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TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

- - - - -x

PUBLIC HEARING

RE: BLSF, LLC

- - - - -x

One Independence Hill
Farmingville, New York

September 23, 2022
10:01 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: CHERYL A. FELICE
MONIQUE FITZGERALD
JENNIFER GREENE
WILLIAM KOKELL

* * *

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2

MS. MULLIGAN: Good morning. It is
10:01 on September 23, 2022.

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This is the public hearing for the Town
of Brookhaven Industrial Development Agency
for the BLSF, LLC project. My name is Lisa
Mulligan.

8

9

I'm going to read the public hearing
notice into the record.

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NOTICE OF PUBLIC HEARING

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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:

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BLSF, LLC, a Delaware limited liability
company, on behalf of itself and/or the
principles of BLSF, LLC and/or an entity
formed or to be formed on behalf of any of the
foregoing (collectively, the "**Company**"), has

1
2 applied to the Agency, to enter into a
3 transaction in which the Agency will assist
4 the acquisition of a long-term ground
5 leasehold interest in approximately 30.0 acres
6 of capped land (closed) and a part of a larger
7 approximately 525 acre parcel of land at the
8 Brookhaven Landfill located at 350 Horseblock
9 Road, Yaphank, New York (the "**Land**"), owned by
10 the Town of Brookhaven (the "**Town**"), and the
11 development and construction of a solar
12 photovoltaic array facility there on (the
13 "**Improvements**"), and the equipping thereof,
14 including, but not limited to, approximately
15 16,000 solar photovoltaic panels with a
16 capacity of 540 Watts totaling approximately
17 8,640 MW [DC], inverters, transformer
18 stations, steel racking system, switch gear
19 equipment and other electrical equipment
20 (collectively, the "**Equipment**"; and together
21 with the Land and the Improvements, the
22 "**Facility**"), which Facility will be used by
23 the Company to provide solar-generated energy
24 to the residents of the Town and feed into the
25 PSEG Long Island grid, for the benefit of low

1

2

and moderate income customers (collectively,

3

the "**Project**"). The Facility will be

4

initially owned, operated and/or managed by

5

the Company.

6

The Agency will acquire a subleasehold

7

interest in the Land, a leasehold interest in

8

the improvements and title to or a leasehold

9

interest in the Equipment and will

10

sub-sublease, sublease and lease the Facility

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to the Company. The Agency contemplates that

12

it will provide financial assistance to the

13

Company in the form of exemptions from

14

mortgage recording taxes in connection with

15

the financing or any subsequent refinancing of

16

the Facility, exemptions from sales and use

17

taxes and abatement of real property taxes,

18

consistent with the policies of the Agency.

19

A representative of the Agency will be

20

at the above-stated time and place hear and

21

accept written comments from all persons with

22

views in favor of or opposed to either the

23

proposed financial assistance to the Company

24

or the location or nature of the Facility. At

25

the hearing, all persons will have the

1

2

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.

5

6

Dated: September 12, 2022

7

TOWN OF BROOKHAVEN

8

INDUSTRIAL DEVELOPMENT AGENCY

9

By: Lisa MG Mulligan

10

Title: Chief Executive Officer

11

I received some comments that I'm going to read into the record, but I want to give you guys, since you're here, the opportunity to speak first.

12

13

14

15

Does anyone -- would anyone like to speak?

16

17

CHERYL FELICE: We all would.

18

MS. MULLIGAN: Okay, you want to pass me your cards?

19

20

You'll each have three minutes. Let me just get my timer.

21

22

Okay. I'm going to just prop this up so you can see it, too.

23

24

Okay. I'm just going to ask, also, I'm going to read your information, but if you

25

1

2 will just spell it for the record, make sure I
3 have it correct.

4

Monique Fitzgerald, okay.

5

6

7

Will you just state your name and your
address for the record and then you'll have
three minutes to speak?

8

9

10

11

MONIQUE FITZGERALD: My name is Monique
Fitzgerald, M-O-N-I-Q-U-E F-I-T-Z-G-E-R-A-L-D.
My address is Ten La Bonne Vie Drive,
Apartment C, Patchogue, New York 11772.

12

MS. MULLIGAN: Go ahead.

13

MONIQUE FITZGERALD: All right.

14

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17

So I'll start my comments with the
distinct and specific ask that this
application be withdrawn for any tax breaks
and/or denied by the IDA.

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It is inappropriate for this proposal
to cite the CLCPA based on several
interconnected reasons: First, our school. I
am a community member of South Country Central
School District. I also serve on the finance
and facilities advisory board. I'm an alumni,
my parents are alumnis (sic), my son was an
alumni, a whole host of family members past

1

2

and present have attended this school. I say

3

that to say that the school is near and dear

4

to my heart.

5

Our school is in financial and fiscal

6

crisis right now. We have a million dollar

7

deficit that we have asked community members

8

to bear. It is absurd for the Brookhaven IDA

9

body to continue to take taxes from our school

10

in a financial crisis. It is wrong to ask for

11

tax breaks for a solar community project that

12

the school board, the PTA, finance and

13

facilities advisory board, equity board, the

14

students and others have not had a chance to

15

have a discussion about.

16

If you continue to take from our

17

school, it needs to be required that our

18

school body has a chance to review all

19

information pertaining to request for tax

20

breaks. Our school is diverse and services

21

the area of one of the most diverse areas in

22

the county. We cannot allow our government

23

bodies to continue to use that diversity when

24

filling out for grants and then take from our

25

diverse struggling school to fund it.

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Our community. The fence-line community of the landfill is overburdened with mountainous requirements 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 worse health on Long Island, Suffolk County and New York State. We have the lowest life expectancy on the Island, the second highest rates of ER visits for asthma in the county, the top 100 percentile 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 cannot -- 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

2

MS. MULLIGAN: You can finish your
thought.

3

4

MONIQUE FITZGERALD: Public engagement.

5

As touched upon already, this area is a
disadvantaged community and a potential
environmental justice impact area that
requires meaningful public engagement. A
public hearing at ten a.m. on a Friday is not
meaningful engagement.

10

11

There are false promises and false
appearances that this 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. This
must stop. North Bellport and South Country
Central School District is in crisis right now
today. We need remediation and every dollar.

18

19

MS. MULLIGAN: Thank you.

20

Do you want some water?

21

MONIQUE FITZGERALD: No.

22

MS. MULLIGAN: Okay.

23

Thank you for your comments.

24

Are you Jennifer?

25

JENNIFER GREENE: Yes.

1

2

MS. MULLIGAN: Jennifer, would you like
to speak?

3

4

JENNIFER GREENE: Yes.

5

MS. MULLIGAN: Okay.

6

JENNIFER GREENE: Jennifer Greene.

7

J-E-N-N-I-F-E-R G-R-E-E-N-E. I live at 19

8

Country Club Road in Bellport, 11713.

9

Is that what you needed?

10

MS. MULLIGAN: I just want to make sure
that when we have it transcribed that they
have your information correct, so it's not --

11

12

13

JENNIFER GREENE: Sure.

14

CHERYL FELICE: Before Jennifer speaks,
your transcriber is remote?

15

16

MS. MULLIGAN: Yes.

17

CHERYL FELICE: Okay.

18

And all the committee members are
remote at this point, too?

19

20

MS. MULLIGAN: No, no. They will be
provided this and actually I'm glad that you
just brought that up.

21

22

23

I felt like you were reading that.

24

Do you want to email that to me and I
can have it verbatim, your email sent, thank

25

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2

you, put into the record?

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MONIQUE FITZGERALD: Sure.

4

5

MS. MULLIGAN: I'll get you my card in
a minute.

6

7

This is all on our website, but if
anybody wanted to look it over.

8

MONIQUE FITZGERALD: Thanks.

9

10

JENNIFER GREENE: So is this being
streamed live right now?

11

MS. MULLIGAN: Yeah.

12

JENNIFER GREENE: Okay, great.

13

14

And can you tell who's watching, how
many, anybody?

15

MS. MULLIGAN: I think just one.

16

Okay.

17

JENNIFER GREENE: Okay.

18

19

So thank you for this time and I want
to support everything that Monique just said.

20

Thank you so much, Monique.

21

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There is a letter that I have signed
onto that has been submitted to the IDA and it
would take more than three minutes to read in
for those who may be watching this, but I
first just want to emphasize that I also fully

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2

support large-scale renewable energy projects

3

as a requirement for a just transition away

4

from fossil fuels and to support climate

5

justice.

6

So having said that, I do want to read

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a bit about the questions that we need to be

8

asking about cost and then finish up by my

9

personal experience learning about the history

10

of the landfill as a site and the promises

11

that were made at the time in the 1970's about

12

what would happen with it.

13

So first just to say -- I need to make

14

this bigger -- the cost of this 30-year tax

15

exemption to my school district, I am a parent

16

of an alum and a resident of the South Country

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School District; why is it fair that the

18

developer can pay a significant lease to the

19

Town of Brookhaven, but cannot pay any

20

property taxes to the South Country School

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District, a majority-minority,

22

majority-economically disadvantaged, New York

23

State target district?

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The IDA cost benefit analysis provided

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with the application does not accurately

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delineate the cost of this proposed tax

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exemption to our school district.

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The CBA, cost benefit analysis, states that the cost of this property tax exemption is zero. This is incorrect.

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ION 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.

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21

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.

22

23

24

25

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

1

2

purposes.

3

How much time do I have left? Okay.

4

5

I'm just going to read from this Long
Island Advance Thursday, August 13, 1970

6

article that I found that has also been

7

included in the letter submitted about the

8

landfill, a new site, north of the Sunrise

9

Highway, west of Horseblock Road. It's

10

200-plus proposed acres, will be started in

11

1972. The theme will be skiing and the

12

pyramid slopes will be constructed of the

13

collected garbage. The ski slopes will be on

14

the northerly sides, while the two southerly

15

sides will have tennis, handball and

16

basketball.

17

MS. MULLIGAN: Jen, the article is

18

included in the packet that is going to my

19

board.

20

JENNIFER GREENE: Yes and I just want

21

to finish this sentence and I'll finish.

22

There will be tennis, handball and

23

basketball. There will be a meadow for

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picnics and a swimming pool that could also be

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used in the winter for skating.

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So I guess I just want to say, I had heard, like I had heard people talk about, you know, ski slopes, but I don't know, I thought it was an exaggeration or something and I found this recorded that this actually was what was promised to the community about this, you know, magnificent recreational area and park, so yeah, that's in the record as history and again, I support large-scale solar renewable projects, but I want to know of what -- how will the immediately affected communities benefit from this project and thank you for the time.

15

16

MS. MULLIGAN: Okay. Thank you for your comment.

17

Ms. Felice, did you want to speak next?

18

19

CHERYL FELICE: Would you mind if I went last?

20

MS. MULLIGAN: No.

21

Is that okay with you?

22

WILLIAM KOHELL: Yeah, sure.

23

MS. MULLIGAN: Okay.

24

25

Sir, you're why I ask people to spell their names.

1

2

William; is that right?

3

WILLIAM KOKELL: Yes.

4

MS. MULLIGAN: Okay.

5

6

Would you state your name and spell it for the record, please?

7

8

WILLIAM KOKELL: William Kokell, K-O-K-E-L-L.

9

MS. MULLIGAN: Okay. Go ahead.

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I work with poor kids, up at the -- there's a homeless shelter on this side of the Town dump, there's a prison on the other side and when I go to pick up those kids, there's ten, 11 years old and they trust me, they trust me and I know that what they're breathing is not healthy. I know that because I read it from scientists.

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I just read an article about diesel fuel, diesel exhaust, what it can do to kids. Here's this kids out there playing basketball and shooting, figuring well, all the adults, you know, I trust them, I trust them, I have to and what are they breathing?

I'm a lifelong bayman. Because of my disability in the military, I only could work on the water, so I worked for 60 years on the water.

In 1970 we worked right up to the beach outside of Carmans River. That was the last time that area was open. That's 50 years ago last time that area was open, it's been closed ever since and for me, what I know about the environment, it's because of the Town dump.

And as far as tax breaks, I agree with these folks right here a hundred percent, a hundred ten percent, you give tax breaks to these companies. Thank you.

MS. MULLIGAN: Thank you for your comments and thank you for your service.

Are you ready?

CHERYL FELICE: Yes.

1

2 MS. MULLIGAN: Okay.

3 CHERYL FELICE: Thank you very much.

4 My name is Cheryl Felice. I live at 25
5 South Country Road in the Village of Bellport.
6 I am here as an individual resident of the
7 district surrounding the area that is being
8 considered here today and also, I serve as a
9 member of the Board of Education.

10 MS. MULLIGAN: Ms. Felice, are you
11 speaking on behalf of the Board of Education?

12 CHERYL FELICE: I am not.

13 MS. MULLIGAN: You're not. I just
14 wanted to make sure that was clear. Okay.

15 CHERYL FELICE: Thank you.

16 I am speaking as a resident today, but
17 I want to make it known that I am a member of
18 the Board of Education and also let the IDA
19 board know that the South Country Central
20 School District Board of Education is going to
21 be passing a resolution to allow me as the
22 board president to speak on behalf of the
23 board going forward.

24 MS. MULLIGAN: Okay.

25 CHERYL FELICE: That's a measure that's

1

2

going to be approved on September 28th in a matter of protocol that has to be done within school board associations.

3

4

MS. MULLIGAN: Okay.

5

6

CHERYL FELICE: So having said that,

7

the reason that I'm here today and compelled

8

to be here is because of the advocacy of just

9

two of the many people in our district who are

10

here today who have taken on the mission of

11

the landfill and the effects around the

12

landfill, as their sole mission, they are

13

truly committed and the facts and research

14

that they do don't compare to what

15

professional research I have seen done in the

16

past and through many conversations with the

17

Board of Education, we have a new Board of

18

Education in place as of July 1st, we have a

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new superintendent in place as of August, what

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day was that, August 1st and we are

21

recommitted to this fight.

22

With particular interest to PILOT

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exemptions, to IDA exemptions, why would a

24

township want to see its town, its school

25

districts, short-changed when it comes to

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money when we have profit agencies coming in

3

and especially as was mentioned in the past,

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leasing from a government agency and exempting

5

them for what this application calls for, 30

6

years of taxes and not reinvesting into the

7

communities that are going to be affected by

8

these projects?

9

I did some research on the City of

10

Buffalo and the City of Buffalo is in the

11

process of passing legislation to exempt IDA's

12

from exempting school districts' tax breaks

13

for their districts because every business,

14

every chamber of commerce you see works

15

cooperatively with every aspect of its

16

community and in doing so, want to and should

17

want to support their school districts and the

18

children in those school districts.

19

A lot of these tax breaks come with a

20

promise that there will be jobs created and

21

we've seen, those jobs don't go to people

22

within the school district and trainings, so

23

on and so forth to advance their educational

24

opportunity.

25

When I got on the school board in 2016,

1

2

we barely had an 80 percent graduation rate.

3

We are over 92 percent now and that's because

4

of the work we've been doing and -- but not

5

receiving help from outside industry when

6

these kind of tax breaks continue to stay

7

prevalent and so I'm here today to say I am a

8

member of the school board of South Country,

9

we are going to be taking a more active role,

10

but I am here today just to speak to let you

11

know that that's what our intentions are.

12

I support what has been said by the

13

three speakers who went before me and also,

14

that this goes beyond the IDA and it goes to

15

the Town board, itself, to create legislation

16

that any IDA exemption should not eliminate

17

funding to the school districts.

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There were issues that were raised --

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MS. MULLIGAN: You can finish your

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thoughts.

21

CHERYL FELICE: I'll finish up my

22

thought.

23

There were issues that were raised

24

about a budget concern in the last cycle, that

25

is very real, we're dealing with that as we

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2

 speak and so knowing that and knowing that we

3

 have over 4,000 students in the South Country

4

 school district, 800, 800 teachers, why would

5

 we want to short-change a district that's on a

6

 growth pattern?

7

 We offer many programs. We offer a

8

 dual language magnet school in our program, we

9

 offer cadet corps in our program, we offer a

10

 vast array of music and sports programs that

11

 are second to none and so in spite of these

12

 challenges when more tax dollars are taken

13

 away from the school district, we're still

14

 able to excel. Imagine what we could do when

15

 we have the full support of every industry in

16

 the Town and every IDA in consideration of

17

 those tax exemptions.

18

 Thank you.

19

 MS. MULLIGAN: Thank you for your

20

 comments.

21

 I wanted to just give you my card so

22

 you can send me your stuff.

23

 CHERYL FELICE: Absolutely.

24

 Would you mind, Lisa, just explaining

25

 how this works since these people are seasoned

1

2 at this, but we haven't been here before, so
3 we're in a public hearing today, it's live
4 streamed; are the committee members on
5 watching?

6 MS. MULLIGAN: Do you mind if I finish
7 putting the rest of the comments in and then
8 I'll explain this to you when we're done?

9 CHERYL FELICE: Absolutely. Much
10 appreciated.

11 MS. MULLIGAN: Thank you.

12 And obviously you guys are welcome to
13 stay, you don't have to obviously.

14 I also received some comments through
15 email that I would like to include in the
16 record.

17 I received this from Julia Villacara,
18 that's J-U-L-I-A V-I-L-L-A-C-A-R-A. The email
19 reads:

20 To Ms. Mulligan and the IDA Board,

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

23 South Country School District is facing
24 a looming financial crisis. The burden of
25 that crisis will be set on the residential

1

2

taxpayer if the IDA carelessly continues to
give money away with little to no benefit to
the entire District.

4

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14

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.

15

Thank you.

16

Julia Villacara

17

Resident & taxpayer.

18

19

I also received an email from Lynne
Maher, L-Y-N-N-E M-A-H-E-R, that reads:

20

21

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

22

23

24

25

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

1

2

South Country school district must be taken

3

into consideration. Development without

4

consideration for educational infrastructure

5

is shortsighted. With all the industrial

6

development and tax exemptions, you are

7

placing a school district with a large black

8

and brown student body at a greater

9

disadvantage.

10

This brings me to my second point. Are

11

these solar panels being placed on a landfill

12

with issues of a plume, single source aquifer

13

contamination with forever chemicals with NO

14

REMEDICATION of these, and many other health

15

issues?

16

The community has borne the cumulative

17

brunt of the industrialization of South

18

Brookhaven for long enough!

19

Will the fenceline communities who have

20

suffered the most benefit from the electricity

21

produced at this solar farm? Is that

22

implicitly stated in the agreement with the

23

Town?

24

Respectfully,

25

Lynne Maher

1

2

Resident, taxpayer and voter in
Brookhaven for 32 years.

3

4

And the last letter that -- email that
I received -- hold on, I'm going to check and
see if I got anything else subsequent -- is
from -- it reads:

5

6

7

8

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

10

11

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.

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Landfill redevelopment and remediation plans
should be transparent, participatory,

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24

inclusive, collaborative and community-driven.

25

The following questions should be

1

2

addressed in a public venue with our elected

3

leaders prior to consideration of this tax

4

exemption.

5

1. **COST** What is the cost of this 30

6

year tax exemption to South Country School

7

District? Why is it fair that the developer

8

can pay a significant lease to the Town of

9

Brookhaven, but cannot pay any property taxes

10

to the South Country School District - a

11

majority-minority majority-economically

12

disadvantaged NYS Target district? The IDA

13

Cost Benefit Analysis (CBA) provided with the

14

application does not accurately delineate the

15

cost of this proposed tax exemption to the

16

South Country School District. The CBA states

17

that the cost of this property tax exemption

18

is \$0. This is incorrect. Ion energy is a

19

private for-profit corporation leasing Town

20

land for a private solar array which will

21

generate private profit. Under Real Property

22

Tax Law (RPTL), Town land used for these

23

purposes is taxable. For it to be not taxable

24

"Property must be held for a public use" --

25

meaning a use that is of benefit to the

1

2

community at large (see definition in note

3

below). This requirement is satisfied if the

4

property is devoted to use by the general

5

public or public agencies. Land or

6

improvements, as well as portions thereof,

7

which are leased to a private individual or

8

organization are exempt so long as they are

9

held for a public purpose. **Conversely, if**

10

land or improvements, or portions thereof, are

11

leased to a private individual or concern and

12

used for nonpublic purposes they are subject

13

to taxation for all purposes -- I'm sorry,

14

there's an end quote, but I'm not sure where

15

that quote started -- **(Emphasis Added)** and

16

there's a link to

17

tax.ny.gov/research/property/assess/manuals,

18

it goes on.

19

Unfortunately there is a pattern of the

20

Brookhaven IDA using CBAs that underestimate

21

the cost of tax expenditures in the South

22

Country community. A recent example occurred

23

in December 2021 when the IDA inaccurately

24

stated the Nominal Cost of the Winters NP

25

property tax exemption when in fact the amount

1

2

reported was the Discounted cost (P5

3

Brookhavenida.org/files/NP and it's a long

4

link.

5

New York State's Climate Leadership and

6

Community Protection Act (CLCPA) commits NYS

7

by law to 70% renewable energy by 2030 and

8

100% by 2040. While the local Caithness

9

fossil fuel power plant enjoys an extremely

10

generous tax exemption via the Brookhaven IDA

11

through 2029, at the end of this tax exemption

12

the facility will likely wind down production

13

to meet the requirements of CLCPA.

14

Unfortunately, our community is losing

15

millions of dollars in tax revenue while

16

Caithness is operating due to IDA exemptions,

17

and our community will continue to lose

18

millions in tax revenue after 2030 if large

19

scale renewable projects like BLSF/I.on are

20

also exempted by the Brookhaven IDA. If there

21

is money to pay the Town of Brookhaven a hefty

22

lease payment, there is money for property

23

taxes to support the South Country School

24

District.

25

2. **COMPETITION** Why was the 30 acre site

1

2

non-competitively leased to I.on Energy?

3

Communication between the Town of Brookhaven

4

FOIL Officer and Town Clerk Donna Lent stated

5

on August 24, 2021 that "I.on won the award

6

under a bid issued from LIPA" yet when we

7

reached out to LIPA's Deputy General Council

8

James Mis . . .

9

JENNIFER GREENE: Miskiewicz.

10

MS. MULLIGAN: Miskeiwicz. Thank you,

11

thank you.

12

-- he clearly stated that LIPA did not

13

select I.on to develop this site. I.on

14

applied for and was accepted under the

15

Feed-In-Tariff (FIT) program. There was

16

nothing precluding the Town of Brookhaven from

17

using a competitive process that would allow

18

other potential developers to apply for a LIPA

19

Feed-In-Tariff award and potentially offer

20

more competitive terms for Brookhaven

21

residents. The concerns over this

22

non-competitive process translate to other FIT

23

awards I.on energy received for private solar

24

projects on public Town of Brookhaven land

25

including Brookhaven's Pennysaver Amphitheater

1

2

Car Ports, the Mastic Beach Aquatic Center,

3

the Holtsville Ecology Center and the Moriches

4

Sports Complex Car Ports.

5

And there's a schematic that shows

6

information about the Mastic Beach Solar, LLC,

7

the Holtsville Solar, LLC and the Mastic

8

Solar, LLC projects. It's their date and

9

their names -- I'm sorry, their address and

10

their names.

11

3. **COMPREHENSIVE PLANNING** Why is a

12

piecemeal development process being used for

13

this site? The site should be developed

14

through a comprehensive planning process - to

15

have two unrelated solar projects on the

16

landfill site is not efficient nor is it

17

comprehensive planning. In the site plan

18

below, the blue area is the existing leased

19

area for the proposed Ion Energy's private

20

solar project. The yellow area is another

21

potential solar field currently subject to a

22

Memorandum of Understanding (MOU) under

23

NYSERDA's Build Ready program. See site plan

24

below from the NYSERDA MOU.

25

And just so you know, this information

1

2

will be included in our public hearing

3

which -- and our resolution, which will be on

4

our website and there's a site plan included

5

in this.

6

4. **REMEDIATION** How does the proposal

7

affect the possibility of landfill

8

remediation? The Town of Brookhaven refuses

9

to have any public discussions or make any

10

information publicly available regarding

11

landfill remediation. In 2017 hazardous PFAS

12

chemicals were found in high levels in both

13

leachate and groundwater monitoring wells;

14

subsequent Department of Health testing found

15

contamination in downstream private wells,

16

repeat testing in 2022 confirmed the presence

17

of PFAS in both leachate and groundwater.

18

Communications from August 2022 with

19

Councilman Loguercio and Brookhaven Town

20

Recycling and Sustainable Management

21

Commissioner Fetten show that the Town refuses

22

to disclose its plume remediation plan, nor

23

will the Town disclose how many residential

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and agricultural private wells continue to

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draw water from the plume.

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5. **COMMUNITY COMMITMENTS** Why are the needs of 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 1970's, 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.

Included in this is an article titled: From a dump of sorts to a spot for sports and another article entitled: Landfills, Super Parklands Planned in Garbage Report and another article entitled: Suffolk Park Rising on Garbage.

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

1

2

commitments in the IDA application. There is

3

no commitment to train nearby residents for

4

these green jobs.

5

7. **ZONING** The Ion Energy application

6

states that this project meets zoning

7

requirements at its current location.

8

However, the landfill area under consideration

9

is currently zoned residential. See "Town of

10

Brookhaven Section 85-813 Solar energy

11

production facilities. A. Permitted

12

locations. (1) A solar energy production

13

facility may be permitted as a principal use

14

or accessory use in any L Industrial 1, L

15

Industrial 2, J Business 2, J Business 5 and J

16

Business 4 District when authorized by special

17

permit from the Planning Board subject to the

18

requirements of Section 85-813B and Section

19

85-107 of this chapter. Nothing herein shall

20

supersede or limit any other code section

21

contained within this chapter that may pertain

22

to solar energy production facilities. No

23

solar energy production facility shall be

24

located in the areas listed in subsection A(2)

25

below unless a special permit is granted by

1

2

the Town Board. Said uses shall be subject to

3

the criteria as set forth in Article VI,

4

Section 85-68." It does not appear that a

5

solar energy production facility of this size

6

is permitted under residential zoning.

7

8. **CONFLICT OF INTERESTS** IDA Board

8

Member Felix Grucci is listed on his LinkedIn

9

site as an officer of the company Starlight

10

Properties which owns land across the street

11

from 350 Horseblock Road. This was confirmed

12

by IDA Chairman Braun in the March 16th

13

minutes of the IDA (available here p 14

14

Brookhavenida.org/files/3-16-22 and it goes on

15

the link to our minutes from that meeting. If

16

the remain -- if this remains the case, this

17

should be disclosed as a conflict of interest

18

prior to the IDA considering this application,

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and Mr. Grucci should recuse himself from this

20

project. If this was true at the time of the

21

Winters NP application before the IDA,

22

Mr. Grucci should have also recused himself

23

from the Winters NP project which is located

24

adjacent to the property owned by Starlight

25

Properties, and ultimately received almost

1

2 \$80M in tax exemptions from the IDA.

3

4

5

 And there's a, I think it's a
screenshot of Mr. Grucci's LinkedIn page and
then it's signed:

6

 Best,

7

 Kerim Odekon

8

 Abena Asare

9

 Jennifer Greene

10

 Hannah Thomas

11

 Dennis Nix

12

13

14

 And those, let me see, I believe are
all the comments . . . I just want to make
sure I have everything.

15

 (Pause.)

16

17

18

 MS. MULLIGAN: I received one more, at
least one more, one that I found so far. I'm
going to read this one into the minutes.

19

 Dear Ms. Mulligan:

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21

22

 I write this comment in my capacity as
a long-time resident and taxpayer in the Town
of -- hold on, let me start over.

23

24

 This is from E. Anne Hayes, E., then
Anne, A-N-N-E, Hayes, H-A-Y-E-S.

25

 Dear Ms. Mulligan:

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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,

1

2

the Town is reaping the entire profit from the

3

project without application to those most

4

adversely affected by the landfill itself. It

5

is not clear to me that the project on

6

Town-owned property even qualifies for the

7

real property tax exemption being proposed.

8

But, if it does, where is the data showing the

9

assessment of this property so that the public

10

can be aware of the effect on assessments and

11

tax levies, on the taxing districts in our

12

Town? I urge the IDA to represent the

13

interest of our residents who have suffered

14

from having a landfill in our backyards and to

15

apply an environmental and fiscal justice

16

standard to compensate our portion of

17

Brookhaven for its losses over the years.

18

Respectfully submitted,

19

Anne E. Hayes (sic)

20

10 Price Street

21

Bellport, NY.

22

Okay. And those are the only comments

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that I've received.

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It's 10:41 a.m. Hearing no other

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comments, no other participation, I'm going to

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close this public hearing.

Thank you very much for your
participation.

(Time noted: 10:41 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