

TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

JANUARY 11, 2023

MEETING MINUTES

MEMBERS PRESENT: Frederick C. Braun, III
Martin Callahan
Mitchell H. Pally
Gary Pollakusky
Ann-Marie Scheidt (via Zoom)
Frank C. Trotta (via Zoom)

EXCUSED MEMBER: Felix J. Grucci, Jr.

ALSO PRESENT: Lisa M. G. Mulligan, Chief Executive Officer
Lori LaPonte, Chief Financial Officer
John LaMura, Deputy Director
Amy Illardo, Director of Marketing
Jocelyn Linse, Executive Assistant
Terri Alkon, Administrative Assistant (via Zoom)
Annette Eaderesto, IDA Counsel
William F. Weir, Nixon Peabody, LLP
Howard Gross, Weinberg, Gross & Pergament (via Zoom)
Peter Curry, Farrell Fritz, P.C.
Steven Krieger, B2K Development
David Burman, B2K Development

Chairman Braun opened the Industrial Development Agency meeting at 12:29 P.M. on Wednesday, January 11, 2023, in the Agency's Office on the Second Floor of Brookhaven Town Hall, One Independence Hill, Farmingville, New York. A quorum was present.

MEEETING MINUTES OF OCTOBER 26, 2022

The motion to approve these Minutes as presented was made by Mr. Pollakusky and seconded by Ms. Scheidt. All voted in favor.

MEETING MINUTES OF NOVEMBER 16, 2022

The motion to approve these Minutes as presented was made by Mr. Pollakusky, seconded by Ms. Scheidt and unanimously approved.

CFO'S REPORT

Ms. LaPonte presented the Budget vs. Actual Reports for the period ending November 30, 2022. Deposits and expenses were noted, all expenses were in line with the budget. All payroll taxes and related withholdings have been paid timely in accordance with Federal and State guidelines. All regulatory reports have been filed in a timely fashion. The external audit is starting on January 23rd; the Members were asked to return the questionnaires back to the accountants as soon as possible.

The motion to accept the report was made by Mr. Pally and seconded by Mr. Pollakusky. All voted in favor.

EB AT EAST PATCHOGUE, LLC – APPLICATION

This application is for a 139-unit senior rental complex with 10% of the units affordable and 10% of the units for workforce housing. The development is situated on 14 vacant acres on Sipp Avenue in East Patchogue. Project costs are estimated at approximately \$54.6 million. Five full-time equivalent jobs are expected as well as approximately 150 construction jobs. Exemptions from mortgage recording tax, sales tax and a PILOT have been requested. Mr. Curry and Mr. Krieger made a brief presentation to the Board.

The motion to accept the application and schedule a public hearing was made by Mr. Callahan, seconded by Mr. Trotta and unanimously approved with Mr. Pally abstaining.

HSRE-EB HOLTSVILLE – RESOLUTION

A letter was received requesting the IDA’s consent for HSRE-EB Holtsville to enter into a short-term extension with Wells Fargo. No new benefits are being requested.

The motion to approve this resolution extending the financing to June 30, 2023, was made by Mr. Braun and seconded by Mr. Callahan. The motion was approved with Mr. Pally abstaining.

CD RAMSAY, LLC – FINAL AUTHORIZING RESOLUTION

A public hearing for this approximately 18,500 square foot facility to be constructed adjacent to CD Ramsay’s current facility in the Shirley Industrial Park was held with no comment received. The cost benefit analysis and PILOT were included in the meeting packets.

The motion to approve the final authorizing resolution was made by Mr. Pollakusky, seconded by Mr. Pally and unanimously approved.

MS PACKAGING – RESOLUTION

There are two entities in the MS Packaging facility on Zorn Boulevard that are affiliates of MS Packaging, Great White Packaging Corp. and MS Packaging & Supply Distribution Corp. They have no employees or dedicated space at the facility. A Tenant Agency Compliance Agreement will be executed for insurance purposes.

The motion to approve this resolution was made by Mr. Pally and seconded by Mr. Pollakusky. All voted in favor.

Ms. Scheidt left the meeting at 12:56 P.M.

WF INDUSTRIAL X11, LLC – AMENDED APPLICATION & RESOLUTION

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Project costs have changed as well as the sales tax exemption from the original application for this three, one-story buildings spec warehouse distribution project. The project will total 550,000 square feet in total once completed. A public hearing was held with no comments received. Project representatives provided the Board with an update on the project, tenants have not been identified yet.

The motion to accept the amended application and approve the resolution was made by Mr. Trotta, seconded by Mr. Pollakusky and unanimously approved.

CEO'S REPORT

Board Assessments

The board assessments were included in the meeting packets for the Members to complete and return.

Acknowledgement of Fiduciary Duties

The Members were asked to sign the Acknowledgment of Fiduciary Duties form and return it to the office.

Financial Disclosure Form

The financial disclosure form is forthcoming, it will be completed online this year.

February Meeting

Mr. Pally made a motion to move the February meeting to February 8th at 12:00 P.M. The motion was seconded by Mr. Callahan and unanimously approved.

ORGANIZATIONAL RESOLUTIONS

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Resolution #6 – Appointing of Legal Counsel

Annette Eaderesto

William F. Weir

Howard Gross

Resolution #7 – Appointment of Insurance Broker of Record

Resolution #8 – Slate of IDA Board Officers

Frederick C. Braun, III, Chairman

Felix J. Grucci, Jr., Vice-Chair

Martin Callahan, Treasurer

Ann-Marie Scheidt, Secretary

Frank C. Trotta, Assistant Treasurer

Gary Pollakusky, Assistant Secretary

Mitchell H. Pally, Member

Resolution #9 – Adoption of Committee Charters and Establishment and Appointing of Governance, Finance and Audit Committees

Resolution #10 – Adoption of Fee Schedule

The motion to approve resolutions #6 through #10 was made by Mr. Pally and seconded by Mr. Pollakusky. All voted in favor.

Resolution #11 – Office Rental at Town of Brookhaven

Resolution #12 – Hourly Requirement

Resolution #13 – 2023 Meeting Schedule

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Resolution #14 – Appointment of Website Design & Maintenance

Resolution #15 – Banking and Investing

The motion to approve resolutions #11 through #15 was made by Mr. Pollakusky, seconded by Mr. Pally and unanimously approved.

Resolution #16 – Adopting a Mission Statement and Measurement Report

Resolution #17 – Adopting the Town of Brookhaven Ethics Policy, Procurement Policy and Property Acquisition and Disposal Policy

Resolution #18 – Adopting a Uniform Tax Exemption Policy

Resolution #19 – Adopting a Compensation Policy

Resolution #20 – Adopting a Policy Concerning Board Member and Employee Loans

The motion to approve resolutions #16 through #20 was made by Mr. Callahan and seconded by Mr. Pollakusky. All voted in favor.

Resolution #21 – Adopting a Prevailing Wage Policy

Resolution #22 – Adopting an Adaptive Reuse Policy

Resolution #23 – Delegating and Authorizing Execution of IDA Documents

Resolution #24 – Adopting an Incentive Compensation Policy

Resolution #25 – Longevity

The motion to approve resolutions #21 through #25 was made by Mr. Trotta, seconded by Mr. Callahan and unanimously approved.

Resolution #26 – Adoption of a Deferred Compensation Policy

Resolution #27 – Holiday Schedule

Resolution #28 – Adopting a Travel and Discretionary Funds Policy

Resolution #29 – Adopting an Accrual Policy for Management Employees

Resolution #30 – Adopting an Accrual Policy for Full Time Non-Management Employees

The motion to approve resolutions #26 through #30 was made by Mr. Callahan and seconded by Mr. Pally. All voted in favor.

Resolution #31 – Audit and Accounting Services – PKF O’Connor Davies in an amount not to exceed \$25,000 and Jones Little & Co., CPA’s, LLP in an amount not to exceed \$1,600.

Resolution #32 – Adopting a Bereavement Policy

Resolution #33 – Conflict of Interest Policy

Resolution #34 – Appointment of Insurance Risk Manager

Resolution #35 – Approval of Unlawful Harassment and Unlawful Sexual Harassment Prohibition Policy

The motion to approve resolutions #31 through #35 was made by Mr. Pally, seconded by Mr. Pollakusky and unanimously approved.

Resolution #37 – Jury Duty

Resolution #38 – Employee Health Insurance

Resolution #39 – Cancer Screening

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Resolution #40 – Appointment of Public Relations Firm

The motion to approve resolutions #37 through #40 was made by Mr. Pollakusky and seconded by Mr. Pally. All voted in favor.

Resolution #41 – Supplemental Benefits Insurance

Resolution #42 – Shared Services Agreement

Resolution #43 – Newspaper of Record

Resolution #44 – Acquisition of Real Property

The motion to approve resolutions #41 through #44 was made by Mr. Pollakusky, seconded by Mr. Pally and unanimously approved.

At 1:17 P.M., Mr. Pollakusky made a motion to enter executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. The motion was seconded by Mr. Pally and unanimously approved.

At 2:21 P.M., Mr. Pollakusky made a motion to exit executive session and resume the regular agenda. The motion was seconded by Mr. Pally, and all voted in favor. No voting took place in executive session.

Resolution #1 – Appointment of Lisa M. G. Mulligan as Chief Executive Officer

Resolution #2 – Appointment of Lori LaPonte as Chief Financial Officer

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Resolution #3 – Appointment of Jocelyn Linse as Executive Assistant

Resolution #4 – Appointment of Terri Alkon as Administrative Assistant

Resolution #5 – Appointment of Amy Illardo as Director of Marketing and Project Development

The motion to approve resolutions #1 through #5 was made by Mr. Callahan, seconded by Mr. Pally, and unanimously approved.

Resolution #36 – Approval of 2022 Incentive Compensation

The motion to approve resolution #36 was made by Mr. Callahan and seconded by Mr. Braun. All voted in favor.

Resolution #45 – Appointment of John LaMura as Deputy Director

The motion to approve resolution #45 was made by Mr. Pollakusky, seconded by Mr. Pally, and unanimously approved.

Mr. Braun made a motion to close the IDA meeting at 2:22 P.M. The motion was seconded by Mr. Pally, and all voted in favor.

The next IDA meeting is scheduled for Wednesday, February 8, 2023.