

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

- - - - -x

PUBLIC HEARING
HELD BY CONFERENCE CALL
RE: ORBIT BLOOM ENERGY, LLC

- - - - -x

June 8, 2020
10:00 a.m.

TRANSCRIPT OF PROCEEDINGS

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: JOCELYN LINSE,
EXECUTIVE ASSISTANT IDA

* * *

1

2

3

4

5

MS. MULLIGAN: It is ten a.m. on Monday, June 8, 2020. This is the public hearing for the Orbit Bloom Energy, LLC project.

6

7

8

9

My name is Lisa Mulligan. I'm the CEO of the Town of Brookhaven Industrial Development Agency and I am going to read the NOTICE OF PUBLIC HEARING.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NOTICE IS HEREBY GIVEN due to the Novel Coronavirus (COVID-19) Emergency State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020, as amended by Executive Order 202.14, issued on April 7, 2020, suspending the Open Meetings Law, and Executive Order 202.15 issued on April 9, 2020 permitting local governments to hold public hearings by telephone and video conference and/or similar device, the Public Hearing scheduled for June 8, 2020, at 10:00 a.m., local time, to be held by the Town of Brookhaven Industrial Development Agency (the "**Agency**"), in accordance with the provisions of Article 18-A of the New York General

1

2

Municipal Law will be held electronically via

3

conference call instead of a public hearing

4

open for the public to attend. Members of the

5

public may listen to the Public Hearing, and

6

comment on the Project (defined below) during

7

the Public Hearing, by calling (712)770-5505

8

and entering access code 884-124. Comments

9

may also be submitted to the Agency in writing

10

or electronically. Minutes of the Public

11

Hearing will be transcribed and posted on the

12

Agency's website, all in connection with the

13

following matters:

14

The Agency previously provided

15

assistance to Orbit Bloom Energy, LLC, a

16

Delaware limited liability company authorized

17

to transact business in the State of New York

18

(the "**Company**"), in the acquisition of a

19

ground leasehold interest in an approximately

20

1.5 acre portion of land located at 3601

21

Horseblock Road, Medford, New York 11763 (more

22

particularly described as Suffolk County Tax

23

Map No. 0200-738.00-02.00-p/o 003.001) (the

24

"**Land**"), and the construction of an

25

approximate 5,000 square foot, 6.0 MW fuel

1

2

cell power plant thereon (the "**Improvements**"),

3

and the acquisition and installation of

4

certain equipment and personal property (the

5

"Equipment"; and together with the Land and

6

the Improvements, the "**Facility**"), which

7

Facility will be sub-subleased and subleased

8

by the Agency to the Company and used by the

9

Company to supply clean energy to the

10

residents of the Town of Brookhaven

11

(collectively, the "**Project**").

12

DG Fuel Cell, LLC, a Delaware limited

13

liability company, on behalf of itself and/or

14

the principals of DG Fuel Cell, LLC and/or an

15

entity formed or to be formed on behalf of any

16

of the foregoing (collectively, "**DG Fuel**

17

Cell"), has now applied to the Agency for the

18

Agency's consent to the acquisition by DG Fuel

19

Cell of up to one hundred percent (100%) of

20

the equity interests in the Company. The

21

Company will remain lessee of the Project from

22

the Agency. It is anticipated that the

23

Company and Bloom Energy Corporation will

24

enter into a long term Operations and

25

Maintenance Agreement, whereby Bloom Energy

1

2

Corporation will operate and maintain the

3

Project.

4

5

A representative of the Agency will at the above-stated time and place hear and

6

accept written comments from all persons with

7

views in favor of or opposed to the

8

acquisition of the Company and the Facility by

9

DG Fuel Cell. Prior to the hearing, all

10

persons will have the opportunity to review on

11

the Agency's website

12

(<https://brookhavenida.org/>), the application

13

for financial assistance filed by DG Fuel Cell

14

with the Agency and an analysis of the costs

15

and benefits of the Facility.

16

Dated: May 28, 2020

17

TOWN OF BROOKHAVEN

18

INDUSTRIAL DEVELOPMENT AGENCY

19

By: Lisa MG Mulligan

20

Title: Chief Executive Officer

21

Has anyone joined the call?

22

(No response.)

23

MS. MULLIGAN: Hearing no one, right

24

now it's just me, Lisa Mulligan and Jocelyn

25

Linse, both of the Brookhaven IDA.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Pause.)

MS. MULLIGAN: It is 10:30 on Monday,
June 8, 2020. There has been no comment at
the public hearing for Orbit Bloom Energy,
LLC.

Hearing no comment, I'm going to close
the public hearing at 10:30 a.m.

(Time noted: 10:30 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

- - - - -x

PUBLIC HEARING
HELD BY CONFERENCE CALL
RE: ORBIT BLOOM ENERGY, LLC

- - - - -x

March 24, 2020
3:00 p.m.

TRANSCRIPT OF PROCEEDINGS

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: JOCELYN LINSE,
EXECUTIVE ASSISTANT IDA

* * *

1

2

3

4

5

MS. MULLIGAN: It's 3:00 on March 24th. This is the Orbit Bloom public hearing. I'm going to open the public hearing by reading the public hearing notice.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Because of the Novel Coronavirus (COVID-19) Emergency State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the Public Hearing scheduled for March 24, 2020 being held by the Town of Brookhaven Industrial Development Agency (the "Agency") in accordance with the provisions of Article 18-A of the New York General Municipal Law with respect to Orbit Bloom Energy, LLC and AEP Onsite Partners, LLC (the "Applicant") will be held electronically via conference call instead of a public hearing open for the public to attend. Members of the public may listen to the Public Hearing and comment on the Project and the benefits granted to the Applicant by the Agency during the Public Hearing by calling (712)770-5505 and entering access code 884-124. Comments may also be

1

2

submitted to the Agency in writing or

3

electronically. Minutes of the Public Hearing

4

will be transcribed and posted on the Agency's

5

website.

6

REVISED NOTICE OF PUBLIC HEARING.

7

NOTICE IS HEREBY GIVEN that a public

8

hearing pursuant to Article 18-A of the New

9

York State General Municipal Law will be held

10

by the Town of Brookhaven Industrial

11

Development Agency (the "**Agency**") on the 24th

12

day of March, 2020, at 3:00 p.m. local time,

13

electronically by calling (712)770-5505 and

14

entering access code 884-124, in connection

15

with the following matters:

16

The Agency previously provided

17

assistance to Orbit Bloom Energy, LLC, a

18

Delaware limited liability company authorized

19

to transact business in the State of New York

20

(the "**Company**"), in the acquisition of a

21

ground leasehold interest in an approximately

22

1.5 acre portion of land located at 3601

23

Horseblock Road, Medford, New York 11763 (more

24

particularly described as Suffolk County Tax

25

Map No. 0200-738.00-02.00-p/o 003.001) (the

1

2

"Land"), and the construction of an

3

approximately 5,000 square foot, 6.0 MW fuel

4

cell power plant thereon (the **"Improvements"**),

5

and the acquisition and installation of

6

certain equipment and personal property (the

7

"Equipment"; and together with the Land and

8

the Improvements, the **"Facility"**), which

9

Facility will be sub-subleased and subleased

10

by the Agency to the Company and used by the

11

Company to supply clean energy to the

12

residents of the Town of Brookhaven

13

(collectively, the **"Project"**).

14

AEP Onsite Partners, LLC, a Delaware

15

limited liability company, on behalf of itself

16

and/or the principals of AEP Onsite Partners,

17

LLC and/or an entity formed or to be formed on

18

behalf of any of the forgoing (collectively,

19

"AEP"), has now applied to the Agency for the

20

Agency's consent to the acquisition by AEP of

21

up to one hundred percent (100%) of the equity

22

interests in the Company. The Company will

23

remain lessee of the Project from the Agency.

24

It is anticipated that the Company and Bloom

25

Energy Corporation will enter into a long term

1

2

Operations and Maintenance Agreement, whereby

3

Bloom Energy Corporation will operate and

4

maintain the Project.

5

A representative of the Agency will at

6

the above-stated time and place hear and

7

accept written comments from all persons with

8

views in favor of or opposed to the

9

acquisition of the Company and the Facility by

10

AEP. At the hearing, all persons will have

11

the opportunity to review the application for

12

financial assistance filed by AEP with the

13

Agency and an analysis of the costs and

14

benefits of the proposed Facility.

15

Dated: March 14, 2020.

16

TOWN OF BROOKHAVEN INDUSTRIAL

17

DEVELOPMENT AGENCY.

18

By: Lisa MG Mulligan.

19

Title: Chief Executive Officer.

20

I'm Lisa Mulligan and I think Jocelyn

21

Linse, I think we're the only people on this

22

call.

23

MS. LINSE: I think you're correct.

24

MS. MULLIGAN: Okay.

25

So we'll leave it open for another 25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

minutes and see if anybody decides to join.

(Pause.)

MS. MULLIGAN: It's 3:30. There's been no comment or participation in this public hearing, so at this time, I am going to close the public hearing for comment.

(Time noted: 3:30 p.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