

TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

MEETING MINUTES

JANUARY 8, 2020

MEMBERS PRESENT: Frederick C. Braun, III
Martin Callahan
Scott Middleton
Gary Pollakusky
Ann-Marie Scheidt
Frank C. Trotta (via phone)

EXCUSED MEMBER: Felix J. Grucci, Jr.

ALSO PRESENT: Lisa M. G. Mulligan, Chief Executive Officer
Lori LaPonte, Chief Financial Officer
James M. Tullo, Deputy Director
Annette Eaderesto, Counsel
Howard Gross, Weinberg, Gross & Pergament
William F. Weir, Nixon Peabody, LLP
Jocelyn Linse, Executive Assistant
Terri Alkon, Administrative Assistant
Carole Trottere, Todd Shapiro Associates
Brian Finnegan, Todd Shapiro Associates
John Anzalone, Harris Beach

Chairman Braun opened the IDA meeting at 12:24 P.M. on Wednesday, January 8, 2020 in the Media Room on the Second Floor of Brookhaven Town Hall, One Independence Hill, Farmingville, New York. A quorum was present.

MEETING MINUTES OF NOVEMBER 20, 2019

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

MEETING MINUTES OF DECEMBER 2, 2019

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 Operating Statement for the period ending December 31, 2019. The motion to accept the Operating Statement for December was made by Mr. Pollakusky and seconded by Ms. Scheidt. All voted in favor.

CEO'S REPORT

On the Commons

Ms. Mulligan presented the housing study that was done by Camoin Associates for this proposed housing project in Rocky Point. A public hearing still needs to be held. The Members were asked to forward any questions they have to Ms. Mulligan.

ORBIT BLOOM ENERGY LLC – RESOLUTION

Ms. Mulligan presented the final authorizing resolution for Orbit Bloom Energy LLC along with the proposed PILOT and cost benefit analysis. A public hearing was held with no comment received.

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

ORGANIZATIONAL RESOLUTIONS

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

Resolution #2 – Appointment of Jocelyn Linse as Executive Assistant

Resolution #3 – Appointment of Lori LaPonte as Chief Financial Officer

Resolution #4 – Appointment of Terri Alkon as Administrative Assistant

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Resolution #5 – Appointment of James M. Tullo as Deputy Director

The motion to approve resolutions #1 through #5 was made by Mr. Pollakusky and seconded by Ms. Scheidt. All voted in favor.

Resolution #6 – Appointment of Legal Counsel

Resolution #7 – Appointment of Industrial Coverage Corporation as Insurance Broker of Record

Resolution #8 – Appointment of Officers

Resolution #9 – Establishment of Governance Committee

Resolution #10 – Establishment of Audit Committee

Resolution #11 – Rental of Office at the Town of Brookhaven

The motion to approve resolutions #6 through #11 was made by Mr. Pollakusky, seconded by Ms. Scheidt and unanimously approved with Mr. Middleton abstaining on resolution #7.

Resolution #12 – Hourly Requirement

Resolution #13 – 2020 Meeting Schedule

Resolution #14 – Appointment of Cybernet as Computer Consultant

Resolution #15 – Banking and Investing with Empire National Bank

This resolution will be modified to include the successor to Empire National Bank once contracts are signed.

Resolution #16 – Adopting a Mission Statement and Measurement Report

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Ms. Mulligan read the Mission Statement aloud; the Members determined there would be no change. At the recently held IDA Academy, the Authorities Budget Office (ABO) strongly encouraged IDAs to look at their Mission Statement; this may be reviewed by the Governance Committee in the future. Ms. Mulligan read the Measurement Report aloud, all Members responded in the affirmative.

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

Resolution #18 – Adopting Governance Committee Charter, Audit Committee Charter and Finance Committee Charter

The motion to approve resolutions #12 through #18 was made by Ms. Scheidt and seconded by Mr. Pollakusky. All voted in favor.

Resolution #19 – Adopting a Uniform Tax Exemption Policy
This resolution was tabled.

Resolution #20 – Adopting a Compensation Policy

Resolution #21 – Adopting a Policy Concerning Board Member and Employee Loans

Resolution #22 – Adopting a Prevailing Wage Policy

Resolution #23 – Adopting a Whistleblower Policy and Investment Policy

Resolution #24 – Appointing a Finance Committee

Resolution #25 – Adopting an Adaptive Re-Use Policy

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The motion to approve resolutions #20 through #25 was made by Mr. Pollakusky, seconded by Ms. Scheidt and unanimously approved.

Resolution #26 – Delegating and Authorizing Execution of IDA Documents

Resolution #27 – Adopting an Incentive/Compensation Policy

This resolution was tabled.

Resolution #28 – Adoption of Deferred Compensation Program Policy

Resolution #29 – 2020 Holiday Schedule

Resolution #30 – Adopting a Travel and Discretionary Funds Policy

Resolution #31 – Adopting an Accrual Policy for Full-Time Management Employees

Resolution #32 – Adopting a Bereavement Policy

The motion to approve resolutions #26 and #28 through #32 was made by Mr. Pollakusky and seconded by Ms. Scheidt. All voted in favor.

Resolution #33 – Appointing Audit/Financial Services

Resolution #34 – Adopting an Accrual Policy for Full-Time Non-Management Employees

Resolution #35 – Adopting a Conflict of Interest Policy

Resolution #36 – Appointment of JB Risk Services as Insurance Risk Manager

Resolution #37 – Appointment of Todd Shapiro Associates, Inc. as Public Relations Firm

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Resolution #38 – Approval of Unlawful Harassment and Unlawful Sexual Harassment
Prohibition Policy

The motion to approve resolutions #33 through #38 was made by Mr. Pollakusky, seconded by Ms. Scheidt and unanimously approved.

Resolution #39 – Allocation of 2019 Incentive Compensation

This resolution was tabled.

Resolution #40 – Appointment of Amy Illardo as Administrative Assistant

Resolution #41 – Jury Duty Policy

Resolution #42 – Employee Health Insurance Policy

Resolution #43 – Cancer Screening Policy

The motion to approve resolutions #40 through #43 was made by Mr. Pollakusky and seconded by Mr. Callahan. All voted in favor.

At 12:41 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 Ms. Scheidt and unanimously approved.

At 1:35 P.M., Mr. Pollakusky made a motion to exit executive session and resume the regular agenda. The motion was seconded by Mr. Callahan and all voted in favor.

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Mr. Pollakusky made a motion to amend resolutions #1, #2, #3, #4, #5 and #40 to include a 3% increase in compensation, and to approve resolutions #27 and #39. The motion was seconded by Ms. Scheidt and unanimously approved.

Mr. Callahan made a motion to table resolution #19. The motion was seconded by Mr. Pollakusky and all voted in favor. Mr. Middleton added that the moratorium remains in effect.

CEO'S REPORT – REVISITED

Gold Glass

Ms. Mulligan informed the Members that the application for Gold Glass that was sent to them in advance of the meeting has been withdrawn at the request of the company. Agency staff will remain in touch with the company.

UNITED RENTALS (NORTH AMERICA), INC. – AUTHORIZING RESOLUTION

The cost benefit analysis was included in the meeting packets for review. A public hearing was held with no comment received.

The motion to approve this resolution to increase the sales tax exemption was made by Mr. Pollakusky, seconded by Ms. Scheidt and unanimously approved.

BRIGHTVIEW PORT JEFFERSON, LLC – RESOLUTION

The cost benefit analysis and proposed PILOT were included in the meeting packets. A public hearing was held with comments received which Ms. Mulligan shared with the Board.

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

HO PENN MACHINERY COMPANY, INC. – RESOLUTION

A public hearing was not required to increase the sales tax exemption for this project since the amount requested is under the threshold that requires a public hearing. The motion to extend and

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increase the sales tax exemption and extend the completion date to June 20, 2020 was made by Mr. Pollakusky, seconded by Ms. Scheidt and unanimously approved.

WHTB GLASS, LLC – RESOLUTION

A public hearing was not required to increase the sales tax exemption for this project since the amount requested is under the threshold that requires a public hearing. The motion to extend and increase the sales tax exemption and extend the completion date until October 31, 2020 was made by Mr. Pollakusky and seconded by Mr. Callahan. All voted in favor.

CEO’S REPORT – REVISITED

2019 Project Recap

The final version of the 2019 project recap was included in the meeting packets.

Blue Point Brewery Solar

The Agency was informed that solar panels were put on the roof of the building. The project did not request authorization for this. The PILOT may increase as a result.

Legislative Update

There was legislation vetoed by the Governor that would have required IDAs to notify all school district officials and board members of deviations of the Uniform Tax Exemption Policy (UTEP) by certified mail.

NYS Senate Investigations & Government Operations Committee

A report from the NYS Senate Investigations & Government Operations Committee was sent to the Members in December. The report stated that the Agency did not have an Ethics Policy on the website which it did. The website has been reconfigured to make it more user-friendly. A correction to the report has been requested but no response has been received.

PRESENTATION – TODD SHAPIRO ASSOCIATES

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Brian Finnegan of Todd Shapiro Associates provided the Members with an update on marketing activities for the past month. Two press releases were sent out that were picked up by various publications. There was limited activity on Facebook in December, it has picked back up in the new year. The focus will shift to LinkedIn in the coming weeks. Carol Trottere will be working with the IDA as well.

The motion to close the meeting at 1:57 P.M. was made by Mr. Middleton and seconded by Ms. Scheidt. All voted in favor.

The next IDA meeting is scheduled for Wednesday, February 26, 2020.