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TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

- - - - -x

BOARD MEETING
HELD BY ZOOM VIDEOCONFERENCE

- - - - -x

March 10, 2021
10:33 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 CALLAHAN
FELIX J. GRUCCI, JR.
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
WILLIAM F. WEIR, ESQ., NIXON PEABODY
HOWARD R. GROSS, ESQ.,
WEINBERG GROSS & PERGAMENT, LLP

* * *

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MR. BRAUN: This is the meeting of the
Town Industrial Development Agency. It is
Wednesday, March 10th. It is now 10:33 and
the meeting is open.

6

7

First order of business is we have our
minutes of February 10th have been circulated
to everybody, I need a motion to accept those.

8

9

MR. POLLAKUSKY: So moved.

10

MR. GRUCCI: Second.

11

MR. BRAUN: Call a vote.

12

Mr. Callahan?

13

MR. CALLAHAN: Yes.

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MR. BRAUN: Mr. Grucci?

15

MR. GRUCCI: Yes.

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MR. BRAUN: Mr. Pollakusky?

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MR. POLLAKUSKY: Yes.

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MR. BRAUN: Ms. Scheidt?

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MS. SCHEIDT: Yes.

20

MR. BRAUN: Mr. Braun votes yes.

21

Motion carries.

22

Similarly, minutes of our meeting of
February 17th have been sent to everyone.

23

24

Motion to accept those.

25

MR. POLLAKUSKY: So moved.

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MR. BRAUN: Thank you, Gary.

3

Second?

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MR. GRUCCI: Second.

5

MR. BRAUN: Thank you, Felix.

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On the vote, Mr. Callahan?

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MR. CALLAHAN: Yes.

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MR. BRAUN: Mr. Grucci?

9

MR. GRUCCI: Yes.

10

MR. BRAUN: Mr. Pollakusky?

11

MR. POLLAKUSKY: Yes.

12

MR. BRAUN: Ms. Scheidt?

13

MS. SCHEIDT: Yes.

14

MR. BRAUN: Mr. Braun votes yes.

15

Motion carries.

16

Lisa.

17

MS. MULLIGAN: The next item on the

18

agenda is a resolution for Biocogent.

19

Howard, would you just briefly give the

20

board an update; I'm going to step out and

21

just see if I can help Joce get this

22

straightened out?

23

MR. GROSS: Okay.

24

Just to make a correction to the

25

documents because the dates by which they are

1

2

to provide us with the full-time equivalent

3

employees was incorrect in the documents, it

4

was a miscommunication because they had

5

changed their commitments to us, during the

6

course of the application they had amended it

7

and I apologize, but it was between Dan

8

Dornfeld and me, we miscommunicated, so this

9

is just to correct it.

10

MR. BRAUN: Howard, I think I saw from

11

someone part of the argument is that they'll

12

have trouble with some of the very specific

13

talent that they need for this project.

14

MR. GROSS: Yeah, I thought that when

15

they had changed how many people they're going

16

to have in their facility and how many they

17

could have in their facility, I thought they

18

were going to have it by the end of this year,

19

but they explained to us that the nature of

20

the employees that they hire, their skill

21

sets, is not so easy to fulfill.

22

MR. TULLO: Frank is jumping on now.

23

MR. GROSS: It takes them a while to

24

fill those positions, so they had originally

25

said that they would complete it by

1

2

December 31, 2023 to meet those commitments

3

and unfortunately, I did not understand

4

their -- what they were saying and I corrected

5

it, so that's what it will reflect, is that by

6

December 31, 2023 they will have the employees

7

on board.

8

MR. BRAUN: But nothing else changes as

9

it relates to the project.

10

MR. GROSS: No, that's the only change

11

and then as I said, you know, they're hopeful

12

they'll get it done sooner, but they know from

13

experience that the nature of that skill set

14

is difficult to fill.

15

MR. BRAUN: Need a motion to accept

16

that request.

17

MR. CALLAHAN: So moved.

18

MR. POLLAKUSKY: Seconded.

19

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

20

MR. CALLAHAN: Yes.

21

MR. BRAUN: Mr. Grucci?

22

MR. GRUCCI: Yes.

23

MR. BRAUN: Mr. Pollakusky?

24

MR. POLLAKUSKY: Yes.

25

MR. BRAUN: Ms. Scheidt?

1

2

MS. SCHEIDT: Yes.

3

MR. BRAUN: And the birthday child,

4

Mr. Trotta?

5

MR. TROTTA: Yes.

6

MR. BRAUN: Thank you.

7

Mr. Braun votes yes. Motion carries.

8

MR. CALLAHAN: Happy birthday, Frank.

9

MR. TROTTA: Thank you.

10

MS. SCHEIDT: Many happy returns.

11

MR. BRAUN: Before Lisa jumps back on,

12

just one thing that came out during the audit

13

committee meetings is that PARIS has extended

14

their submission date by 60 days to May 31st I

15

guess it would be.

16

MS. MULLIGAN: Yeah.

17

MR. BRAUN: So not that we weren't

18

ready, but it certainly gives Lori and Lisa a

19

little bit more time to dot the i's and cross

20

the t's.

21

MS. MULLIGAN: Our plan remains that

22

we're going to present it on the 24th for your

23

approval and get it in by the 31st because I

24

think extending it, unless something funky

25

happens, doesn't really buy us anything except

1

2

for more sleepless nights.

3

4

MR. BRAUN: And "funky" is a new accounting term.

5

6

MS. LaPONTE: Yes, it is, for sure it is.

7

MS. SCHEIDT: Excellent.

8

MS. LaPONTE: It's a new one.

9

10

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19

MS. MULLIGAN: So we're trying to figure out how to work around with this executive session issue. Joce is attempting to purchase a new Zoom account right now so that we can have two going at the same time because according to IT, there's no way to hold two Zooms at the same time with the package that we have; I thought we got the biggest and best, but maybe I misunderstood.

Okay. So the next item on the agenda is a procurement officer.

20

21

22

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25

So I think it was our last meeting or maybe the meeting before that, we changed -- we updated our procurement policy and our ethics policies and I realize that we needed to name a procurement officer and an ethics officer. I think we had them, we've had them

1

2

for a long time, but we just wanted to clean

3

them up a little bit, make sure that roles

4

were well-defined and so what I am suggesting

5

is that we name Jocelyn as our procurement

6

officer; basically the responsibility is to

7

keep track of procurement, making sure that we

8

are following our own rules and almost all of

9

our procurement goes through Joce anyway, so I

10

thought it would be a clean . . . a clean

11

option.

12

MS. LaPONTE: Assignment, yeah.

13

MR. BRAUN: Need a motion to that

14

effect.

15

MR. TROTTA: Motion.

16

MR. BRAUN: Thank you, Frank.

17

Second?

18

MR. POLLAKUSKY: Seconded.

19

MR. BRAUN: Thank you.

20

On the vote, Mr. Callahan?

21

MR. CALLAHAN: Yes.

22

MR. BRAUN: Mr. Grucci?

23

MR. GRUCCI: Yes.

24

MR. BRAUN: Mr. Pollakusky?

25

MR. POLLAKUSKY: Yes.

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MR. BRAUN: Ms. Scheidt?

3

MS. SCHEIDT: Yes.

4

MR. BRAUN: Mr. Trotta?

5

MR. TROTTA: Yes.

6

MR. BRAUN: Mr. Braun votes yes.

7

Unanimously carried.

8

MR. GRUCCI: Fred, would that be a

9

management decision or that actually has to

10

come to the board?

11

MR. BRAUN: Significant procurements

12

would come to the board. I mean, you know,

13

we're talking about small, miniscule --

14

MR. GRUCCI: I meant the position of

15

procurement officer; wouldn't that just fall

16

underneath the auspices of management?

17

MS. MULLIGAN: Naming --

18

MR. GRUCCI: I'm curious as to why we

19

had to vote on it.

20

MS. MULLIGAN: To name someone as

21

procurement officer?

22

MR. GRUCCI: Yeah.

23

MS. MULLIGAN: We may have been able to

24

just give Joce the job, but I wasn't sure and

25

I figure it's always better to have belt and

1

2 suspenders and bring it to you guys so there's
3 no misunderstanding. We have to report it in
4 PARIS, so . . .

5 MR. GRUCCI: I have no problem with it
6 obviously, but I was just wondering why it was
7 a board level decision and not a management
8 decision, what made that position elevate
9 itself to a board level position.

10 MR. BRAUN: I think the fact that it
11 has to be reported in PARIS, it's not a bad
12 idea for us to rubber stamp it.

13 MR. GRUCCI: Okay.

14 MR. WEIR: On top of that, the board
15 has always approved or appointed all
16 positions, so just keeping with tradition.

17 MR. GRUCCI: Got it. Thank you.

18 MS. MULLIGAN: Thank you.

19 So the next on the agenda, like I said,
20 we changed our procurement and ethics policy,
21 so the next item is the ethics officer and
22 what I am suggesting is that we make Lori our
23 ethics officer.

24 MR. BRAUN: Motion?

25 MR. GRUCCI: So moved.

1

2

MR. BRAUN: Second?

3

MR. POLLAKUSKY: Seconded by myself.

4

5

Question, so because of financial good tidings and the connection of ethics to that, is that, is Lori the only individual that you consider for that?

6

7

8

9

10

11

12

MR. BRAUN: Well, we talked about it a lot. Your point is well taken, but I think we have enough checks and balances here that I'm not concerned about having her in the ethics position.

13

MR. POLLAKUSKY: Okay.

14

15

16

17

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19

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25

MS. MULLIGAN: And just so everyone knows, if there is an ethical concern, you always have the option to go directly to Fred, directly to me, to counsel -- and I think Annette is sitting in the waiting room for our executive session right now, not this meeting, I've been trying to -- yeah, Joce is nodding that she's in there; I've been trying to text her to tell her she's in the wrong place, but -- so you always have options. If there were an ethical concern having to do with Lori or Lori's roles, obviously it wouldn't be

1

2

appropriate to go to Lori, so . . .

3

4

5

6

MR. POLLAKUSKY: No, I understand, I'm just saying because of finances, general, you know, that's one of the largest components of what we'd be looking at.

7

8

MR. GRUCCI: I see the question as more protecting Lori --

9

10

11

MR. POLLAKUSKY: Right.

MR. GRUCCI: -- from being in a tight situation.

12

13

14

MR. POLLAKUSKY: Correct.

MR. GRUCCI: We may have to rule on something that she was involved in.

15

16

17

18

19

MR. POLLAKUSKY: Correct.

MR. BRAUN: And I think as the accountants just pointed out, you know, our system of internal controls is satisfactory, so I think it's fine.

20

21

22

MR. GRUCCI: All right.

MR. BRAUN: Need a motion to that effect.

23

24

25

MR. GRUCCI: I made the motion.

MR. BRAUN: Thank you.

MR. POLLAKUSKY: I seconded it.

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MR. BRAUN: Thank you, Gary.

3

On the vote, Mr. Callahan?

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MR. CALLAHAN: Yes.

5

MR. BRAUN: Mr. Grucci?

6

MR. GRUCCI: Yes.

7

MR. BRAUN: Mr. Pollakusky?

8

MR. POLLAKUSKY: Yes.

9

MR. BRAUN: Ms. Scheidt?

10

MS. SCHEIDT: Yes.

11

MR. BRAUN: Mr. Trotta?

12

MR. TROTTA: Yes.

13

MR. BRAUN: Mr. Braun votes yes.

14

Motion carries.

15

Frank, I would ask the IDA ensemble

16

here to sing happy birthday, but I think we'd

17

embarrass ourselves.

18

MR. WEIR: He can put his fingers in

19

his ears.

20

MR. TROTTA: Thank you for your good

21

wishes.

22

MS. MULLIGAN: The next item on the

23

agenda is a request that we received from the

24

SHI-III project. Just to remind you, this is

25

the All American Assisted Living on . . .

1

2

MR. BRAUN: Middle Country Road.

3

MS. MULLIGAN: And Pauls Path.

4

5

They sent a letter that was included in your packets requesting an extension of their

6

completion date. They were supposed to --

7

they are supposed to be completed by

8

March 31st, end of this month. They had a --

9

MR. CALLAHAN: Loss.

10

MS. MULLIGAN: -- COVID-19 and they

11

also had a faulty sprinkler system and yup,

12

there was a loss and they've asked if they

13

could extend the deadline to July 31st, so

14

that's their request.

15

MR. BRAUN: Motion, please.

16

MR. CALLAHAN: So moved.

17

MR. BRAUN: Second?

18

MR. GRUCCI: Second.

19

MR. BRAUN: And this has nothing to do

20

with the All American Hamburger stand in

21

Massapequa.

22

MS. MULLIGAN: It's still there.

23

MR. BRAUN: I know it's still there.

24

MR. CALLAHAN: Still there.

25

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

1

2 MR. CALLAHAN: Yes.

3 MR. BRAUN: Mr. Grucci?

4 MR. GRUCCI: Yes.

5 MR. BRAUN: Mr. Pollakusky?

6 MR. POLLAKUSKY: Yes.

7 MR. BRAUN: Ms. Schedit?

8 MS. SCHEIDT: Yes.

9 MR. BRAUN: Mr. Trotta?

10 MR. TROTTA: Yes.

11 MR. BRAUN: Mr. Braun votes yes.

12 Motion carries.

13 MS. MULLIGAN: And the last thing on
14 the agenda is a reminder that it's time to do
15 your harassment training, so you're going to
16 be getting, if you have not already received,
17 an email from the company that we are working
18 with. Get it done in a timely fashion, if you
19 would and I think I remember last year there
20 was a little bit of confusion; even when
21 you're done with the training there's a few
22 more steps, you have to click a few more
23 buttons, which was -- didn't seem to be
24 intuitive, so just a reminder that even if you
25 finish everything, you have to really go

1

2 through the whole steps and make sure you
3 submit or double check or whatever it is that
4 they require you to do, so I just want --
5 that's just a reminder.

6 MR. TROTTA: Lisa, how long does it
7 take to go through this, approximately; an
8 hour, half hour?

9 MR. BRAUN: No, I think the
10 instruction -- I haven't done it yet, but I
11 think the instructions says 30 to 45 minutes.

12 MR. TROTTA: Okay.

13 MR. POLLAKUSKY: For you, Frank, it's
14 double.

15 MR. TROTTA: Double, yeah. You know,
16 old guys are slow.

17 MR. CALLAHAN: Did you guys get the
18 link yet sent to you, Gary or Fred, Frank?

19 MR. BRAUN: I did.

20 MR. TROTTA: I got it, too.

21 MR. POLLAKUSKY: I didn't see it.

22 MR. BRAUN: My operating system at home
23 won't do it, I might have to come in the
24 office here to do it.

25 MR. CALLAHAN: I didn't see mine,

1

2 either, so I don't know --

3 MR. GRUCCI: I didn't see mine, either.

4 MS. SCHEIDT: I don't remember seeing

5 it, either.

6 MS. MULLIGAN: Okay. I'll double

7 check, make sure and we can just always ask

8 them to resend it.

9 MS. SCHEIDT: Sure, that's a good idea.

10 MR. CALLAHAN: I got an email from Amy

11 to tell me where it was coming from.

12 MR. POLLAKUSKY: That I got.

13 MR. CALLAHAN: That I got on 2/24 and

14 that's it.

15 MR. TROTTA: It could have went in

16 junk.

17 MR. GRUCCI: Yeah, I didn't check my

18 spam or junk folder.

19 MS. LaPONTE: It just came over at

20 10:45.

21 MR. CALLAHAN: Today?

22 MR. TROTTA: No --

23 MS. LaPONTE: This is a new call-in so

24 we could keep the two meetings going.

25 MS. MULLIGAN: Yes.

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2

So Joce just sent out a new executive session meeting, so we're going to -- we should all sign out of this one, Joce is going to keep this one open and sign into the new executive session link that she just sent out.

7

MR. BRAUN: But before you leave, we need a motion to go into executive session.

9

MS. MULLIGAN: Yes.

10

MR. TROTTA: Motion.

11

MR. GRUCCI: I'll second it for purposes of discussion, but question, should we have our own Zoom account, I mean it's not as if we don't have the money for it?

15

MS. MULLIGAN: Felix, we do, now we have two.

17

MR. WEIR: We need to --

18

MR. GRUCCI: What I thought I heard Joce say is that we could only run one meeting at a time.

21

MS. MULLIGAN: We just bought a new one.

23

MR. GRUCCI: If we run one meeting at a time, does that mean no one else in the Town can do a Zoom meeting?

25

1

2

MS. LaPONTE: We're not using the
Town's, it's the IDA. Now the IDA has two
accounts unrelated to the Town.

5

MS. MULLIGAN: We just bought it now.

6

MR. GRUCCI: I got it, okay. Good.

7

8

MR. WEIR: We have to say, Fred, that
the board is going into executive session to
discuss potential litigation.

9

10

MR. TULLO: Thank you, counselor.

11

12

MR. BRAUN: I'm sorry, who made the
motion to go into executive session?

13

14

MR. GRUCCI: I'm going to make the
motion to go into executive session --

15

MR. POLLAKUSKY: I'll second it.

16

17

MR. GRUCCI: -- for the purposes of
discussing litigation.

18

MR. BRAUN: Thank you.

19

On the vote, Mr. Callahan?

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MR. CALLAHAN: Yes.

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MR. BRAUN: Mr. Grucci?

22

MR. GRUCCI: Yes.

23

MR. BRAUN: Mr. Pollakusky?

24

MR. POLLAKUSKY: Yes.

25

MR. BRAUN: Ms. Schedit?

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2

MS. SCHEIDT: Yes.

3

MR. BRAUN: Mr. Trotta?

4

MR. TROTTA: Yes.

5

MR. BRAUN: Mr. Braun votes yes.

6

Unanimously carried.

7

We will sign out of this Zoom and go

8

into the new one for executive session.

9

Thank you.

10

(Short recess taken.)

11

MR. BRAUN: I need a motion to come out

12

of executive session.

13

MS. SCHEIDT: So moved.

14

MR. CALLAHAN: Second.

15

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

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MR. CALLAHAN: Yes.

17

MR. BRAUN: Ms. Scheidt?

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MS. SCHEIDT: Yes.

19

MR. BRAUN: Mr. Trotta?

20

MR. TROTTA: Yes.

21

MR. BRAUN: Mr. Braun votes yes. We

22

are out of executive session.

23

Is there anything else anyone needs to

24

bring up in our regular meeting?

25

MR. TROTTA: No, it was a good day. I

1

2 think, you know, we clarified a lot of things,
3 we had direction, we know where we're going
4 and I think, you know, for me it was good, I
5 think for everybody it was.

6 MS. SCHEIDT: That's good to hear,
7 Frank.

8 MR. BRAUN: On that note, I'll take a
9 motion to adjourn.

10 MS. SCHEIDT: So moved.

11 MR. BRAUN: Second?

12 MR. CALLAHAN: Second.

13 MR. BRAUN: Thank you.

14 On the vote, Mr. Callahan?

15 MR. CALLAHAN: Yes.

16 MR. BRAUN: Ms. Scheidt?

17 MS. SCHEIDT: Yes.

18 MR. BRAUN: Mr. Trotta?

19 MR. TROTТА: Yes.

20 MR. BRAUN: Mr. Braun votes yes and we
21 are adjourned. Thank you.

22

23 (Time noted: 1:01 p.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.

JOANN O'LOUGHLIN