

EXTRACT OF MINUTES

Special Meeting of the Board of Education of
Lawrence Union Free School District,
in the County of Nassau, New York.

January 21, 2020

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The Special Meeting of the Board of Education of Lawrence Union Free School District, in the County of Nassau, New York, was duly noticed and held in said School District on January 21, 2020, at 8:00 o'clock A.M.

There were present: Mr. Murray Forman, President of the Board of Education, and

Board Members: Dr. Asher Mansdorf, Vice-President

Mr. Michael Hatten, Trustee

Mr. Heshy Blachorsky, Trustee

Mr. Abel Feldhamer, Trustee arrived at 8:03 A.M.

There were absent: Dr. David Sussman, Trustee

Ms. Tova Plaut, Trustee

Also present: Ms. Mohinder Bharaj, District Clerk

Albert A. D'Agostino, Esq., District Counsel

Dr. Ann Pedersen, School Superintendent

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Board President Murray Forman offered the following resolution and moved its adoption:

WHEREAS by notices dated December 26, 2019 and December 20, 2019 to the Superintendent of Schools, the Town of Hempstead Industrial Development Agency ["TOH IDA"] advised the Lawrence Union Free School District Number 15, Town of Hempstead ["School District"] that a public hearing was to be held and was in fact held on January 13, 2020 in connection with an application by JFK Logistics Center LLC ["JFK"] and/or an entity formed or to be formed on behalf of JFK, seeking IDA benefits in connection with the acquisition of an approximately 9.127 acre parcel of land located at 253-51 Rockaway Boulevard, Woodmere, New York, the construction of an approximately 235,234 square foot building thereon, and the acquisition and installation therein of certain equipment and personal property, and is to be used by JFK for its primary use as warehouse space, with ancillary office space, for logistics and airport cargo users; and

WHEREAS, the IDA "contemplates that it *will provide assistance* to the Company in the form of exemptions from mortgage recording taxes in connection with the financing or any subsequent refinancing of the Facility, exemptions from sales and use taxes and *abatement of real property taxes*" [Emphasis added] ; and

WHEREAS, the aforementioned Notices of Hearings were received by the School District during the winter holiday break; and

WHEREAS, Counsel to the School District appeared at the January 13, 2020 hearing presided over by IDA Chief Executive Officer Frederick E. Parola; and

WHEREAS, the request of the School District to review the file relating to the subject IDA Application file of JFK prior to the January 13, 2020 hearing was not permitted by the IDA, necessitating the immediate filing of a request pursuant to the New York State Freedom of Information Law; and

WHEREAS, the file has (with the exception of the transcript of the January 13 hearing and a short economic "analysis") to date not been provided or made available to Board Counsel by the IDA; and

WHEREAS, pursuant to the Notice dated December 20, 2019, the public and the School District have been advised that "[t]he Board of the Agency [IDA] will consider a resolution approving the financial assistance to be granted to the Company including the twenty (20) year PILOT Benefit, at the Agency's Board Meeting (the "Board Meeting") on January 23rd, 2020, at 9:00 a.m. local time, at 1 Washington Street, Town Hall Pavilion, Hempstead, New York 11550."; and

WHEREAS, pursuant to the "NOTICE OF DEVIATIONS FROM UNIFORM TAX EXEMPTION POLICY" dated December 2019, addressed to the Honorable Laura Gillen (former Town Supervisor, whose term ended on December 31, 2019), Superintendent Ann Pedersen of the School District and County Executive Laura Curran, the IDA states that the IDA has been requested "to provide financial assistance to the Company in the form of abatements of real property taxes for a term of up to twenty (20) years (the "PILOT Benefit")" and, further, that "[t]he PILOT Benefit deviates from the [IDA]'s Uniform Tax Exemption Policy...adopted October 23, 2019, as amended to date, because the proposed PILOT Benefit will be for a term of up to twenty (20) years instead of ten (10) years."; and

WHEREAS, the Notice further states that "[t]he Agency proposes to deviate from the Policy due to the current nature of the property and because the Project would not be economically viable without a PILOT for a term of twenty years."; and

WHEREAS, the "Notice of Deviations..." dated December 20, 2019 states further, that "[t]he Agency proposes to deviate from the Policy due to the current nature of the property and because the project would not be economically viable without a PILOT for a term of up to twenty (20) years"; and

WHEREAS, the PILOT tax benefits would be shifted to and of necessity borne by all of the other (i.e., non-benefited) tax payers of the District, regardless of the tax classification of their properties, including (but not limited to) residential taxpayers; and

WHEREAS, recent events which occurred in connection with PILOT benefits granted in an adjacent school district (Valley Stream UFSD 30) led to great financial upheaval and hardship on the part of the taxpayers of Valley Stream UFSD 30, Valley Stream UFSD 13 and Valley Stream UFSD 24 (as well as Central High School District Number 1, the Incorporated Village of Valley Stream, and portions of the Incorporated Village of Lynbrook and the unincorporated portions of the Town of Hempstead within those districts; and

WHEREAS, since the IDA has to date not disclosed its file to the School District or its counsel, the Board of Education has noticed and convened this special emergency meeting in order to take the following action.

IT IS HEREBY RESOLVED that the foregoing preambles ("**WHEREAS**" provisions) are here included by reference herein; and

IT IS FURTHER RESOLVED that the Board of Education ratifies the actions taken by Board counsel in having appeared at the January 13, 2020 IDA hearing in opposition to the JFK Application for the requested PILOT Benefit; and

IT IS FURTHER RESOLVED that the Board of Education states its position in strong opposition in all respects to the JFK Application for the requested PILOT Benefit Application; and

IT IS FURTHER RESOLVED that Board Counsel is directed to communicate the Board of Education's position in strong opposition to the IDA, together with Board Counsel's communicating and taking such other and further actions as Board Counsel may be directed in connection with the foregoing.

The adoption of the foregoing resolution was seconded by Board Member Asher Mansdorf and duly put to a vote on roll call, which resulted as follows:

AYES: 5 (M. Forman, A. Mansdorf, M. Hatten, H. Blachorsky, A. Feldhamer)
NOES: 0

The resolution was declared adopted.

DISTRICT CLERK'S CERTIFICATE

I, Mohinder Bharaj, being the duly appointed and acting District Clerk of the Lawrence Union Free School District, in the County of Nassau, State of New York, **HEREBY CERTIFY** that the foregoing annexed extract from the minutes of the Special Meeting of the Board of Education of said District duly called and held on January 21, 2020, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Education and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relates to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said District this 21st day of January, 2020.

District Clerk