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INCORPORATED VILLAGE OF FREEPORT
BOARD OF TRUSTEES MEETING

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

February 7, 2022

2:39 p.m.

M E M B E R S:

ROBERT T. KENNEDY	MAYOR
CHRISTOPHER L. SQUERI	TRUSTEE
EVETTE B. SANCHEZ	TRUSTEE

* * *

LISA DEBOURG	DEPUTY VILLAGE CLERK
ROBERT McLAUGHLIN	DEPUTY VILLAGE COUNSEL
SERGIO MAURAS	SUPERINTENDENT OF BUILDINGS

February 7, 2022

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2 MR. McLAUGHLIN: Mr. Mayor, Members
3 of the Board. Good morning. The first
4 matter on is the matter of 160 Cedar Street.
5 Counsel, your appearance.

6 MR. HOWLAND: Sure. Sean Howland
7 with McCalla, Raymer, Leibert and Pierce. We
8 represent the First Mortgage, as we discussed
9 the last time.

10 Following our last meeting, I was
11 able to locate contact information for the
12 owner's son who had previously reached out to
13 the bank and requested access to the property
14 for repairs. We reached out to him several
15 times by phone and weren't able to get in
16 touch with him. He's living in North
17 Carolina. That information was provided to
18 counsel for the Village.

19 Since the property doesn't look like
20 it's occupied or worked on, my client is
21 currently in the process of obtaining bids to
22 either demolish the property or bring it into
23 compliance. That's where we stand.

24 MAYOR KENNEDY: Do we have a time
25 limit, a date in which we're expected to

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2 determine whether they're going to repair
3 or --

4 MR. HOWLAND: It's going to depend on
5 the valuation of the property, which is also
6 underway, and also what the bids come in
7 versus the value of the property. I think we
8 can probably make some decent headway if we
9 push this out for another 30 days and see
10 where we are at that point.

11 MAYOR KENNEDY: I'll agree to let it
12 go for 30 days more, but at that point I
13 would expect to have a solid date of
14 completion or removal. Other than that, the
15 Village can remove it and bill the mortgagee.
16 We're willing to assist wherever we can.

17 MR. HOWLAND: Sure.

18 MAYOR KENNEDY: But I just want to
19 move some of these along.

20 MR. HOWLAND: I fully understand
21 that. I think at this point the bank is in a
22 precarious position because they don't own
23 the property. So, in addition to the need to
24 get bids and conduct a valuation, they're
25 also in the position that they don't own the

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property. They don't want to demolish it without an ownership interest in it.

MAYOR KENNEDY: Are they planning on foreclosing?

MR. HOWLAND: That is our intention, but we're early on.

MR. McLAUGHLIN: For my edification, you do have the authority to either repair or take down the property, if necessary.

MR. HOWLAND: Certainly to repair. I'm not sure if they would have the steps or ability to demolish it without an order.

MR. McLAUGHLIN: Under our Village code, the Village Board can order that it be repaired or removed. I believe I'm asking if your client, once the Board gives that authority, based on our Village code.

MR. HOWLAND: I think it would still come down to the value of the property without a structure on any bids that they would get. They did go through that process.

TRUSTEE SQUERI: Those fees would go on the tax roll, which the bank is paying now.

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2 MR. HOWLAND: Right. In order to
3 have the contract come in and do repairs or
4 demolishing, those charges would, in theory,
5 be charged to the State. So, I think they
6 have an obligation to see if they can get a
7 competitive bid. That's the issue.

8 MAYOR KENNEDY: Do you have the names
9 of the owner's relatives?

10 MR. McLAUGHLIN: Yes. Counsel had
11 forwarded it to me and Sergio the name. I
12 reached out last week and I got no response,
13 but I sent letter out for March 7th. If
14 everybody is good for that date, we'll send a
15 letter out not only to you but to the family.

16 MR. HOWLAND: It might have more
17 weight coming from your office.

18 MAYOR KENNEDY: Have you had the
19 police look at this to document the address
20 or where he is? Maybe the police can run it.

21 MR. McLAUGHLIN: I can have the
22 police run it. This was received from the
23 Surrogate's Court. This is the address that
24 he gave in his filing to the Surrogate's
25 Court.

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MAYOR KENNEDY: Okay. I have no objections, unless any of the trustees do, to extending 30 days. Hopefully, at that time, they will address it.

TRUSTEE SQUERI: I think we're all in agreement that we're not going to do another extension on this, correct?

MR. HOWLAND: Okay.

TRUSTEE SANCHEZ: We'll mark that final.

MR. HOWLAND: I guess final for a plan of action, in terms of demolish or repair?

MR. McLAUGHLIN: Correct.

TRUSTEE SQUERI: That's what we kind of thought we were getting today.

MAYOR KENNEDY: In the interim, we will solicit a price for the demolition of the property.

MR. HOWLAND: Sergio was kind enough to give me a ballpark.

MAYOR KENNEDY: What is it, \$17-\$20,000?

MR. MAURAS: That house it will

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probably be approximately \$20,000.

MAYOR KENNEDY: We had similar houses taken down. It gives you an idea. If you need a written proposal, we can, but you have an idea.

MR. HOWLAND: If the Village is going to do that anyway.

MR. MAURAS: Absolutely.

MR. HOWLAND: I'm very grateful.

MAYOR KENNEDY: We'll bring it to the next meeting.

MR. McLAUGHLIN: Just so you're aware, your price might be better than ours.

MR. HOWLAND: If the Village were to take down the property, in addition to the \$20,000, is there any administrative fees or other things like that, or is it \$20,000 out the door?

MAYOR KENNEDY: There is some administration, but not that much. It's only \$500 in administrative fees or something like that.

MR. HOWLAND: Very good.

MR. McLAUGHLIN: Mr. Mayor, if we can

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2 have a motion to adjourn this matter of
3 March 7th at 2:00 p.m.

4 TRUSTEE SQUERI: So moved.

5 TRUSTEE SANCHEZ: Second.

6 MAYOR KENNEDY: Madame Clerk.

7 THE CLERK: All in favor.

8 TRUSTEE SQUERI: Aye.

9 TRUSTEE SANCHEZ: Aye.

10 MAYOR KENNEDY: Aye.

11 THE CLERK: Any opposed?

12 (No response was heard.)

13 MAYOR KENNEDY: Thanks a lot.

14 Appreciate it. See you March 7th.

15 Rob.

16 MR. McLAUGHLIN: Mr. Mayor, Members
17 of the Board this is the matter of 68 Ann
18 Drive.

19 Ma'am, if you could just state your
20 and address for the record.

21 MS. MITCHELL: Tonia Mitchell. 68
22 Ann Drive, Freeport, New York.

23 MR. McLAUGHLIN: I believe at this
24 point the Superintendent of Buildings does
25 have a report on the property.

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2 MR. MAURAS: Correct. The foundation
3 walls have been poured and completed. The
4 next step is for the framing to be done and
5 for the house to be lowered. I did run
6 into -- I did speak to your contractor today,
7 where I wanted to see what the time frame was
8 for that process moving forward. I was a
9 little concerned about his verbiage. His
10 verbiage was that they're seeking someone to
11 do the framing. And if that be the case,
12 we're going to need their information.

13 MS. MITCHELL: Understood.

14 MR. MAURAS: As to their licenses,
15 their insurances and when they will actually
16 do the framing. And we're also going to need
17 the information as to who is going to lower
18 the home, as we have not been provided with
19 the information as to who is going to move
20 forward with that part of the project.

21 So, that's something we recommend
22 that you speak to your contractor now to see
23 what will take place there.

24 MAYOR KENNEDY: We do have a general
25 contractor, correct?

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MR. MAURAS: There is a general contractor who just completed the foundation. That's why I was a little concerned about the verbiage that I heard from that contractor this morning.

MAYOR KENNEDY: When the concrete is being poured, you should be looking for the contractor to lower it and the contractor to do whatever is required. Not lower it and then pour the foundation and wait to start bidding.

MR. MAURAS: Correct. That's why I was concerned, because I felt it wasn't being presented as we were going to complete this project. Right now it seems as if they're seeking someone to do framing. That's concerning.

TRUSTEE SQUERI: Who is the GC?

MR. MAURAS: His name is Anthony Pagano. Pagano and Sons.

TRUSTEE SQUERI: Okay.

MAYOR KENNEDY: Is there any reason why they're dragging their feet?

MS. MITCHELL: Money. I called my

1
2 caseworker Thursday. I didn't get an answer
3 back from her yet. Usually New York Rising
4 has a system of milestones. My understanding
5 was, when I got the footing poured, I reached
6 a milestone and it would be five or six weeks
7 before I got a check. Five weeks go by and I
8 called her. She said your next milestone is
9 the framing or the strapping. I'm sorry.

10 So, she was supposed to confirm that.
11 As she was looking through the documents, she
12 sounded like she was not sure what was
13 happening. So, she was supposed to get
14 confirmation, but I haven't heard back from
15 her as to what she ascertained in general.
16 If she doesn't get back to me, it's because
17 they hadn't got back to her yet.

18 MR. MAURAS: Generally New York
19 Rising, in other scenarios they would ask for
20 the home owner to contact us and the Building
21 Department usually confirms that those
22 milestones have been satisfied. Generally
23 the milestones were footings and then the
24 foundation complete where, at that point,
25 they would release additional funding.

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2 MS. MITCHELL: No. When the house is
3 strapped.

4 MR. MAURAS: They must be changing
5 some of their procedures.

6 MR. McLAUGHLIN: May I make a
7 suggestion, Mr. Mayor, that maybe the home
8 owner can come in with Sergio and reach out
9 to the New York Rising and maybe we can get
10 this on the right path, so we are all on the
11 same page. You know how to speak to New York
12 Rising.

13 MR. MAURAS: Absolutely.

14 MS. MITCHELL: That's where we are.
15 There's confusion whether the last payment
16 they sent me was an advance of the footing
17 milestone or it's my next milestone.

18 MR. MAURAS: Who is your
19 representative from New York Rising?

20 MS. MITCHELL: Wes Joseph.

21 MR. MAURAS: I'll reach out to him
22 too. I have his contact information.

23 TRUSTEE SQUERI: And the contractor
24 is aware that you need to strap this before
25 you get your next funding and he can get his

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money too.

MAYOR KENNEDY: Has it been bid out already? Do they know who they are looking to hire or are we wait to find out if they are funding him before we get specs for bidding?

MS. MITCHELL: I know names. Not company names. I know who they have been talking with. I know Jeremy from Ironman was supposed to lower the house.

MR. MAURAS: He's the person that lowers the home.

MS. MITCHELL: Right. I know the guy Angelo. I don't know the name of his company.

MAYOR KENNEDY: Why don't you meet with the general contractor and find out if we have bids already secured. Talk to New York Rising. Give it seven days. If not, we'll address it differently.

MS. MITCHELL: Angelo was supposed to be willing to wait, but we needed to buy the lumber. He willing to wait to get paid for the labor until New York Rising came.

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2 MAYOR KENNEDY: Years and years is
3 too long a time. We'll look at seven days
4 and take it from there. If not, we're going
5 to do a different hearing and let New York
6 State worry about reimbursing us for taking
7 the house down if we have to.

8 Seven days.

9 MR. McLAUGHLIN: We'll adjourn this
10 matter to February 14th.

11 MR. MAURAS: I have a training class.

12 MAYOR KENNEDY: Make it the 15th.
13 I'm in Albany on the 14th.

14 MR. McLAUGHLIN: The 15th.

15 MS. MITCHELL: The same time too?

16 MR. McLAUGHLIN: Es.

17 MAYOR KENNEDY: Contact your
18 contractor and have him here with you.

19 Sergio, in the interim, you'll get in
20 touch with New York Rising. And let's get
21 the whole thing planned, so we're not coming
22 back every month saying we couldn't do this,
23 it's going to take another month and a half
24 to find another surprise.

25 MR. McLAUGHLIN: Ma'am, just so you

1
2 understand, it's a concern, the property,
3 when it's up. When we get storms and stuff,
4 it's a dangerous situation. Maybe Sergio can
5 help you go through the mine of calling New
6 York Rising.

7 MS. MITCHELL: You have no mechanisms
8 to move anything. We don't have enforcement
9 power. Everything is just money, and they're
10 not giving the money. I've been in my house
11 too long. I have no more options.

12 MAYOR KENNEDY: How long have you
13 been out of your house?

14 MS. MITCHELL: Since March of 2016.
15 So, I'm paying what I should have been paying
16 in a mortgage in storage fees. I've been
17 paying \$2,000 a month in storage fees. It's
18 driving me crazy.

19 MAYOR KENNEDY: Okay. Do we have a
20 motion to reconvene the meeting on
21 February 15th?

22 TRUSTEE SQUERI: So moved.

23 TRUSTEE SANCHEZ: Second.

24 MS. MITCHELL: And also, New York
25 Rising is supposed to pay me mortgage

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reimbursement. They didn't pay me for six months. So, every month I was paying mortgage and rent. Totally destroyed my credit.

MAYOR KENNEDY: Unfortunately, it becomes and health and safety issue now with the home up in the air.

MS. MITCHELL: I understand.

MAYOR KENNEDY: I'm not going to extend it much longer.

Do we have a motion?

THE CLERK: Yes, a motion and a second.

All in favor.

TRUSTEE SQUERI: Aye.

TRUSTEE SANCHEZ: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MAYOR KENNEDY: Okay.

MS. MITCHELL: Thank you for consideration.

MAYOR KENNEDY: Thank you. See you the day after Valentine's Day.

February 7, 2022

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2 MR. McLAUGHLIN: Mr. Mayor, the final
3 matter is 176 Gordon Place. While I was in a
4 department heads meeting a half hour ago,
5 there was a call. I received a call from the
6 attorney who had an emergency and couldn't
7 appear. I would ask that this be put on for
8 the 15th as well. I don't want to delay it
9 any further than that.

10 He did provide me with proof that
11 they did hire ABF Development to take the
12 property down, and they are awaiting for the
13 electric disconnect and the gas and a rat
14 letter. But they have not had any
15 communication with Sergio. Given that fact,
16 I ask that this matter put on. I don't want
17 to delay it more than what we're doing on the
18 15th in the prior case.

19 MAYOR KENNEDY: That's fine. Do we
20 have a motion to reconvene this on the 15th.

21 TRUSTEE SANCHEZ: So moved.

22 TRUSTEE SQUERI: Second.

23 THE CLERK: All in favor.

24 TRUSTEE SANCHEZ: Aye.

25 TRUSTEE SQUERI: Aye.

February 7, 2022

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MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(No response was heard.)

(WHEREUPON, this hearing was
concluded at 2:55 p.m.)

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February 7, 2022

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C E R T I F I C A T E

I, BETHANNE MENNONNA, a Notary Public within and for the State of New York do hereby certify that the foregoing is a true and accurate transcript of the proceedings, as taken stenographically by myself to the best of my ability, at the time and place aforementioned.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of February, 2022.


BETHANNE MENNONNA