be considered. The promise to the community for a recreational use must also be honored. Thanks for your consideration of these important factors.

Sincerely yours,
John J. McNamara
Coordinator
CARITAS
amos184@juno.com
(631)644-6351

①

DATE: 9/23/2022

PUBLIC HEARING

REQUEST TO ADDRESS THE BROOKHAVEN IDA BOARD

Speakers are limited to three (3) minutes. Longer statements may be submitted in writing to the IDA for distribution and shall become part of the permanent record if desired.

NAME (Please Print) MONIQUE FITZGERALD

ADDRESS 10 LA BONNEVIE DR Aptc
Patchogue NY 11772

City State Zip

PHONE (631) 275-8236

REPRESENTING self, OO

HANDICAPPED SERVICES AVAILABLE UPON REQUEST

②

DATE: Sept 23, 2022

PUBLIC HEARING

REQUEST TO ADDRESS THE BROOKHAVEN IDA BOARD

Speakers are limited to three (3) minutes. Longer statements may be submitted in writing to the IDA for distribution and shall become part of the permanent record if desired.

NAME (Please Print) Jennifer Greene

ADDRESS 19 Country Club Rd
Bellport NY 11713

City State Zip

PHONE 631-278-5108

REPRESENTING self

HANDICAPPED SERVICES AVAILABLE UPON REQUEST

3

DATE: 9-23

PUBLIC HEARING

REQUEST TO ADDRESS THE BROOKHAVEN IDA BOARD

Speakers are limited to three (3) minutes. Longer statements may be submitted in writing to the IDA for distribution and shall become part of the permanent record if desired.

NAME (Please Print) William Kokett

ADDRESS 48 Ot 15 rd E. Patchogue NY

City State Zip

PHONE

REPRESENTING 631 286 0090

HANDICAPPED SERVICES AVAILABLE UPON REQUEST

4

DATE: 9/23/22

PUBLIC HEARING

REQUEST TO ADDRESS THE BROOKHAVEN IDA BOARD

Speakers are limited to three (3) minutes. Longer statements may be submitted in writing to the IDA for distribution and shall become part of the permanent record if desired.

NAME (Please Print) Cheryl A. Felice

ADDRESS 25 S. Country Rd
Bellport NY 11713

City State Zip

PHONE 631-767-1941

REPRESENTING Self as a member of S. Country School Bd

HANDICAPPED SERVICES AVAILABLE UPON REQUEST

Community Solar Project with NYSEERDA build Ready Program tax break application

I ask that the application tax breaks be withdrawn and or denied by the Brookhaven Industrial Development Association (IDA) for the tax exemption application of BLSF, LLC (I.on Energy).

It is inappropriate for the CLCPA to be quoted here based on several interconnected reasons:

1. Our School - I am a community member of the South Country Central School District finance and facilities advisory board, an alum, both my parents were/are alums, my son is an alum and a host of my family members past and present. I say that to say that the school is near and dear to my heart! Our school is in fiscal crisis right now. We have a million dollar deficit that we have asked the community to bear. It is absurd for this Brookhaven IDA body to continue to take taxes from a school in a financial crisis. It is wrong to ask for tax breaks for a community Solar project that the school board, the pta, the finance and facilities advisory board and equity board, the students and others have not had a chance to have a discussion about. If you continue to take from our school it needs to be required that our school body has a chance to review all information pertaining to this request for tax breaks. Our school is diverse and services the area of one of the most diverse areas in the county. We cannot allow our governing bodies to continue to use that diversity when filling out for grants and then take from our diverse struggling school to fund it.

- [] Our Community-the fenceline community of the landfill is overburdened with the mountainous requirement to shoulder the needs of the entire town of Brookhaven without any host considerations. Again our community is diverse with a large Indigenous Black and Latinx community. We have some of the worst health on Long Island, Suffolk County and NYS. Where we have the lowest expectancy on the island, the second highest rates of er visits for asthma, the top 100 percentile in NYS for COPD according to the disadvantaged communities map criteria. At this point we need remediation. From the documents on this request there is no consideration for remediation. This is the second solar project at the landfill and I cannot understand how we can have two solar projects on this landfill without a plan for remediation. We have an active plume found PFAS in our groundwater. When is the time that we reverse these ills? Where is that meeting happening so I can be there?

1. Public Engagement- as touched upon already. This area is a disadvantaged community, a potential environmental justice impact area that requires meaningful public engagement. A public hearing at 10 am on a Friday is not meaningful engagement.

2. There are false promises and false appearances that the community Solar project will be a benefit to our community. But there are no direct promises for North Bellport or South Country Central School District that must stop. North Bellport and the South Country Central School District are in crisis right now today. We need remediation and every dollar available today.

Sincerely,
Monique Fitzgerald, she/her
10 La Bonne Vie Dr Apt C
Patchogue, NY 11772
631 275-8236

*writing from the unceded Unkechaug Nation ancestral land

From: [Lisa Mulligan](#)
To: [Jocelyn Linse](#)
Subject: Fwd: Sept. 23, 2022 IDA Hearing re: Solar Array
Date: Friday, September 23, 2022 10:41:25 AM

Thank you,
Lisa Mulligan
CEO Brookhaven IDA & LDC
631 451-6563
631 987-8364

From: eanne <eannehayesesq@aol.com>
Sent: Friday, September 23, 2022, 10:12 AM
To: Lisa Mulligan <lmulligan@brookhavenny.gov>
Subject: Sept. 23, 2022 IDA Hearing re: Solar Array

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Dear Ms. Mulligan:

I write this comment in my capacity as a long-time resident and taxpayer in the Town of Brookhaven. During my 40+ years residency, I have raised two children, practiced law, and served on a school board. My concerns are for all members of our community affected by the landfill and projects planned for use thereof.

The current application lacks sufficient documented data about the financial impact of the solar project on the residents and taxpayers, especially those in the vicinity of the landfill. We have been adversely impacted for years by the landfill itself, its looming appearance over the schools attended by our children, its effect on the environment, including odor, particulates, and aquifer, and its use as an income stream for the Town. There has been a disparate effect of this blight on the residents in our part of Brookhaven and any reparations in the form of lease payments should be applied here and not used to benefit the Town coffers in other areas.

By proposing the leaseback arrangement, the Town is reaping the entire profit from the project without application to those most adversely affected by the landfill itself. It is not clear to me that the project on Town-owned property even qualifies for the real property tax exemption being proposed. But, if it does, where is the data showing the assessment of this property so that the public can be aware of the effect on assessments and tax levies, on the taxing districts in our Town? I urge the IDA to represent the interest of the residents who have suffered from having a landfill in our backyards and to apply an environmental and fiscal justice standard to compensate our portion of Brookhaven for its losses over the years.

Respectfully submitted,

E. Anne Hayes
10 Price Street
Bellport, NY 11713

9/23/ 2022

Dear Supervisor Romaine, Brookhaven Town Council and IDA CEO Mulligan and IDA Board,

We are asking the Brookhaven Industrial Development Association (IDA) to reject the tax exemption application of BLSF, LLC (I.on Energy). We fully support large scale renewable energy projects as a requirement for a just transition away from fossil fuels and to support climate justice. Frontline communities harmed by the Brookhaven Landfill's air, water and soil pollution for the past 50 years, should be at the center of any plans for the Brookhaven Landfill. Landfill redevelopment and remediation plans should be transparent, participatory, inclusive, collaborative and community-driven.

The following questions should be addressed in a public venue with our elected officials prior to consideration of this tax exemption.

1. **COST** What is the cost of this 30 year tax exemption to South Country School District? Why is it fair that the developer can pay a significant lease to the Town of Brookhaven, but cannot pay any property taxes to the South Country School District - a majority-minority majority-economically disadvantaged NYS Target district? The IDA Cost Benefit Analysis (CBA) provided with the application does not accurately delineate the cost of this proposed tax exemption to the South Country School District. The CBA states that the cost of this property tax exemption is \$0. This is incorrect. I.on energy is a private for-profit corporation leasing Town land for a private solar array which will generate private profit. Under Real Property Tax Law (RPTL), Town land used for these purposes is taxable. For it to be not taxable "Property must be held for a public use"-- meaning a use that is of benefit to the community at large (see definition in note below). This requirement is satisfied if the property is devoted to use by the general public or public agencies. Land or improvements, as well as portions thereof, which are leased to a private individual or organization are exempt so long as they are held for a public purpose. **Conversely, if land or improvements, or portions thereof, are leased to a private individual or concern and used for nonpublic purposes they are subject to taxation for all purposes."** (Emphasis added)
https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_03/sec406_1.htm.

Unfortunately there is a pattern of the Brookhaven IDA using CBAs that underestimate the cost of tax expenditures in the South Country community. A recent example occurred in December 2021 when the IDA inaccurately stated the Nominal Cost of the Winters NP property tax exemption when in fact the amount reported was the Discounted cost (P5 <https://brookhavenida.org/files/NP%20Winters/CBA.pdf>).

New York State's Climate Leadership and Community Protection Act (CLCPA) commits NYS by law to 70% renewable energy by 2030 and 100% by 2040. While the local Caithness fossil fuel power plant enjoys an extremely generous tax exemption via the

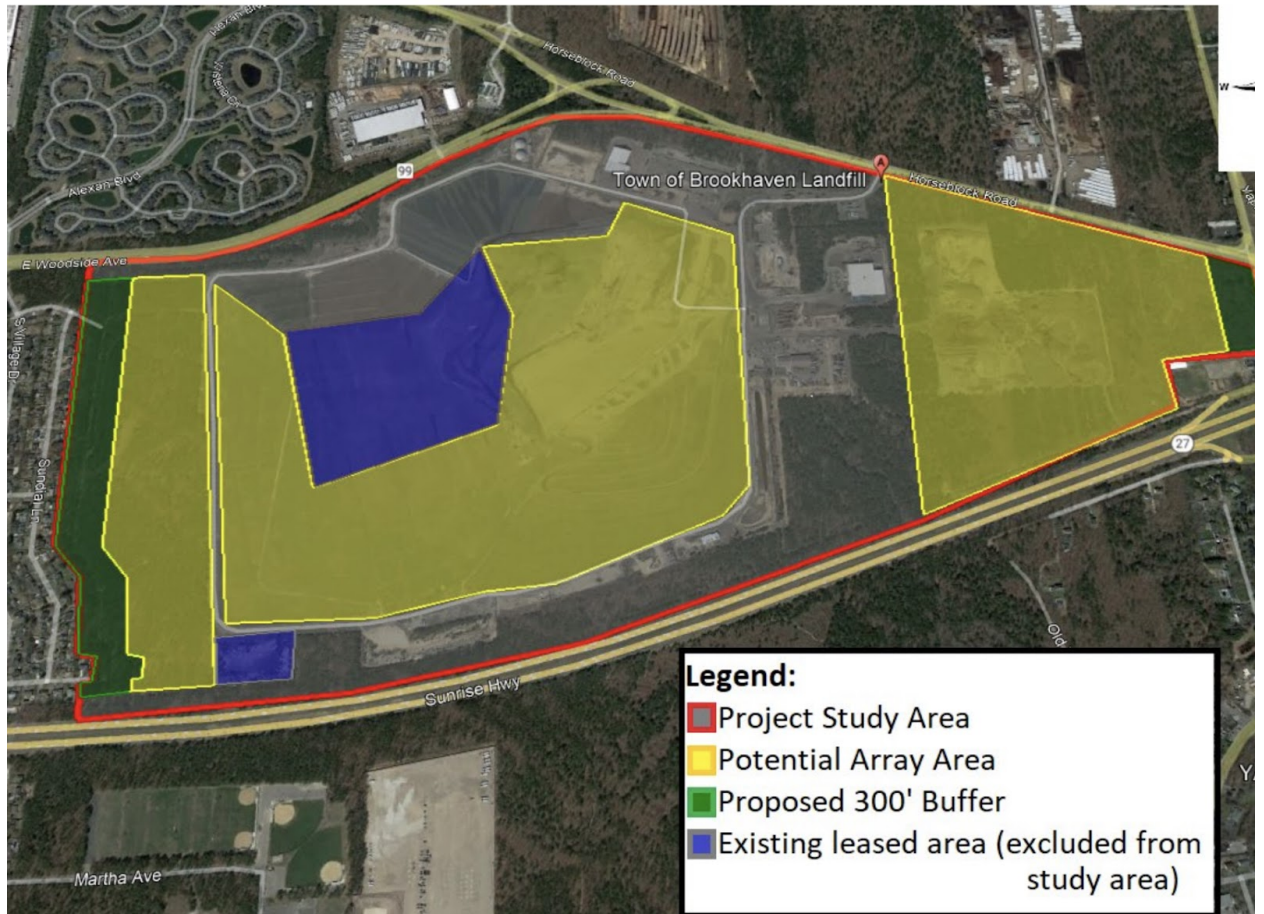
Brookhaven IDA through 2029, at the end of this tax exemption the facility will likely wind down production to meet the requirements of CLCPA. Unfortunately, our community is losing millions of dollars in tax revenue while Caithness is operating due to IDA exemptions, and our community will continue to lose millions in tax revenue after 2030 if large scale renewable projects like BLSF/I.on are also exempted by the Brookhaven IDA. If there is money to pay the Town of Brookhaven a hefty lease payment, there is money for property taxes to support the South Country School District.

2. **COMPETITION** Why was the 30 acre site non-competitively leased to I.on Energy? Communication between the Town of Brookhaven FOIL Officer and Town Clerk Donna Lent stated on August 24, 2021 that “I.on won the award under a bid issued from LIPA” yet when we reached out to LIPA’s Deputy General Council James Miskiewicz he clearly stated that LIPA did not select I.on to develop this site. I.on applied for and was accepted under the Feed-In-Tariff (FIT) program. There was nothing precluding the Town of Brookhaven from using a competitive process that would allow other potential developers to apply for a LIPA Feed-In-Tariff award and potentially offer more competitive terms for Brookhaven residents. The concerns over this non-competitive process translate to the other FIT awards I.on energy received for private solar projects on public Town of Brookhaven land including Brookhaven’s Pennysaver Amphitheater Car Ports, the Mastic Beach Aquatic Center, the Holtsville Ecology Center and the Moriches Sports Complex Car Ports.

28	PAM-2020-78664	Mastic Beach Solar, LLC (Brookhaven Aquatic Ctr)	i.on Renewables,LLC	700	Solar Photovoltaic	300 Mastic Beach Rd	Mastic Beach 11951	Preconstruction
29	PAM-2020-78665	Holtsville Solar, LC (Brookhaven Ecology Ctr)	i.on Renewables,LLC	990	Solar Photovoltaic	245 Buckley Rd	Holtsville 11742	Preconstruction
30	PAM-2020-79882	MAC Solar,LLC (Moriches Sports Complex Car Ports)	i.on Renewables,LLC	990	Solar Photovoltaic	640 Moriches-Middle Island Rd	Moriches 11955	Preconstruction
Total				18,069				

3. **COMPREHENSIVE PLANNING** Why is a piecemeal development process being used for this site? The site should be developed through a comprehensive planning process - to have two unrelated solar projects on the landfill site is not efficient nor is it comprehensive planning. In the site plan below, the blue area is the existing leased area for the proposed I.on Energy’s private solar project. The yellow area is another potential solar field currently subject to a Memorandum of Understanding (MOU) under

NYSERDA's Build Ready program. See site plan below from the NYSERDA MOU:



- REMEDICATION** How does this proposal affect the possibility of landfill remediation? The Town of Brookhaven refuses to have any public discussions or make any information publicly available regarding landfill remediation. In 2017 hazardous PFAS chemicals were found in high levels in both leachate and groundwater monitoring wells; subsequent Department of Health testing found contamination in downstream private wells, repeat testing in 2022 confirmed the presence of PFAS in both leachate and groundwater. Communications from August 2022 with Councilman Loguercio and Brookhaven Town Recycling and Sustainable Management Commissioner Fetten show that the Town refuses to disclose its plume remediation plan, nor will the Town disclose how many residential and agricultural private wells continue to draw water from the plume.
- COMMUNITY COMMITMENTS** Why are the needs in our diverse community, and the previous promises about the future of the landfill site being ignored? When the landfill was sited by the New York State Environmental Facilities Corporation in the 1970s, there was a public commitment to transform the landfill into a recreational park. There is no discussion of how these solar arrays honor these prior public commitments.

From a dump of sorts to a spot for sports

In terms of trees, suburban sprawl and scenery, there is not much to distinguish New York's Long Island from any other specific place in the country. It suffers all the usual national problems, including junk—which is piling up something awful. But now, slowly, something is happening to that junk. Long Island is afflicting a marriage between, of all things, garbage and sport.

Well, why not? Most communities have too much of one and probably could use more of the other. Ecologically, the move is overdue. And Long Island's sporting dumps are not entirely original—a lot of cities are on to the idea now. Here is what some of them have already done:

West Berliners built Mount Junk, an artificial hill made out of wartime bombing rubble, and it now has everything from a ski jump to a vineyard.

A huge mound of garbage sits outside Norfolk, Va., called, with a certain touch of folksy genius, Mount Trashmore. It is 60 feet high and is being converted into a recreation park.

Pittsburgh tracks its 900 to 1,000 tons of daily refuse 20 miles out of town, dumps it into old strip-mines, plants the settled debris with shrubbery, stocks the areas with game and opens them to public hunting.

In Los Angeles, refuse has been a part of recreational planning for half a century; some landfill projects in the area actually tailor the stuff to fit the desired contour of the land.

Now that Long Island has discovered sporting garbage—discovered that it is far easier to love debris than leave it—the area promises to produce the big daddy dump of all: sanitary landfills—remember that term—is the secret. Sanitary landfills use "solid waste," which takes in a whole world of rubbish, garbage and trash, then compacts it and buries it out of sight under topsoil. But if that sounds too easy, the system is reaching artistic heights at the township of Brookhaven. Using solid wastes, workers are converting the existing landfill site

at Brookhaven's Hofessville village into a Sports City.

Through the use of "berms," or earth walls made of refuse, what now resembles a typical East Coast dump—complete with a million sea gulls—will become a 74-acre complex containing 16 tennis courts, 15 handball courts, four basketball courts, two football fields, six baseball fields, a 7,000-seat stadium and several swimming and wading pools. The complex also will feature 700 new trees and open space for picnics, games, walks and people who just want to dig the whole concept—as long as they don't dig too deep.

"This is one of the first designed and planned landfill projects that produces a recreational and park program for a whole community, instead of a one-shot project," says George A. Dudley, who oversees the venture as president of the New York State Environmental Facilities Corporation. "In the past, the concept of solid-waste landfills was just that," says Architect Norval C. White, the project planner. "You filled up an empty space until it was level with the space adjacent. After it was full and flat, you drew lines and said, 'This is a football field or this is a baseball field.' The difference here is that we're now using the material to create topography. Solid waste becomes a three-dimensional part of the facility."

It also becomes a tremendous cost saver. Surrounding communities will be paying more than \$11 a ton for waste disposal when pollution-control devices are added to existing incineration facilities, according to Brookhaven Supervisor Charles W. Barraud. The Hofessville project will cost a mere \$3.05 per ton. Brookhaven's 243,000 residents—generating one ton of garbage each—will produce a quarter of a million tons annually at the cost of \$750,000. The town will pay the bills, but the nonprofit EFC will deed the land to Brookhaven and extend the payment period over more than 20 years. The landfill should be completed by the end of 1972 and the entire

project in operation before 1976, in time to meet the 200th anniversary of a nation that suddenly has grown garbage conscious.

Landfill was not the only option open to Brookhaven when the town leaders set out in search of a long-range garbage-disposal solution, but other available means, such as composting, long-distance hauling and pyrolysis (heat distillation), proved as expensive or inconvenient as such tried-and-true means as dumping and burning.

Now that the project is, so to speak, growing, all is strictly business at Hofessville. Bulldozers are compacting garbage into five-foot sections and covering each with six inches of soil. Each berm, when



FIRMLY MOUNTED ON A GARBAGE HEAP.

finished, will be covered by another three feet of topsoil which will, in turn, be landscaped. Dominated by graceful shapes, rather than harsh, jutting angles, the complex will simulate ancient Mayan ruins, or so says Architect White.

In fact, the planning apparatus promised for the place is probably its biggest selling point. For all the talk of progress and environment, there are still a few folks in the community whose esthetic sensibilities won't let them forget that beneath that open center, under the playgrounds and swimming pools, is a lot of, well, icky garbage. But continued assurances are winning them all over. "The garbage dumping will be discontinued a long time before the project is fully useful," says Assistant Director Ernest Wardke. "Anyone who enjoyed New York's 1964-65 World's Fair will recall that the Flushing Meadows area was built atop landfills."

After all, a lot of good old clean dirt and sand will go on top of the garbage when the dumping stops. Swimming pools will be lined like swimming pools

everywhere. Tennis courts and other playing fields will not be installed until the garbage settles, and then blacktop, grass or clay will be applied.

Then, however, even the most skeptical residents of Brookhaven have now gone for the idea. No one wanted to live near a garbage dump, but the picture of a sports complex reversed the priorities. The idea even made garbage—a messy political problem—something of a delightful concept. Hurdles that had compounded the problem disappeared when Brookhaven went to EFC, which was created by Governor Rockefeller and the New York state legislature to assist towns, villages and counties in meeting their sewage and solid-waste disposal problems. EFC did such an effective selling job that local opposition, for once, did not materialize. The landfill operation got under way Jan. 1.

At first glance Brookhaven would appear to have about as much of a garbage problem as outer space. Starting some 60 miles east of Manhattan and extending another 20 miles eastward,

bridging Long Island Sound and the Atlantic Ocean, Brookhaven, all 37 square miles of it, is the largest legally defined town in New York State. It was officially incorporated by Royal Charter in 1866 and has largely preserved its rural character. In spite of an upper-middle-class development in Stony Brook, there are dirt roads throughout the township and rural retreat areas in its eastern regions. Of the seven villages, the largest, Patchogue, has only 11,478 residents. It is hardly a Manhattan suburb. Even Brookhaven's western edge is a 1½-hour express ride from Penn Station on the Long Island Railroad. Most of its working residents are employed by local industries—the airports, Long Island Light, a telephone company branch and the famous Brookhaven National Laboratory. Because of transportation problems and the scarcity of water for industrial use, heavy industry has not invaded the area. There is little air pollution, thanks to a southeast wind off the Atlantic, and 130 miles of shore frontage enhance the rural mystique.

The attitudes are not urban, either. Republicans outnumber Democrats by almost two to one, but the leaders of both major parties have agreed to forbid their candidates to accept endorsements from minor parties, so great have Conservative Party success been of late. It is quiet, reserved country, and mention of the word garbage usually conjures up visions of Greenwich Village.

But as Supervisor Barraud, the high-ranking local elective official in Brookhaven, is quick to affirm, urban problems are just over the horizon. And some have arrived—like garbage.

Even the most enthusiastic promoters of sporting garbage concede that landfill is only an interim solution. "It depends on site availability," says environmentalist Dudley, "and the supply of land, like water and air, is finite." New York City's landfills, for instance, will be full in a couple of years—and when your fill is full you are in trouble. Even Tucson, in the middle of the desert, will be out of dumpsites in 30 years.

Experts say that the only sound cure for the refuse problem is an efficient and cost-saving means of recycling, just as surely, in the words of Calvin Coolidge, as work is the ultimate cure for unemployment. Meanwhile, if you have to have a dump, says Brookhaven, who just play on it.



BROOKHAVEN'S NEW RECREATION CENTER WILL PROVIDE SEVERAL FORMS OF FUN.

The Long Island Advance

A CONSOLIDATION OF THE PATCHOGUE ADVANCE AND THE MORICHES TRIBUNE

99th Year Number 50

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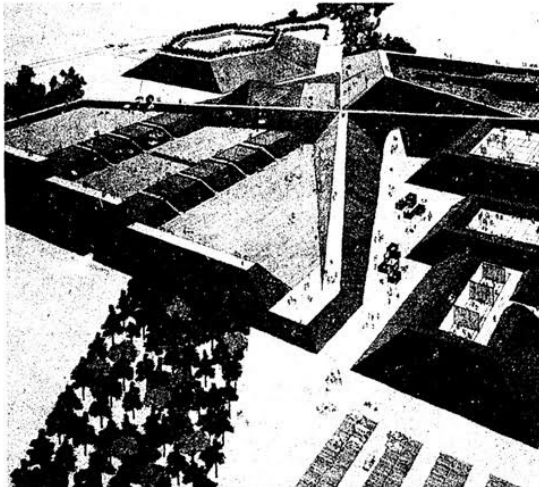
\$40 Million Cost in 25 Years:

Landfills, Super Parklands Planned in Garbage Report

Bellport SD Site

Bellport SD a new site—this is described in the summary as "Brookhaven," but is north of the Sunrise Highway and west of Horseblock Road to about one mile east of Station Road in North Bellport. Its 200-plus proposed acres will be started in 1972 on completion of the Holtsville site.

The theme will be skiing and the pyramid slopes will be constructed of the collected garbage. The ski slopes will be on the northerly sides, while the two southerly sides will have tennis, handball and basketball. There will be a meadow for picnics and a swimming pool that could also be used in the Winter for skating.



HOLTSVILLE ON COMPLETION — To be phased out in 1972, the Holtsville landfill site will complete parks and recreational area superimposed in 1973. Refuse will be used to create ramps and terraces for tennis, basketball and handball courts. The Olympic-sized swimming background will have conduits leading down to lower level pools. The park will cover 74 acres contain areas for varied recreational activities. A heavy use of the parks is seen due to population projected for Holtsville and surrounding areas.

finished sites when transformed into parklands.

Parklands Pictured
The architect, Norval C. White of Brooklyn, drew a magnificent picture of parklands and recreational centers for Brookhaven Town to be developed on the landfill sites as they were completed and handed over to the town.

The parks-recreational themes to be developed, Mr. White said, will include a 7,000-seat amphitheater and swimming pools for Holtsville; two 240-foot high pyramids at the Bellport SD site for snow and ski sports, a swimming pool, and land for the usual handball games; and for the Middle Island East site a naturalistic topography to be developed "much in the manner of Manhattan's Central Park."

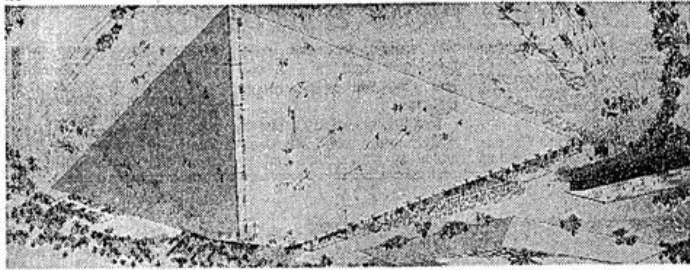
The time schedule for the 25 year program was laid down by Alan Michael of the engineering firm. This was as follows:

Holtsville to be used for the next two years as the sole town operated landfill site, and then phased out in 1972. The proposed park would be constructed and handed over to the town in 1973. It would cover 74 acres.

The general appearance for the landfill operations, as laid down by EFC, calls for the dumping to be made mostly above ground. It was pointed out that this would involve least interference with the fresh water level.

Mr. White said the refuse will be used to create sloped ramps and terraces for tennis, basketball and handball courts, also football and baseball fields. There would also be the amphitheater, swimming and bathing pools, and other recreational facilities.

Brookhaven Villages sewage treatment site will be heavily screened to by many factors, including high



An artist's rendering of the proposed conversion of a pyramid of garbage into a ski slope

Suffolk Park Rising on Garbage

By JAMES TUITE

Special to The New York Times

HOLTSVILLE, L. I., Sept. 11 —A 74-acre park with facilities for tennis, football, baseball and other sports is being built here on a massive mound of garbage.

This is one of four Suffolk areas to be developed as landfills with a view to park or recreational use. They will be constructed for the Town of Brookhaven with help from the State Environmental Facilities Corporation.

Michael Pope, president of the firm of Pope, Evans & Robbins, consulting engineers for the facility, said part of it would be opened in stages in 1973 and 1974. Besides Holtsville, parks are planned for Brookhaven, Manorville and Middle Island East.

A feature of the project —ski slopes in Brookhaven on a pyramid of garbage 240 feet high—will be ready in 1978. One side of the pyramid, which will be off Sunrise Highway between Horse Block Road and Old Town Road, will be terraced for tennis and handball courts.

Upon completion, the \$20-

million complex will include 11 tennis courts, 10 handball courts, five basketball courts, a football field, six baseball diamonds, a 7,000-seat stadium and several swimming pools.

Fourteen million tons of compacted solid waste will be covered by layers of topsoil.

The Garbage Plan

"Utilizing garbage for sports parks solves the problem of what communities are to do with their solid wastes as well as assuring space for recreational facilities," Mr. Pope said.

"Under the unique financing arrangement for the Brookhaven sports parks, every time a householder puts out a garbage can he is providing some of the land for his baseball field or basketball courts and setting aside two cents to pave the tennis courts."

Instead of a projected cost of \$10 or more a ton for waste disposal when pollution-control devices are added to existing facilities, Brookhaven's disposal cost will be about \$3.05 a ton.

The town, which is expected to triple its current population of 240,000 by the time the project is completed in 1995, will pay the bills, but the Environmental Facilities Corporation will deed the land to Brookhaven and extend the payments over 20 years.

The use of solid wastes for community projects is not new. Los Angeles, Pittsburgh and Norfolk, Va., among other cities, have built parks, game preserves and ski slopes on compacted garbage.

Creating Topography

"The difference here," said Norval C. White, the architect and master planner, "is that we're using the material to create topography. In the past, you just filled up an empty space until it was level with the space adjacent and after it was full and flat you said, 'This is a football field,' or, 'This is a baseball field.'"

The Environmental Facilities Corporation was created to help municipalities cope with ecological problems.

6. **COMMUNITY BENEFITS** The IDA hearing notice suggests that this solar array is "for the benefit of low and moderate income customers" but there is no information about income-targeted benefits in the Feed-In-Tariff application obtained by FOIL from LIPA, nor is there any information on any income targeted commitments in the IDA application. There is no commitment to train nearby residents for these green jobs.
7. **ZONING** The Ion Energy application states that this project meets zoning requirements at its current location. However, the landfill area under consideration is currently zoned residential. See "Town of Brookhaven § 85-813 Solar energy production facilities. A. Permitted locations. (1) A solar energy production facility may be permitted as a principal use or accessory use in any L Industrial 1, L Industrial 2, J Business 2, J Business 5 and J Business 4 District when authorized by special permit from the Planning Board subject to the requirements of § 85-813B and § 85-107 of this chapter. Nothing herein shall supersede or limit any other code section contained within this chapter that may pertain to solar energy production facilities. No solar energy production facility shall be located in the areas listed in Subsection A(2) below unless a special permit is granted by the Town Board. Said uses shall be subject to the criteria as set forth in Article VI, § 85-68."

It does not appear that a solar energy production facility of this size is permitted under residential zoning.

8. **CONFLICT OF INTERESTS** IDA Board Member Felix Grucci is listed on his LinkedIn site as an officer of the company Starlight Properties which owns land across the street from 350 Horseblock Road. This was confirmed by IDA Chairman Braun in the March 16th minutes of the IDA (available here p14 <https://brookhavenida.org/files/3-16-22%20IDA%20Minutes.pdf>). If this remains the case, this should be disclosed as a conflict of interest prior to the IDA considering this application, and Mr Grucci should recuse himself from this project. If this was true at the time of the Winters NP application before the IDA, Mr Grucci should have also recused himself from the Winters NP project which is located adjacent to property owned by Starlight Properties, and ultimately received almost \$80M in tax exemptions from the IDA.



Felix J. Grucci Jr.



Starlight Properties, Inc

President/CEO at Starlight Properties, Inc

Patchogue, New York, United States

1,815 followers · 500+ connections

Join to connect

Experience



President/CEO

Starlight Properties, Inc

1984 - Present · 38 years

Manages 2 lots for sale or lease

1 - 11 +/- ac.

1- 26 +/- ac

Zoned L2 Heavy industry Broikhaven contact me for details

Best,

Kerim Odekon

Abena Asare

Jennifer Greene

Hannah Thomas

Dennis Nix

From: [Lisa Mulligan](#)
To: [Jocelyn Linse](#)
Subject: FW: BLSF,LLC September 23,2022 10 am
Date: Friday, September 23, 2022 8:54:32 AM

Lisa M.G. Mulligan
CEO Brookhaven Industrial Development Agency
CEO Brookhaven Local Development Corporation



Phone: (631) 451-6563 | Cell (631) 987-8364 | Fax: (631) 451-6925
Email: LMulligan@BrookhavenNY.gov
One Independence Hill
Farmingville, NY 11738

From: lynne Maher <nicasirena1@gmail.com>
Sent: Thursday, September 22, 2022 8:30 PM
To: Edward P. Romaine <eromaine@brookhavenny.gov>; Lisa Mulligan <lmulligan@brookhavenny.gov>
Subject: BLSF,LLC September 23,2022 10 am

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Supervisor Romaine, Ms. Mulligan and the IDA Board,

I am writing to ask that the proposed 30-year tax exemption for the BLSF, LLC not be granted. While I understand that your focus is industrial development the needs of the South Country school district must be taken into consideration. Development without consideration for educational infrastructure is shortsighted. With all the industrial development and tax exemptions, you are placing a school district with a large black and brown student body at a greater disadvantage.

This brings me to my second point. Are these solar panels being placed on a landfill with issues of a plume, single source aquifer contamination with forever chemicals with NO REMEDIATION of these, and many other health issues?

The community has borne the cumulative brunt of the industrialization of South Brookhaven for long enough!

Will the fenceline communities who have suffered the most benefit from the electricity produced at this solar farm? Is that implicitly stated in the agreement with the Town?

Respectfully,

Lynne Maher

Resident, taxpayer and voter in Brookhaven for 32 years

From: [Lisa Mulligan](#)
To: [Jocelyn Linse](#)
Subject: FW: tax exemption application of BSLF
Date: Friday, September 23, 2022 8:54:37 AM

Lisa M.G. Mulligan
CEO Brookhaven Industrial Development Agency
CEO Brookhaven Local Development Corporation

Phone: (631) 451-6563 | Cell (631) 987-8364 | Fax: (631) 451-6925
Email: LMulligan@BrookhavenNY.gov
One Independence Hill
Farmingville, NY 11738

-----Original Message-----

From: julia villacara <julia.villacara@gmail.com>
Sent: Thursday, September 22, 2022 7:39 PM
To: Lisa Mulligan <lmulligan@brookhavenny.gov>
Subject: tax exemption application of BSLF

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Ms. Mulligan and the IDA Board,

I ask the IDA Board reject the tax exemption application of BSLF.

South Country School District is facing a looming financial crisis. The burden of that crisis will be set on the residential taxpayer if the IDA carelessly continues to give money away with little to no benefit to the entire District.

Private companies such as Ion and all the corporations and hedge fund groups who wish to set up shop here in the District should contribute to our schools and not be offered these excessive exemptions. We've already seen too many millions leave the district to benefit multi-million dollar corporations. Enough is enough. They don't need these incentives. Our District children and their futures do.

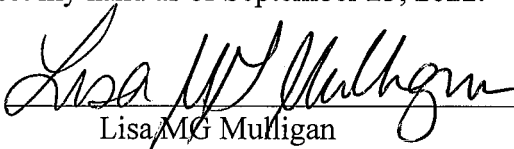
Thank you.
Julia Villacara
Resident & taxpayer

STATE OF NEW YORK)
 : SS.:
COUNTY OF SUFFOLK)

I, the undersigned Chief Executive Officer of the Town of Brookhaven Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the foregoing copy of the minutes of a public hearing held by the Town of Brookhaven Industrial Development Agency (the "Agency") on September 23, 2022 at 10:00 a.m., local time, electronically, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the minutes in connection with such matter.

IN WITNESS WHEREOF, I have hereunto set my hand as of September 23, 2022.



Lisa M.G. Mulligan
Chief Executive Officer

EXHIBIT C

Proposed PILOT Schedule

Schedule of payments-in-lieu-of-taxes: Town of Brookhaven, (including any existing incorporated village and any village which may be incorporated after the date hereof, within which the Facility is wholly or partially located), South County Central School District, Suffolk County and Appropriate Special Districts

Definitions:

Normal Tax Due = Those payments for taxes and assessments, other than special ad valorem levies, special assessments and service charges against real property located in the Town of Brookhaven (including any existing incorporated village or any village which may be incorporated after the date hereof, within which the Facility is wholly or partially located), South County Central School District, Suffolk County which are or may be imposed for special improvements or special district improvements, that the Company would pay without exemption.

<u>Year</u>	<u>Payment</u>
1	0% Normal Tax Due
2	0% Normal Tax Due
3	0% Normal Tax Due
4	0% Normal Tax Due
5	0% Normal Tax Due
6	0% Normal Tax Due
7	0% Normal Tax Due
8	0% Normal Tax Due
9	0% Normal Tax Due
10	0% Normal Tax Due
11	0% Normal Tax Due
12	0% Normal Tax Due
13	0% Normal Tax Due
14	0% Normal Tax Due
15	0% Normal Tax Due
16	0% Normal Tax Due
17	0% Normal Tax Due
18	0% Normal Tax Due
19	0% Normal Tax Due
20	0% Normal Tax Due
21	0% Normal Tax Due
22	0% Normal Tax Due
23	0% Normal Tax Due
24	0% Normal Tax Due
25	0% Normal Tax Due
26	0% Normal Tax Due
27	0% Normal Tax Due
28	0% Normal Tax Due
29	0% Normal Tax Due
30	0% Normal Tax Due

EXHIBIT D

Cost Benefit Analysis