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TOWN OF BROOKHAVEN  
INDUSTRIAL DEVELOPMENT AGENCY

- - - - -x

BOARD MEETING  
HELD VIA ZOOM VIDEOCONFERENCE

- - - - -x

December 16, 2021  
8:04 a.m.

TRANSCRIPT OF PROCEEDINGS

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A P P E A R A N C E S :

**MEMBERS :**

FREDERICK C. BRAUN, III  
MARTIN G. CALLAHAN  
FELIX J. GRUCCI, JR.  
LENORE PAPROCKY  
GARY POLLAKUSKY  
ANN-MARIE SCHEIDT  
FRANK C. TROTTA

**ALSO PRESENT :**

LISA M.G. MULLIGAN, CHIEF EXECUTIVE OFFICER  
LORI J. LaPONTE, CHIEF FINANCIAL OFFICER  
JAMES M. TULLO, DEPUTY DIRECTOR  
JOCELYN LINSE, EXECUTIVE ASSISTANT  
TERRI ALKON, ADMINISTRATIVE ASSISTANT  
AMY ILLARDO, ADMINISTRATIVE ASSISTANT  
ANNETTE EADERESTO, ESQ., AGENCY COUNSEL  
WILLIAM F. WEIR, ESQ., NIXON PEABODY  
HOWARD R. GROSS, ESQ.,  
WEINBERG GROSS & PERGAMENT, LLP

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MR. BRAUN: This is a special meeting of the Town of Brookhaven Industrial Development Agency. It's Thursday, December 16th. It is now 8:04, a quorum is present.

Lisa?

MS. MULLIGAN: Today's meeting has been convened in accordance with Chapter 417 of the laws of 2021 effective September 2, 2021 through January 15, 2022 permitting local governments to hold public meetings by telephone and videoconference.

(Inaudible comments.)

MS. MULLIGAN: So the first item on the agenda is a resolution for T. Mina Supply. I think there's some guests that . . . maybe raise your hand if you want to have us join -- have you join if you have anything that you want to add to this, but while they decide, basically T. Mina Supply is the project down at the north service road of the L.I.E. and Old Medford Avenue, it's just actually right down the street from Town Hall -- Joce, I see Gary is in the waiting room, also, thank

1

2

you -- and the real estate holding entity is staying the same and the operating company is changing.

4

5

Howard, did you have anything you wanted to add to that?

6

7

MR. GROSS: Yeah, just very briefly.

8

9

They're doing some complex reorganizations in order to sell the company.

10

The principals, Mr. Mina, who's been running

11

it, will continue to be involved and continue

12

to run it, so from the agency's viewpoint,

13

even though it's being acquired, the company

14

effectively, same people will still be there,

15

they'll be still guaranteeing us the

16

employment, et cetera, so from that

17

perspective, it won't change, essentially it's

18

a change of ownership and as a consequence,

19

they need to separate the responsibilities of

20

the two companies, which is very common in

21

acquisitions of this kind. The new company

22

does not want to be responsible for the old

23

company's responsibilities. Nevertheless,

24

they will be responsible to us for the normal

25

things that we expect occupants of our

1

2

facilities to be responsible to us for sure;

3

insurance, environmental, things of that kind,

4

employment, they're going to continue to do,

5

et cetera, so I'm comfortable.

6

MR. TROTTA: Nothing's really changed

7

on our end, correct?

8

MR. GROSS: Correct. We'll still see

9

everything the same way, it's just different

10

people will be behind it.

11

MR. TROTTA: Okay.

12

MR. BRAUN: Any other questions?

13

(No response.)

14

MR. BRAUN: Counsel for the company's

15

on the phone as well or on the call. Howard I

16

think explained it very well. If you read the

17

letter, it's a complicated transaction, but as

18

Frank just said, basically, you know, it's the

19

same as it relates to our project, so if there

20

are no questions, I'll take a motion.

21

MS. SCHEIDT: So moved.

22

MR. BRAUN: Thank you, Ann-Marie.

23

Second?

24

MR. CALLAHAN: Second.

25

MR. BRAUN: Thank you, Marty.

1

2

On the vote, Mr. Callahan?

3

MR. CALLAHAN: Yes.

4

MR. BRAUN: Mr. Grucci?

5

MR. GRUCCI: Yes.

6

MR. BRAUN: Ms. Paprocky?

7

MS. PAPROCKY: Yes.

8

MR. BRAUN: Mr. Pollakusky?

9

MR. POLLAKUSKY: Yes.

10

MR. BRAUN: Ms. Scheidt?

11

MS. SCHEIDT: Yes.

12

MR. BRAUN: Mr. Braun votes yes.

13

The motion passes.

14

MS. MULLIGAN: Thank you.

15

I am going to . . . thank you, Cathy.

16

I am going to suggest that we go into

17

executive session to discuss pending lawsuits.

18

I think we need a motion to go into executive

19

session.

20

MR. TROTTA: Motion to go into

21

executive session for litigation.

22

MR. BRAUN: Thank you.

23

Second?

24

MR. GRUCCI: Second.

25

MR. GROSS: Before you leave to go into

1

2

executive session, am I correct that some of

3

this I will be on and then I'll get off for

4

the rest of it?

5

MS. MULLIGAN: Yes, yes, Howard, that's

6

correct, I need you in there for part of it.

7

MR. GROSS: Okay.

8

MS. MULLIGAN: Joce just sent the Zoom

9

link, so if you would come out of this and go

10

into the next one.

11

Joce, leave this open.

12

MR. BRAUN: And on the vote for the

13

resolution, Mr. Callahan?

14

MR. CALLAHAN: Yes.

15

MR. BRAUN: Mr. Grucci?

16

MR. GRUCCI: Yes.

17

MR. BRAUN: Ms. Paprocky?

18

MS. PAPROCKY: Yes.

19

MR. BRAUN: Ms. Scheidt?

20

MS. SCHEIDT: Yes.

21

MR. BRAUN: Mr. Pollakusky?

22

MR. POLLAKUSKY: Yes.

23

MR. BRAUN: Mr. Trotta?

24

MR. TROTTA: Yes.

25

MR. BRAUN: Mr. Braun votes yes.

1

2

Motion carried.

3

MR. GRUCCI: Is Joce sending a new

4

link?

5

MS. MULLIGAN: She just sent it.

6

MR. GRUCCI: Okay, great, thank you.

7

MS. SCHEIDT: See you soon.

8

(Short recess taken.)

9

MR. BRAUN: Come out of executive

10

session.

11

MR. POLLAKUSKY: So moved, Gary

12

Pollakusky.

13

MR. BRAUN: Second?

14

MR. GRUCCI: Second.

15

MS. MULLIGAN: That was a motion to

16

come out of executive session, I just don't

17

know if the recording started in time to catch

18

that.

19

MR. BRAUN: Okay.

20

On the vote, Mr. Callahan?

21

MR. CALLAHAN: Yes.

22

MR. BRAUN: Mr. Grucci?

23

MR. GRUCCI: Yes.

24

MR. BRAUN: Ms. Paprocky?

25

(No response.)



1

2

MS. PAPROCKY: I see a thumbs up.

3

MS. MULLIGAN: Lenore has no mike.

4

MR. BRAUN: Mr. Pollakusky?

5

MR. POLLAKUSKY: Yes.

6

MR. BRAUN: Ms. Scheidt?

7

(No response.)

8

MR. BRAUN: She's not with us at this

9

point.

10

Mr. Trotta?

11

MR. TROTTA: Yes.

12

MR. BRAUN: Mr. Braun votes yes.

13

We are out of executive session.

14

There are two resolutions that we need

15

to consider; one to set a public hearing for

16

the Ronk Hub project, which will be on

17

January 10th at ten in the morning.

18

May I have a resolution?

19

MR. POLLAKUSKY: So moved.

20

MR. BRAUN: Second?

21

(No response.)

22

MR. BRAUN: Is there a second?

23

MR. GRUCCI: Second.

24

MR. BRAUN: Thank you.

25

On the vote, Mr. Trotta?

1

2

MR. TROTTA: Yes.

3

MR. BRAUN: Mr. Pollakusky?

4

MR. POLLAKUSKY: Yes.

5

MR. BRAUN: Ms. Paprocky?

6

(No response.)

7

MR. BRAUN: Mr. Grucci?

8

MR. GRUCCI: Yes.

9

MR. BRAUN: Mr. Callahan?

10

MR. CALLAHAN: Yes.

11

MR. BRAUN: Mr. Braun votes yes.

12

That is passed and the second

13

resolution is to initiate termination of the

14

IDA's benefits for Macedo Construction,

15

Incorporated.

16

MR. TROTTA: Yes.

17

MR. BRAUN: Mr. Trotta.

18

Is there a second?

19

MR. CALLAHAN: Second.

20

MR. BRAUN: Thank you.

21

MS. MULLIGAN: Howard, do we need

22

anything else in that statement?

23

MR. GROSS: Sorry, I missed that. I

24

was -- I just got an email from one of the

25

attorneys and I was reading it, I apologize.

1

2

MS. MULLIGAN: So we have a resolution in front of the board to initiate termination for Macedo Construction, Inc.

3

4

5

Do we need to include clawbacks, do we need to expand on it at all?

6

7

MR. GROSS: May as well holding the project, yes and to assert our clawback rights and to take such actions as may be necessary to do so.

10

11

MS. MULLIGAN: So Howard added on Meso Holding Corp.?

12

13

MR. GROSS: Yes, that's the real estate entity.

14

15

MS. MULLIGAN: Yes. Okay.

16

MS. EADERESTO: Redo the motion as amended Frank by Howard.

17

18

MR. BRAUN: To include what Howard just said.

19

20

MR. TROTTA: Motion to the amendment.

21

MR. BRAUN: Thank you.

22

And the second was?

23

MR. CALLAHAN: Marty Callahan.

24

MR. BRAUN: Thank you. Okay.

25

On the vote, Mr. Trotta?

1

2

MR. TROTTA: Yes.

3

MR. BRAUN: Mr. Pollakusky?

4

MR. POLLAKUSKY: Yes.

5

MR. BRAUN: Ms. Paprocky?

6

MS. PAPROCKY: Yes.

7

MR. BRAUN: Mr. Grucci?

8

MR. GRUCCI: Yes.

9

MR. BRAUN: Mr. Callahan?

10

MR. CALLAHAN: Yes.

11

MR. BRAUN: Mr. Braun votes yes.

12

That motion is carried as well.

13

Thank you.

14

MS. MULLIGAN: Thank you.

15

The next items on the agenda is an

16

amended application from Scalamander Cove. It

17

was included in your packets.

18

Just to remind everybody, this is a

19

roughly 13-acre project in Middle Island.

20

It's north of 25 and east of Rocky Point Road,

21

I believe. They are dedicating some of those

22

13 acres and about six, roughly six and a half

23

will be -- is proposed to be developed into

24

residential -- 96 residential units. They've

25

agreed to our ten percent affordable, ten

1

2

percent workforce requirement. They plan to

3

have 72 two-bedroom apartments and 24

4

one-bedroom apartments.

5

The cost of the project has gone up

6

since we received an application in 2020, so

7

now it's roughly a \$27.4 million project.

8

They're planning on creating six jobs.

9

They've requested mortgage recording tax

10

exemption, sales tax exemption and a 15-year

11

PILOT.

12

Keep in mind in a project like this, we

13

send the PILOT analysis to a third party to

14

come up with a PILOT for that, so although

15

they've requested a 15-year PILOT, we'll see

16

what flushes out as the third party does the

17

analysis.

18

So does anyone have any questions?

19

MR. WEIR: Lisa, under the revised

20

UTEP -- because this is still market rate --

21

the 15 years would not be the norm, correct?

22

MS. MULLIGAN: I think we --

23

MR. WEIR: I thought we did seven to

24

ten on market rate.

25

MS. MULLIGAN: You might be right

1

2 because this doesn't have -- you're right,  
3 Bill. This doesn't have a -- it's not a  
4 downtown, it's not -- it doesn't fit any of  
5 those caveats.

6 MR. WEIR: No.

7 MS. MULLIGAN: I'll make sure that the  
8 third party, I assume we're going to use  
9 Camoin, that they are aware. I always send  
10 them the section of our UTEP that has to do  
11 with it, so they have that.

12 MR. WEIR: Yeah. A 15-year PILOT would  
13 be a deviation.

14 MS. MULLIGAN: Okay.

15 MR. WEIR: And probably not one we want  
16 to start, you know, this would be one of the  
17 first ones that would be a housing like this  
18 that would, you know, be out of the box  
19 (inaudible).

20 MR. TROTTA: It should be 20?

21 MS. MULLIGAN: No, seven to ten.

22 MR. TROTTA: Seven to ten? Oh.

23 MR. CALLAHAN: That's the new UTEP,  
24 correct?

25 MR. WEIR: Correct. Right.

1

2 MS. MULLIGAN: Yeah. Is it new still?

3 MR. CALLAHAN: Well, since (inaudible)

4 19.

5 MR. WEIR: We did it, we finalized it  
6 back in the summer of 2021. It was June of  
7 2021.

8 MS. MULLIGAN: I thought it was 2020  
9 the last time we did it. Okay.

10 MR. BRAUN: So we need a resolution --

11 MR. WEIR: We started talking about it  
12 (inaudible) July of 2020; I can't remember  
13 when we actually finalized it.

14 MR. BRAUN: We need a resolution to  
15 accept the amended application for Scalamander  
16 Cove.

17 (No response.)

18 MR. BRAUN: Don't everybody jump at  
19 once.

20 MR. CALLAHAN: So moved.

21 MR. BRAUN: Is there a second?

22 MS. MULLIGAN: And to set the public  
23 hearing.

24 MR. BRAUN: I'll second it.

25 On the vote, Mr. Callahan?

1

2

MR. CALLAHAN: Yes.

3

MR. BRAUN: Mr. Grucci?

4

MR. GRUCCI: Yes.

5

MR. BRAUN: Ms. Paprocky?

6

MS. PAPROCKY: Yes.

7

MR. BRAUN: Mr. Pollakusky?

8

MR. POLLAKUSKY: Yes.

9

MR. BRAUN: Mr. Trotta?

10

MR. TROTTA: Yes.

11

MR. BRAUN: Mr. Braun votes yes.

12

The motion is carried.

13

MS. MULLIGAN: Thank you.

14

The next item on the agenda is WHTB

15

Glass.

16

We received a correspondence that they

17

are looking for your consent to a \$3 million

18

loan with East West Bank.

19

Howard, is this yours or Bill --

20

MR. GROSS: No, I think it's Bill's.

21

MS. MULLIGAN: Bill, did you have

22

anything you wanted to add?

23

MR. WEIR: No, they're just doing a

24

refinancing.

25

MR. CALLAHAN: Okay.



1

2

MS. MULLIGAN: So they're just looking  
3 for consent, they're not asking for any new  
4 benefits.

5

MR. WEIR: Yup.

6

MR. BRAUN: Motion, please?

7

MR. TROTTA: Motion.

8

MR. POLLAKUSKY: So moved.

9

MR. BRAUN: Second?

10

Mr. Callahan?

11

MR. CALLAHAN: Yes.

12

MR. BRAUN: Mr. Grucci?

13

MR. GRUCCI: Yes.

14

MR. BRAUN: Ms. Paprocky?

15

MS. PAPROCKY: Yes.

16

MR. BRAUN: Mr. Pollakusky?

17

MR. POLLAKUSKY: Yes.

18

MR. BRAUN: Mr. Trotta?

19

MR. TROTTA: Yes.

20

MR. BRAUN: Mr. Braun votes yes.

21

Motion passes.

22

MS. MULLIGAN: Thank you.

23

The next item on the agenda is Four L.

24

I just want to let you know that it

25

came to our attention that North Shore -- that

1

2 one of their subtenants, North Shore Sprinkler  
3 Supply, was purchased by another entity and  
4 they actually didn't come to us in a timely  
5 fashion, but from what I understand, it  
6 happened kind of quickly. They have  
7 subsequently started to get all the documents  
8 together for -- to get the subtenant -- the  
9 subtenant application to this board, so --

10 MR. TROTTA: So are they in violation  
11 of anything?

12 MS. MULLIGAN: Yes.

13 MR. TROTTA: Okay.

14 So what actions or potential actions  
15 are possible? Howard?

16 MS. MULLIGAN: Howard?

17 MR. GROSS: Well, we've had --  
18 unfortunately we've had this situation more  
19 than once on many projects where they come  
20 after the fact and ask for approval because  
21 they didn't realize they were supposed to come  
22 to us in advance.

23 The lawyer who represented the seller  
24 and I understand the principal's still there,  
25 working there, it's not like they're not and

1

2

it was a large (inaudible), but the lawyer who's representing the seller, the subtenant seller, was very apologetic to his credit and he said we didn't realize it, we should have and by the same token, Jones should have realized it, too, they should never have approved the transfer of the lease, the assignment of the lease. They've been apologetic as well and their lawyer kind of fell on the sword and apologized because he said it's really his fault that he missed that, he didn't realize it.

14

15

16

17

18

19

20

So in the past you have, to my knowledge, you've said okay, if they've been good citizens in general, you'll allow them an accommodation to retroactively approve the transaction, let them apply to us, let them enter into a new (inaudible) with us and pay our fees, et cetera and you've done it.

21

22

23

If -- I suspect that if they were not good citizens and they weren't a good project, you might take a different approach.

24

25

MR. TROTTA: You said this happened before?

1

2

MR. GROSS: My recollection, it's happened a couple of times.

3

4

MS. MULLIGAN: Not with this project.

5

MR. GROSS: Not with this project.

6

MR. TROTTA: Oh.

7

8

MR. GROSS: Just in general it has -- my recollection is it's happened and this is just my personal recollection. Lisa would probably know -- would know better than I would, Bill would probably know better than I would, but I could think of a couple of projects I recall sitting in these meetings and hearing that they had leased the property, they leased the property to somebody and after the fact were coming to us. I remember a couple of instances.

9

10

11

12

13

14

15

16

17

18

MR. BRAUN: Howard, you're in touch with their attorney?

19

20

MR. GROSS: Yes.

21

MR. BRAUN: We have a meeting I think January 12th. Just make sure they get everything to us by that date.

22

23

24

MR. GROSS: Yes.

25

MR. BRAUN: Okay.

1

2

3

4

5

6

7

8

9

10

11

12

MR. GROSS: We'd need a tenant agency application, you know, a sublease application so we know what we're dealing with and what they're about and we get comfortable. I'm not anticipating a problem based on the conversations I had, it doesn't sound like it's a problem. They very pointedly kept saying Howard, it's a much larger company, does the exact same thing we do, they acquired us, which, you know, that's not unusual, so . . .

13

14

15

MS. MULLIGAN: So I don't think we need a resolution, that's just an FYI just so that you're aware.

16

17

18

19

The next item on the agenda is UI Digital. They are refinancing, there's no new money and they're merely looking for a consent.

20

Howard, is there anything?

21

MR. GROSS: Yeah.

22

23

24

25

I haven't spoken to the bank attorney yet, so I don't know how it's being structured exactly. It may be that we need not even sign anything other than a subordination, but --

1

2

because we're not extending any mortgage

3

recording benefits to them, so they may do it

4

that way. If we have to join in it, it would

5

be fine, I mean from my perspective it would

6

be what we normally do with usual disclaimers

7

in our documentation, but it would be one of

8

those two ways most likely.

9

MR. BRAUN: Questions?

10

(No response.)

11

MR. BRAUN: Okay.

12

MS. MULLIGAN: I think we need a

13

consensus on the consent.

14

MR. BRAUN: Do we --

15

MR. GROSS: Yeah, I think we need a

16

motion, don't we?

17

MS. MULLIGAN: Yeah.

18

MR. BRAUN: Is it the same amount,

19

Howard; do --

20

MR. GROSS: Essentially the same

21

amount. They're not taking -- the lawyer

22

pointed out that they're not taking any new

23

money out. I don't know that that's totally

24

accurate. Very often it's a few dollars

25

difference or maybe they take a little bit

1

2

more out just to cover expenses, but it's not

3

as if they're taking out a half million

4

dollars and putting it in their pocket.

5

MR. BRAUN: All right. Then we should

6

have a resolution just to the refinancing

7

then.

8

(No response.)

9

MR. BRAUN: Somebody? Step up.

10

MR. TROTTA: Motion.

11

MR. CALLAHAN: So moved.

12

MR. BRAUN: Thank you, Frank.

13

Second?

14

MR. CALLAHAN: Second.

15

MR. BRAUN: Thank you.

16

MS. MULLIGAN: Thank you, Marty.

17

MR. BRAUN: On the vote, Mr. Trotta?

18

MR. TROTTA: Yes.

19

MR. BRAUN: Mr. Pollakusky?

20

MR. POLLAKUSKY: Yes.

21

MR. BRAUN: Ms. Paprocky?

22

MS. PAPROCKY: Yes.

23

MR. BRAUN: Mr. Grucci?

24

MR. GRUCCI: Yes.

25

MR. BRAUN: Mr. Callahan?

1

2

MR. CALLAHAN: Yes.

3

MR. BRAUN: Mr. Braun votes yes.

4

That motion is carried.

5

6

MS. MULLIGAN: So the only other item, I apologize, is not on the agenda, but I did

7

want to add it, I got an email late last

8

night, United Meat is requesting an extension

9

to their completion date. They're still

10

having some issues. Some work was done, but

11

it wasn't done to what they actually need, so

12

they have to have that removed and new put in.

13

So they didn't give me a date, let me just see

14

if he's emailed since we've been in this

15

meeting. He hasn't.

16

So he didn't give me a date of how much

17

longer it's going to take, but I think his

18

completion date actually expires and his sales

19

tax expires at the end of this month, so I

20

think that we should probably extend both the

21

sales tax and the completion date or at least

22

give me that authority because I don't know

23

exactly what he's going to need.

24

Howard, what are your thoughts?

25

MR. GROSS: You know, can I make a



1

2 suggestion that you allow Lisa to do so up to  
3 six months?

4 This gentleman, from what I understand,  
5 has run into problem after problem not . . .  
6 so after -- and he hasn't -- as Lisa said, she  
7 only heard from him last night and he hasn't  
8 responded to her questions this morning yet  
9 from what I understand, which I can understand  
10 that, too, so once she learns what his  
11 difficulties are and how much time he needs,  
12 then allow her the latitude to give -- to  
13 provide the time that he needs and I would say  
14 up to six months should be adequate, but  
15 that's what I would suggest.

16 MR. BRAUN: Then I need a resolution to  
17 extend the completion date to June 30th of  
18 2022.

19 MR. POLLAKUSKY: So moved.

20 MR. BRAUN: Thank you, Gary.

21 Second?

22 MS. PAPROCKY: Second.

23 MR. BRAUN: Thank you.

24 On the vote, Mr. Callahan?

25 MR. CALLAHAN: Yes.

1

2

MR. BRAUN: Mr. Grucci?

3

MR. GRUCCI: Yes.

4

MR. BRAUN: Ms. Paprocky?

5

MS. PAPROCKY: Yes.

6

MR. BRAUN: Mr. Pollakusky?

7

MR. POLLAKUSKY: Yes.

8

MR. BRAUN: Mr. Trotta?

9

MR. TROTTA: Yes.

10

MR. BRAUN: Mr. Braun votes yes.

11

The motion is carried.

12

MS. MULLIGAN: Thank you everybody.

13

I don't have anything else on the

14

agenda.

15

MR. POLLAKUSKY: Lisa, I'm going to

16

have to pop off now.

17

MR. BRAUN: Thanks, Gary.

18

MS. MULLIGAN: Perfect timing, Gary.

19

Gary, Merry Christmas, happy holidays.

20

MR. POLLAKUSKY: Thank you all. Have a

21

great holiday everybody.

22

MR. TROTTA: Merry Christmas, happy

23

holidays everybody.

24

MS. MULLIGAN: Does anybody have

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anything else?

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(Inaudible comments.)

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MR. BRAUN: A motion to adjourn while  
we still have a quorum?

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MR. GRUCCI: So moved.

6

MS. PAPROCKY: Second.

7

8

MR. BRAUN: On the vote, whoever's  
left, Mr. Callahan?

9

MR. CALLAHAN: Yes.

10

MR. BRAUN: Mr. Grucci?

11

MR. GRUCCI: Yes.

12

MR. BRAUN: Ms. Paprocky?

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MS. PAPROCKY: Yes.

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MR. BRAUN: Gary's left.

15

Mr. Trotta?

16

MR. TROTTA: Yes.

17

MR. BRAUN: Mr. Braun votes yes.

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We are adjourned. Thank you very much.

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MS. MULLIGAN: Thank you everybody.

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(Time noted: 8:57 a.m.)

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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.

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JOANN O'LOUGHLIN