

TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

MEETING MINUTES

JANUARY 23, 2024

MEMBERS PRESENT: Frederick C. Braun, III
Martin Callahan
Mitchell H. Pally
Ann-Marie Scheidt
Gary Pollakusky
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
Amy Illardo, Director of Marketing
Jocelyn Linse, Executive Assistant
Terri Alkon, Administrative Assistant
Annette Eaderesto, LDC Counsel
Barry Carrigan, Nixon Peabody, LLP
James Coughlan, Tritec
Kelley Heck, Tritec
Greg Law, Tritec
Meaghan Treat, Tritec
Peter Curry, Farrell Fritz, PC

Chairman Braun opened the Industrial Development Agency meeting at 1:07 P.M. on Tuesday, January 23, 2024, in the Agency's Office on the Second Floor of Brookhaven Town Hall, One Independence Hill, Farmingville, New York. A quorum was present.

MEETING MINUTES OF NOVEMBER 15, 2023

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

MEETING MINUTES OF DECEMBER 6, 2023

The motion to approve these Minutes as presented was made by Mr. Trotta, seconded by Mr. Pally, and unanimously approved.

CFO'S REPORT

Ms. LaPonte presented the budget vs. actual report for the period ending November 30, 2023. Twelve projects closed last year. Expenses are on or under budget except for office equipment and depreciation. The audit is underway and ahead of schedule. 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. PILOT payments have been made in accordance with State guidelines and disbursed within the mandated 30-day deadline.

The motion to accept the report was made by Mr. Callahan and seconded by Ms. Scheidt. All voted in favor.

RONK HUB NOVA, LLC – FINAL AUTHORIZING RESOLUTION

Ms. Mulligan presented the final authorizing resolution for Phase 2B of the Ronkonkoma Hub project. A public hearing was held in 2014 for the entire project. This phase involves approximately 3 acres, 175 residential units, garage space, 1,500 square feet of retail space, and the costs are estimated to be approximately \$113 million. Ms. Heck provided the Members with a brief update of progress at the site. Construction is expected to take two years. Occupancy just started on Phase 2A, and construction on 2B is expected to begin early spring.

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

HSRE-EB MT.SINAI – RESOLUTION

This project has requested to extend the maturity date on their loan with Wells Fargo to January 9, 2025. No new benefits are being requested.

The motion to approve this resolution was made by Ms. Scheidt and seconded by Mr. Callahan. The motion passed with Mr. Pally abstaining.

HAWKINS AVENUE DEVELOPMENT RHP2, LLC – SUBTENANT APPLICATION & RESOLUTION – POKI POKE RONKONKOMA

Poki Poke Ronkonkoma is seeking to sublease approximately 1,400 square feet at the Ronkonkoma Hub development. The lease is for 15-years plus, and they expect to have five full-time equivalent employees.

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

All project representatives left the meeting at 1:19 P.M.

HOLTSVILLE INDUSTRIAL – SUBTENANT APPLICATION & RESOLUTION – ORANGE COUNTY TRANSIT

Orange County Transit is seeking to sublease approximately 3,100 square feet of space at the Holtsville Industrial facility that was previously occupied by Hot Gen Health. This is a bus dispatch company that currently has 15 full-time equivalent employees; they estimate hiring four office workers and 28 drivers. There will be a 6-year lease.

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

WF INDUSTRIAL XIII – SUBTENANT APPLICATION & RESOLUTION – NY CDG 009, LLC

This subtenant application is for approximately 115,000 square feet of solar panels on the rooftop of the facility on National Boulevard. There will be a 25-year lease and no full-time equivalent positions created.

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

WF INDUSTRIAL XII – SUBTENANT APPLICATION & RESOLUTION – 1001
EXPRESSWAY DRIVE BUILDING A SOLAR, LLC

This subtenant application is for approximately 2,040 kilowatts of solar panels on 200,000 square feet on the rooftop of Building A. There will be a 25-year lease, and no full-time equivalent positions created.

The motion to accept the application and approve the resolution was made by Mr. Callahan and seconded by Mr. Pollakusky. All voted in favor.

WF INDUSTRIAL XII – SUBTENANT APPLICATION & RESOLUTION – 1001
EXPRESSWAY DRIVE BUILDING B SOLAR, LLC

This subtenant application is for approximately 1,836 kilowatts of solar panels on 176,760 square feet on the rooftop of Building B. There will be a 25-year lease, and no full-time equivalent positions created.

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

WF INDUSTRIAL XII – SUBTENANT APPLICATION & RESOLUTION – 1001
EXPRESSWAY DRIVE BUILDING C SOLAR, LLC

This subtenant application is for approximately 1,701 kilowatts of solar panels on 169,724 square feet on the rooftop of Building C. There will be a 25-year lease, and no full-time equivalent positions created.

The motion to accept the application and approve the resolution was made by Mr. Pollakusky and seconded by Ms. Scheidt. All voted in favor.

ORGANIZATIONAL RESOLUTIONS

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. Pollakusky and seconded by Ms. Scheidt. All voted in favor.

Resolution #12 – Hourly Requirement

Resolution #13 – 2024 Meeting Schedule (The February meeting will be moved to February 27, 2024.)

Resolution #14 – Appointment of Website Design & Maintenance

Resolution #15 – Banking & Investing (Amy Illardo will be added as a signatory on the bank accounts.)

The motion to approve resolutions #12 through #15 was made by Ms. Scheidt, seconded by Mr. Callahan, and unanimously approved.

Resolution #16 – Adopting a Mission Statement and Measurement Report (This resolution will be postponed until after the Governance Committee Meeting on February 27, 2024.)

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

IDA Meeting
January 23, 2024

The motion to approve resolutions #17 through #20 was made by Ms. Scheidt 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 & Authorizing Execution of IDA Documents

Resolution #25 – Longevity

The motion to approve resolutions #21, #22, #23 and #25 was made by Mr. Pollakusky, seconded by Ms. Scheidt, and unanimously approved.

Resolution #26 – Adoption of Deferred Compensation Program Policy

Resolution #27 – Holiday Schedule

Resolution #28 – Adopting a Travel & 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. Pollakusky. All voted in favor.

Resolution #31 – Audit and Accounting Services – PKF O’Connor Davies in an amount not to exceed \$24,500 and Jones Little & Co., CPA’s, LLP in an amount not to exceed \$1,700.

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 Ms. Scheidt and seconded by Mr. Pollakusky. All voted in favor.

IDA Meeting
January 23, 2024

Resolution #37 – Jury Duty

Resolution #38 – Employee Health Insurance

Resolution #39 – Cancer Screening

Resolution #40 – Appointment of Public Relations Firm

The motion to approve resolutions #37 through #40 was made by Mr. Trotta, seconded by Ms. Scheidt, and unanimously approved.

Resolution #41 – Supplemental Benefits Insurance

Resolution #42 – Shared Services Agreement (This will be amended so the LDC pays a flat amount of 10%.)

Resolution #43 – Newspaper of Record (Long Island Business News will be added)

Resolution #44 – Acquisition of Real Property

Resolution #46 – Separation Payout

The motion to approve resolutions #41, #42, #43, #44 and #46 was made by Ms. Scheidt and seconded by Mr. Callahan. All voted in favor.

CEO'S REPORT

Segme Brookhaven, LLC

The Board accepted an extension request from this spec industrial project and informed them an updated application would be required. The letter updating their application reflects the purchase date moving to September of 2024 and construction beginning in December of 2024.

The motion to accept the updated application was made by Mr. Pally, seconded by Mr. Trotta, and unanimously approved.

LIBDC June Dinner

IDA Meeting
January 23, 2024

Mr. Callahan made a motion to approve a \$5,000 sponsorship for the annual LIBDC dinner. The motion was seconded by Ms. Scheidt, and all voted in favor. The time and location are to be determined.

Board Assessments, Ethics Form, Harassment Training & Fiduciary Responsibilities

The Members were asked to complete their board assessments, ethics forms, fiduciary responsibility forms and harassment training.

February Meeting Date

The February meeting will be moved to February 27th at noon.

Herald Real Estate Achievement & Leadership Award

Ms. Mulligan will be receiving an award on February 28, 2024, at 6:00 P.M. at the Heritage Club at Bethpage in Farmingdale. A sponsorship package will be purchased depending on attendance levels at the discretion of the Chairman.

At 1:41 P.M., Mr. Pally 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 Ms. Scheidt and unanimously approved.

At 2:34 P.M., Mr. Pally made a motion to resume the regular meeting. The motion was seconded by Mr. Pollakusky and all voted in favor. No action was taken in executive session.

ORGANIZATIONAL RESOLUTIONS (REVISITED)

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

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

Resolution #3 – Appointment of Jocelyn Linse as Executive Assistant

Resolution #4 - Appointment of Terri Alkon as Administrative Assistant

IDA Meeting
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Resolution #5 – Appointment of Amy Illardo as Director of Marketing & Project Development

Resolution #6 - Appointment of Legal Counsel

Annette Eaderesto

Nixon Peabody, LLP

Weinberg, Gross & Pergament

The motion to approve resolutions #1 through #6 was made by Mr. Pally, seconded by Ms. Scheidt, and unanimously approved.

Resolution #24 – Adopting an Incentive Compensation Policy

The motion to approve resolution #24 was made by Mr. Pally and seconded by Ms. Scheidt. All voted in favor.

The motion to close the IDA meeting at 2:35 P.M. was made by Mr. Pally, seconded by Ms. Scheidt, and unanimously approved.

The next IDA meeting is scheduled for Wednesday, February 27, 2024.