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TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

- - - - -x

PUBLIC HEARING
RE: AMERICAN ORGANIC ENERGY, LLC
HELD VIA ZOOM VIDEOCONFERENCE

- - - - -x

February 10, 2022
9:59 a.m.

TRANSCRIPT OF PROCEEDINGS

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A P P E A R A N C E S :

TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY
One Independence Hill
Farmingville, New York 11738

BY: LISA M.G. MULLIGAN,
CHIEF EXECUTIVE OFFICER

ALSO PRESENT: AMY ILLARDO,
ADMINISTRATIVE ASSISTANT

* * *

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MS. ILLARDO: Good morning. This is the Town of Brookhaven Industrial Development Agency public hearing for American Organic Energy, LLC.

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I will now read the notice. It is ten a.m. on February 10, 2022.

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(Inaudible comments.)

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(Short recess taken.)

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MS. MULLIGAN: This is the Town of Brookhaven Industrial Development Agency public hearing for the American Organic Energy, LLC project. It is 10:04 a.m. on February 10, 2022. I'm going to read the public hearing notice for the record.

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NOTICE IS HEREBY GIVEN that a supplemental 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 10th day of February, 2022, at 10:00 a.m. local time, at the Town of Brookhaven Industrial Development Agency, 2nd Floor, One Independence Hill, Farmingville, New York 11738, in connection with the

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following matters:

American Organic Energy, LLC, a New York limited liability company, on behalf of itself and/or the principals of American Organic Energy, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Company**"), has requested the Agency's assistance in connection with the acquisition of a leasehold interest in an approximately 8.2 acre parcel of land that is encompassed as part of a larger 62.00 acre parcel of land located at 445 Horseblock Road, Yaphank, New York 11980 (the "**Land**"), and the construction and equipping of an approximately 60,000 square foot building to be located thereon including, without limitation, pre-processing equipment, odor control, anaerobic digestion tanks, by-product processing, gas cleaning and compression engines (the "**Improvements**" and "**Equipment**"; and, together with the Land, the "**Facility**"), for lease by the Agency to the Company and used by the Company in its business as an anaerobic digester to process food waste,

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oils, greases and grass clippings to be

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converted to clean energy, clean water and

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soil products. The Facility will be initially

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owned, operated and/or managed by the Company.

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The Agency previously conducted a

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public hearing with respect to the Facility on

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June 19, 2019.

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Subsequent to the submission of the

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Original Application by the Company to the

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Agency, the Company notified the Agency of a

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change in ownership structure of the Facility

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and requested that the Agency consent to amend

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the Application (the "**Amendment to**

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Application"), to reflect that the Company

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will be owned by AOE Holding, LLC a limited

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liability company organized and existing under

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the laws of the State of New York (the "**AOE**

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Holding") to be the 100% owner of the Company.

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AOE Holding will be owned by Charles

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Vigliotti, Arnold Vigliotti, and Viridi

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Energy, LLC.

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The Agency contemplates that it will

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provide financial assistance to the Company in

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the form of exemptions from mortgage recording

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taxes in connection with the financing or any subsequent refinancing or permanent financing of the Facility, exemptions from sales and use taxes in connection with the construction and equipping of the Facility, and abatement of real property taxes, all consistent with the policies of the Agency.

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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. Prior to the hearing, all persons will have the opportunity to review on the Agency's website (<https://brookhavenida.org/>), the application for financial assistance filed by the Company with the Agency and an analysis of the costs and benefits of the proposed Facility.

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Due to COVID-19 protocols, all persons attending the Public Hearing will be required to wear face masks and maintain proper social distancing. Members of the public may also

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attend the Public Hearing by video conference

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by accessing the following link:

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us02web.zoom.us . . . it continues on, it's on

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our website and entering passcode 177657.

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Dated: January 31, 2022

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TOWN OF BROOKHAVEN

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INDUSTRIAL DEVELOPMENT AGENCY

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By: Lisa MG Mulligan

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Title: Chief Executive Officer

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There is nobody who's come in to make

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comment, but I did receive two email comments

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that -- since there's only two, I'm going to

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read them into the record, although if there

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were more, I would not do this.

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The first one says:

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Dear Ms. Mulligan:

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I write to express my opposition to the

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proposed -- the project proposed by American

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Organic Energy LLC and the IDA involvement

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therein. Please include this written

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statement in the record of the hearing today

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as fully as if I had spoken in person or

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virtually.

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This proposal is another in the long

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stream of spot projects approved in the Town

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of Brookhaven without full review of the

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environmental impact, quality of life impact,

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financial impact, and social/environmental

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justice impact upon the residents of this

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particular part of Brookhaven. The Town has

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failed to adequately inform the community of

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what, if any, overall plan is in place for

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waste reduction and disposal and the means to

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achieve that. It has not adequately received

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community input into any decision-making

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regarding these issues. And, it has failed to

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consider how the serial IDA decisions that

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have granted real property tax exemptions

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(i.e. PILOTs) affects all members of the

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community -- of our community.

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For example PILOTs are taken into

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account when New York State -- NYS Ed

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determines the amount of state aid available

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to the individual school districts, among

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other things. Has the IDA received a report

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detailing this impact? There appears to be no

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overall coordinated plan for how to plan for

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our area and the IDA's failure to insist upon

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a comprehensive plan prior to even considering

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this current application makes it appear that

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the IDA has not done the due diligence

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expected of your agency. Recognize that, by

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granting approval of tax exemptions, you are

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creating (perhaps, unintended) consequences

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for other budgets and other tax-bearing

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communities. I urge you to exercise the due

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diligence required here and in all

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applications coming before you.

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Sincerely,

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E. Anne Hayes

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I also received a comment from the

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school district, give me one second.

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(Pause.)

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MS. MULLIGAN: I'm going to read that

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one as well.

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(Pause.)

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MS. MULLIGAN: Okay. The second

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comment that I received says:

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Good afternoon Ms. Mulligan:

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In regards to the Notice of Public

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Hearing concerning American Organic Energy,

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LLC Facility, having witnessed and experienced

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significant community interest and concern

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over environmental issues, specifically

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related to the Brookhaven landfill, the

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District respectfully requests that this

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project go through appropriate reviews by

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federal, state and local authorities, and in

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that review, our community residents should be

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included in the discussions, and have say in

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the matter.

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Thank you,

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Dr. Joseph Giani

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Superintendent of Schools

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South Country Central School District

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We're going to leave this public hearing

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open for about another 20 minutes. It's open

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for people to join either through Zoom or in

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person.

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(Pause.)

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MS. MULLIGAN: It is 10:32 a.m. on

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February 10, 2022. This is the public hearing

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for the Town of Brookhaven Industrial

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Development Agency for the AOE, LLC project.

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There has been no further participation

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or comments.

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Hearing none, seeing none, I'm going to
close this public hearing. Thank you.

(Time noted: 10:32 a.m.)

I, JOANN O'LOUGHLIN, a Notary Public
for and within the State of New York, do hereby
certify that the above is a correct transcription
of my stenographic notes.

JOANN O'LOUGHLIN