

Town of Brookhaven
Industrial Development Agency

January 8, 2025

Meeting Minutes

Members Present: Frederick C. Braun, III
Martin Callahan
Mitchell H. Pally
Ann-Marie Scheidt
John Rose
Felix J. Grucci, Jr. (via Zoom)

Excused Member: Frank C. Trotta

Also Present: Lisa M. G. Mulligan, Chief Executive Officer
Lori LaPonte, Chief Financial Officer
Amy Illardo, Director of Marketing
Jocelyn Linse, Executive Assistant
Howard Gross, Weinberg, Gross & Pergament, LLP (via Zoom)
Terance Walsh, Nixon Peabody, LLP (via Zoom)
Andrew Komaromi, Harris Beach Murtha, PLLC
Phil Denava, Key Capture Energy
John Anzalone, Harris Beach Murtha, PLLC
Tim Shea, Certilman Balin, LLP
Daniel Baker, Greenberg Traurig, LLP
Alec Ornstein, Ornstein Leyton Company
Joseph Rossi, Nord Development Group
Eric J. Russo, Vanbrunt, Juzwiak & Russo, PC
Brian Egan, Village of Patchogue

Chairman Braun opened the IDA meeting at 12:17 P.M. on Wednesday, January 8, 2025, in the Agency's Office on the Second Floor of Brookhaven Town Hall, One Independence Hill, Farmingville, New York. A quorum was present.

Mr. Rose 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. Callahan and unanimously approved.

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At 1:06 P.M., Mr. Callahan made a motion to exit executive session and resume the regular agenda. The motion was seconded by Ms. Scheidt and all voted in favor. No action was taken in executive session.

Meeting Minutes of November 20, 2024

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

Meeting Minutes of December 4, 2024

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

CFO's Report

Ms. LaPonte presented the Operating vs. Budget Report for the period ending November 30, 2024. There were two closings in November and the typical expenses were noted. Cyber insurance costs have increased; interest rates have decreased. 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 disbursements will begin shortly.

The motion to accept the CFO's Report was made by Mr. Pally, seconded by Mr. Callahan, and unanimously approved.

TopGolf USA Holtsville, LLC – Resolution

Mr. Callahan recused himself from this matter and left the meeting. Prior to the original closing of this project, the parent company of TopGolf merged with Calloway Golf Company without informing the Agency.

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

Mr. Shea left the meeting and Mr. Callahan returned.

Vineyards at Coram / Ornstein Leyton Company – Application

Mr. Pally recused himself from this matter and left the meeting. This application is for 74 senior rental units to be built across six buildings with a clubhouse, community garden and a pickleball court covering approximately 101,000 square feet on 12.35 acres on the north side of Middle Country Road in Middle Island between Birchwood Park Drive and Spring Lake Drive. This project is expected to cost approximately \$31.64 million and create 1.5 full-time equivalent employees earning between \$60,000 to \$100,000 per year as well as 75 construction jobs. Exemptions from the mortgage recording tax, sales tax, and a 15-year PILOT have been requested. It was noted that a pump station will be constructed so this project is eligible for the mortgage recording tax exemption.

Ms. Mulligan noted the units to be set aside for workforce and affordable housing; Mr. Baker detailed the project approvals and costs and requested the Board consider approving that only twelve units be set aside as affordable and workforce. Mr. Ornstein provided more information on how the pump station will be installed and the associated costs involved. It was agreed that fifteen units will be set aside for workforce and affordable housing.

The motion to accept the application was made by Mr. Braun, seconded by Ms. Scheidt and all voted in favor.

The project representatives left the meeting and Mr. Pally returned.

KCE NY 31, LLC – Application

This application is for a 50-megawatt battery energy storage system to be located on 2.3 acres at the former Shoreham Power Plant at a cost of \$85 million. Approximately 20 construction jobs are expected to be created. The labor will be locally sourced but the specialized equipment is not available on Long Island. The applicant is requesting a sales tax exemption, a 20-year PILOT and an exemption from the mortgage recording tax; this project is not eligible for the mortgage recording tax under the new policy. Mr. Anzalone and Mr. Denava provided further details on

this project to the Board. They hope to close by the end of the first quarter of 2025, break ground in 2026 and have the system operational in 2028.

Mr. Pally made a motion to accept the application. The motion was seconded by Ms. Scheidt and approved with Mr. Rose voting no. The motion passed.

CEO's Report

Ferrandino & Sons Development Group, LLC

A request was received from this project in November for a 20-year PILOT. A 15-year PILOT would be standard, a 20-year PILOT would be a deviation from the Uniform Tax Exemption Policy. Mr. Russo and Mr. Rossi detailed their need for a 20-year PILOT and how project costs have increased.

Mr. Grucci made a motion to have Camoin Associates prepare a study comparing a 15-year PILOT to a 20-year PILOT. The motion was seconded by Mr. Braun and unanimously approved.

MDS Building Ventures, LLC – Resolution

This project updated the rental amounts between their three related companies which requires Agency consent. Ms. Mulligan also requested the authority to handle requests like this.

The motion to approve this change and grant Ms. Mulligan the authority to handle these types of requests was made by Mr. Callahan and seconded by Ms. Scheidt. All voted in favor.

CEO's Report (Revisited)

Ronk Hub Phase 2A

Mr. Pally made a motion to ratify extending the sales tax exemption until June 30, 2025. The motion was seconded by Ms. Scheidt and unanimously approved.

Housing Study

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The Governance Committee recommended selecting Camoin Associates to conduct the housing study. Mr. Rose made a motion to approve selecting Camoin Associates and authorize payment of up to \$25,000. The motion was seconded by Ms. Scheidt and all voted in favor.

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

LIBDC Dinner Meeting

Ms. Scheidt made a motion to approve a sponsorship of \$5,000 to host a dinner meeting. The motion was seconded by Mr. Braun and approved with Mr. Pally recusing himself.

LIBDC Membership

The cost of this membership may increase to \$950. Mr. Braun made a motion to approve this expense which was seconded by Mr. Callahan. The motion was approved with Mr. Pally recusing himself.

Legislative Update

The Governor vetoed legislation that would require representatives from school boards and unions to serve on IDA boards. Legislation was approved that IDAs consider the extent to which a project would provide onsite daycare at their facility. The Agency will comply with this law change.

Organizational Resolutions

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 – Blank

Resolution #5 - Appointment of Amy Illardo as Director of Marketing & Project Development

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

Resolution #6 – Appointment of Legal Counsel

Resolution #7 – Appointment of Insurance Broker of Record

Resolution #8 – Slate of IDA Board Officers

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

Resolution #10 – Adoption of Fee Schedule

The motion to approve resolutions #6 through #10 was made by Mr. Callahan, seconded by Mr. Pally, and unanimously approved.

Resolution #11 – Blank

Resolution #12 – Hourly Requirement

Resolution #13 – 2025 Meeting Schedule – Meetings will begin at 10:00 A.M.

Resolution #14 – Appointment of Website Design & Maintenance

Resolution #15 – Banking & Investing

The motion to approve resolutions #11 through #15 was made by Mr. Pally and seconded by Ms. Scheidt. All voted in favor.

Resolution #16 – Adopting a Mission Statement & Measurement Report

Resolution #17 – Adopting an Ethics Policy, Procurement Policy & Property & Disposal Policy

Resolution #18 – Adopting a Uniform Tax Exemption Policy

Resolution #19 – Adopting a Compensation Policy

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

The motion to approve resolutions #16 through #20 was made by Mr. Callahan, seconded by Mr. Rose, and unanimously approved.

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Resolution #21 – Adopting a Prevailing Wage Policy

Resolution #22 – Adopting an Adaptive Reuse Policy

Resolution #23 – Delegating & Authorizing Execution of IDA Documents

Resolution #24 – Adopting an Incentive Compensation Policy – This resolution will be revisited at the February meeting.

Resolution #25 – Longevity

The motion to approve resolutions #21 through #25 excluding #24 was made by Mr. Pally and seconded by Mr. Rose. All voted in favor.

Resolution #26 – Adoption of Deferred Compensation Program Policy

Resolution #27 – Holiday Schedule

Resolution #28 – Adopting a Travel & Discretionary 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, seconded by Ms. Scheidt, and unanimously approved.

Resolution #31 – Audit & 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 \$2,000.

Resolution #32 – Adopting a Bereavement Policy

Resolution #33 – Conflict of Interest Policy

Resolution #34 – Appointment of Insurance Risk Manager – Contract is being updated.

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

The motion to approve resolutions #31 through #35 was made by Mr. Rose and seconded by Mr. Callahan. All voted in favor.

Resolution #36 – Approval of 2024 Incentive Compensation Policy

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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 #36 through #40 was made by Ms. Scheidt, seconded by Mr. Callahan, and unanimously approved.

Resolution #41 – Supplemental Benefits Insurance

Resolution #42 – Shared Services Agreement

Resolution #43 – Newspaper of Record

Resolution #44 – Acquisition of Real Property

Resolution #45 – Blank

Resolution #46 – Separation Payout

The motion to approve resolutions #41 through #46 was made by Mr. Callahan, seconded by Mr. Pally, and unanimously approved.

The motion to close the meeting at 2:52 P.M. was made by Mr. Callahan and seconded by Mr. Rose. All voted in favor.

The next IDA meeting is scheduled for February 5, 2025.

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