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INCORPORATED VILLAGE OF FREEPORT  
BOARD OF TRUSTEES MEETING

MUNICIPAL BUILDING  
46 North Ocean Avenue  
Freeport, NY 11520

February 23, 2022  
11:00 a.m.

M E M B E R S :

ROBERT T. KENNEDY	MAYOR
CHRISTOPHER L. SQUERI	TRUSTEE
RONALD J. ELLERBE	DEPUTY MAYOR

\* \* \*

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

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-----E X H I B I T S-----

403 South Bayview Avenue PAGE

SUPERINTENDENT'S FOR I.D.

A Photograph 5

RESPONDENT'S FOR I.D.

A Contract 17

\* \* \*

296 Pine Street

SUPERINTENDENT'S FOR I.D.

A Photograph 34

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February 23, 2022

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-----I N D E X-----

<u>ADDRESS</u>	<u>PAGE</u>
403 S. Bayview Avenue	4 - 18
170 Whaley Street	18 - 30
296 Pine Street	30 - 39

February 23, 2022

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MAYOR KENNEDY: Rob.

MR. McLAUGHLIN: Mr. Mayor, we're here today pursuant to Section 187 of the Freeport Village Code on a nuisance building proceeding regarding 403 South Bayview Avenue. As mentioned before, we have present with us the superintendent of buildings. I would ask at this time if the superintendent would give a brief report of the conditions of the building and the status we have at this point.

MAYOR KENNEDY: Please.

MR. MAURAS: 403 South Bayview is a property that has been vacant for probably 20 years. It is in major disrepair, especially on the exterior where there is boarded windows, where there is a section of the house on the southern side of the property which is open and exposed. It hasn't been maintained in a very, very long time. The interior of the structure also needs some major repair.

There was previously an application that was filed to reconstruct that structure,

1  
2 but there was some issues with the taxes on  
3 the property. So, presently, that structure  
4 is in the process of being sold from the  
5 gentleman over here to Carlos Pineda.

6 MAYOR KENNEDY: Who is the seller and  
7 who is the purchaser.

8 MR. SEVERE: I'm the seller.

9 MR. PINEDA: I'm the purchaser.

10 MR. McLAUGHLIN: Before we move on,  
11 Mr. Mayor, I would just ask to have a Packet  
12 marked a Superintendent's Exhibit A, photos  
13 of the property in its condition.

14 MAYOR KENNEDY: Exhibit A is  
15 accepted.

16 (WHEREUPON, the above-referred to  
17 document was marked as Superintendent's  
18 Exhibit A, for identification, as of this  
19 date.)

20 MR. McLAUGHLIN: As I stated before,  
21 Mr. Mayor, it's our position that this is a  
22 nuisance building. At this point, there have  
23 been conversations with the present owner  
24 regarding doing some remediation, which was  
25 not done. We are seeking to have the

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building repaired, so that it's not a nuisance for the residences on Bayview and realistically within the Village of Freeport.

MAYOR KENNEDY: Okay. When and how and how soon is it going to be repaired.

MR. McLAUGHLIN: If we can have them both sworn in.

C A R L O S P I N E D A,  
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

W I L D E S E V E R E,  
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

COURT REPORTER: Please state your name and address for the record.

MR. PINEDA: Carols Pineda. 130 Hempstead Avenue, west Hempstead, New York 11552.

MR. SEVERE: Wilde Severe. 676 Lakeside Drive, Baldwin, New York 11510.

MR. PINEDA: What was the question?

MAYOR KENNEDY: I said, when is it

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going to be resolved, corrected, presentable?

MR. PINEDA: Basically, Mr. Warren was asking, as soon as I finish, come straight to the office to him so I could tell him exactly how this went. I'm just waiting to get forward and get going.

MAYOR KENNEDY: Have you closed on the house?

MR. PINEDA: I didn't close. I waited to come here first. Sergio told me to.

MAYOR KENNEDY: You still own the house?

MR. SEVERE: I still own the house.

MR. PINEDA: We have a signed contract.

MR. SEVERE: We have a signed contract. I'm not sure if you're aware of this, but we had a buying for this property since August. Because of all the tax issues on this property, we couldn't close and he walked out the deal. I don't know what happened. Maybe he no longer had the funding. He walked away about a month ago --

1  
2 not even a month ago. Yeah, about a month  
3 ago. A week or two later, all the tax issues  
4 got cleared up. At that point, a new person  
5 came into place and we're looking to move  
6 forward.

7 MR. McLAUGHLIN: If I may, mayor,  
8 give you a little background on the tax  
9 issue. The Village taxes that were owed,  
10 that was sold by way of a lien sale. The  
11 liens were extinguished by Court with the  
12 exception of two years. So, I do believe  
13 there may have been an issue with his title  
14 company who didn't properly take care of that  
15 when he purchased the property. It has now  
16 been taken care of, due to the fact the title  
17 company actually, those two years, actually  
18 paid the liens. So now, as far as the  
19 Village of Freeport taxes, they are all  
20 cleared.

21 MAYOR KENNEDY: When is the expected  
22 closing date?

23 MR. SEVERE: We're expecting to  
24 closed, based on what I believe is, 30 days,  
25 40 days; something like that.

February 23, 2022

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1  
2 MR. PINEDA: Maybe less than 30 days.  
3 Because over the weekend, I had two options:  
4 Whether to do a mortgage or do hard money. I  
5 just got my terms and they were pretty good.  
6 I might go ahead and close.

7 MR. McLAUGHLIN: You indicated to me  
8 before we started today that you're in the  
9 mortgage industry.

10 MR. PINEDA: Yeah, I work for ICG.

11 MAYOR KENNEDY: If you do close by  
12 3/23, a month from now, how soon would the  
13 exterior of the house be corrected; the  
14 exterior, the siding, the windows?

15 MR. PINEDA: Well, they have plans  
16 already. Like I told them before, I spoke to  
17 the architect. He is willing to --

18 MAYOR KENNEDY: You really don't need  
19 an architect for windows and siding, by the  
20 way. I don't care what you do with the  
21 inside. To clear up the esthetics on the  
22 outside is my real concern: Windows and  
23 siding.

24 MR. PINEDA: Okay. I can make that a  
25 priority first if you want and then go

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backwards. Out, in.

MR. SEVERE: I guess if you don't mind me saying, the property -- if he ends up going forward with the plans that are currently approved by the Village, it's pretty much the top portion is being demolished. He's building almost a new structure. It's not new, but certain things are staying. It's all new windows, doors, siding, roofing, everything.

TRUSTEE SQUERI: Sergio, what plans do we have?

MR. MAURAS: The initial application that was filed was for a whole extension of the house, where they are going to add on to the second floor, second level. So, part of their process will be that if you wanted to redo the house the way it is now, of course he would -- he could just move forward with getting a basic building permit to make those initial repairs. But if he is going to move forward with the plans that were originally submitted and approved by the Zoning and by the Site Plan Board, which would actually

1  
2 help him expedite the process of moving  
3 forward and reconstruction of that home, it  
4 does entail moving the second story and  
5 rebuilding whole entire second story.

6 TRUSTEE SQUERI: The way I look at  
7 it, I think from a safety and esthetic view,  
8 we want to see something done as soon as  
9 possible. I think the neighbors would  
10 appreciate very much if there was progress on  
11 the property. So, with Sergio's guidance,  
12 what is the best course of action, in terms  
13 of getting some progress on the property now?  
14 The siding and putting the windows in,  
15 putting a brand new second floor up. That's  
16 not a feasible thing. But we need to show,  
17 from a safety aspect and esthetic aspect,  
18 secondary, we need to show some real  
19 progress.

20 Mayor, what kind of timeline would  
21 you like to see here?

22 MAYOR KENNEDY: One of my concerns  
23 would be, are you planning to use the same  
24 specification and drawings that the architect  
25 drew?

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MR. PINEDA: Yes.

MAYOR KENNEDY: The permit would not be valid now, because you would have to have a different contractor, you would have to provide insurance, Workers Comp, liability, disability. All of that stuff needs to be provided, before you could get permits to do it within the Village. How soon would you be able to have a contractor after your closing date provide this information?

MR. PINEDA: I have two contractors ready and waiting for me right now. They come with a full plumber, electrician, everything under one roof. So, as soon as -- I can probably have that even before closing to you guys, if you want that.

MR. MAURAS: Yes. We'll need updated licenses and insurances.

MR. McLAUGHLIN: I would assume that any permits that were pulled are now expired, correct?

MR. MAURAS: No, they're not expired. Technically, it's still permit itself. So, if they are going to transfer the permit, in

1  
2 order to expedite the repair of this home, it  
3 would be a basic matter of simply providing  
4 to us the Nassau County license, the Workers  
5 Compensation, disability and liability  
6 insurances. And in addition, of course,  
7 we'll need the contracts between yourself and  
8 the contractor to be submitted. At that  
9 time, we'll transfer ownership of that permit  
10 to yourself, so you can proceed in an  
11 expeditious manner.

12 MR. McLAUGHLIN: Sir, if I may ask.  
13 You have spoken to your contractor and he is  
14 ready to go to work right away?

15 MR. PINEDA: As soon as they Email me  
16 the plans, I sent it to him.

17 MR. McLAUGHLIN: We only reason why I  
18 ask is, we don't want to come back and say,  
19 "Well, because of this or because of that the  
20 guy didn't have time not, it will be another  
21 three or four months."

22 MR. PINEDA: No. Sergio told me the  
23 urgency of having it done.

24 TRUSTEE SQUERI: Sergio, the day he  
25 closes and he gives you all that information

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the next day or that day, how quick can we turn around?

MR. MAURAS: The same day.

MR. McLAUGHLIN: If I may, Mr. Trustee, I think we can actually do that process before the closing date, he can get us that information and all that stuff.

MAYOR KENNEDY: I don't think you can. No contractor is going to sign a deal to build a house that he doesn't own.

MR. McLAUGHLIN: I'm talking about in the paperwork process on his end.

TRUSTEE SQUERI: Everything but a signed contract could be available.

MAYOR KENNEDY: Okay.

MR. PINEDA: I'll bring it to you not signed already, and I guess when --

TRUSTEE SQUERI: Just all the other particulars: The license, insurance, all that stuff.

MR. PINEDA: Okay.

MR. McLAUGHLIN: They can get that to you, and that way you have copies of that.

MAYOR KENNEDY: I'm just saying, if

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you don't own the house, you're not going to sign a contract with the developer.

MR. PINEDA: I understand. It makes 100 percent sense.

MAYOR KENNEDY: Put yourself at risk.

MR. McLAUGHLIN: Sir, you had mentioned you have a copy of the contract for sale. If we can take a copy of it.

TRUSTEE ELLERBE: Signed by both parties?

MR. SEVERE: Yes.

TRUSTEE ELLERBE: When did you purchase the house?

MR. SEVERE: June of 2020. During COVID. I believe something happened during COVID that they missed the tax lien. Everybody missed everything. Trust me. I lost a lot. I lost a lot on this deal. Not profits. I'm talking about actual money.

MAYOR KENNEDY: Am I safe in saying that by 4/7, which would be two weeks after the closing of approximately 3/23, you would have all of these documents in and the contractor signed up?

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MR. PINEDA: Yes.

TRUSTEE SQUERI: You said 3/20 you expected to close?

MR. PINEDA: I believe I'm going to Mr. Warren's office.

TRUSTEE SQUERI: Technically by 4/7 there could be work started already?

MAYOR KENNEDY: Yes.

TRUSTEE SQUERI: A long time coming. Very nice to see. I'm sure the neighbors would love it too.

MR. McLAUGHLIN: Now also, can you speak to Mr. Warren, advise him that he's allowed to speak to me to discuss any updates on it, so I can follow up with him.

MR. PINEDA: Of course.

MAYOR KENNEDY: We'll schedule another hearing for sometime in April to make sure this is under way.

MR. McLAUGHLIN: Mr. Mayor, you mentioned the April 7th date. If that's good with everybody.

TRUSTEE SQUERI: What day is that?

MR. McLAUGHLIN: A Thursday.

1  
2 MAYOR KENNEDY: Fine by me. We'll  
3 postpone the hearing until then. Hopefully  
4 by then you'll have a contract, you will own  
5 the house, the contract will be signe and  
6 you'll be on your way.

7 MR. PINEDA: As soon as I have  
8 everything, I'll make sure I'll send it to  
9 Mr. Warren. I usually send everything to  
10 Sergio to look over everything.

11 MR. McLAUGHLIN: Mr. Mayor, I just  
12 handed you a copy of the contract. We're  
13 just going to place it on the record as  
14 Respondent's Exhibit A.

15 (WHEREUPON, the above-referred to  
16 document was marked as Respondent's  
17 Exhibit A, for identification, as of this  
18 date.)

19 MR. McLAUGHLIN: We would just need a  
20 motion to adjourn this matter to April 7th at  
21 11:00 a.m.

22 TRUSTEE SQUERI: So moved.

23 TRUSTEE ELLERBE: Second.

24 MAYOR KENNEDY: Madame Clerk.

25 THE CLERK: All in favor.

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TRUSTEE SQUERI: Aye.

TRUSTEE ELLERBE: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MAYOR KENNEDY: Good. I look forward to getting this addressed. I appreciate it. Welcome to Freeport. Anything you need, the Building Department is very accommodating, will help expedite things. Anything to do to make it easier, we will.

MR. PINEDA: I appreciate it.

MAYOR KENNEDY: Village Attorney, please.

MR. McLAUGHLIN: Mr. Mayor. The next matter on the calendar today is 170 Whaley Street. The home owner's name is Joseph Coyle. And you're Mr. Coyle?

MR. COYLE: Yes.

MR. McLAUGHLIN: I have with me today the Superintendent of Buildings, Sergio Mauras. Mr. Mauras, if you could give us a description of the property as we have it now?

MR. MAURAS: 170 Whaley Street has

1  
2 had some major damage to the front area of  
3 the home. We have an engineer's report that  
4 indicates that is dangerous in nature. There  
5 are sections of ceiling that have collapsed,  
6 there are floor joists in major disrepair, in  
7 addition to the roof. As I indicated, there  
8 is an engineer's report indicating that it is  
9 dangerous and needs to be repaired.

10 MR. McLAUGHLIN: Mr. Mauras, when was  
11 the engineer's report done?

12 MR. MAURAS: Our engineer's report,  
13 if I'm not mistaken, was approximately 2019.

14 MR. McLAUGHLIN: Do you feel it is  
15 necessary, at this point, to do an additional  
16 inspection of the property?

17 MR. MAURAS: Absolutely, yes.

18 MR. COYLE: I'm sorry, I couldn't  
19 hear that.

20 MR. McLAUGHLIN: If an additional  
21 inspection is needed to be done at this  
22 point.

23 MR. COYLE: No problem.

24 MR. McLAUGHLIN: If you could just  
25 swear him in.

J O S E P H        C O Y L E ,

having been first duly sworn by a Notary  
Public of the State of New York, was  
examined and testified as follows:

COURT REPORTER: Please state your  
name and address.

MR. COYLE: Joseph F. Coyle,  
C-O-Y-L-E. My residence is 170 Whaley  
Street, Freeport, New York 11520.

MR. McLAUGHLIN: Mr. Mayor, Members  
of the Board, as the superintendent stated,  
we're not only concerned about the esthetics  
of the property, which is an eyesore to the  
neighbors on Whaley Street, but also to the  
condition was concerned as a dangerous  
condition not only for the residents of 170  
Whaley Street, but for any first responders  
who will be responding to that location.  
It's our understanding that at one point  
there was a hole inside the property, as well  
as holes in the roof. As you may know, I  
know a lot of the members of the Board have  
responded to places like fire scenes when  
they have to go on the roof in order to

1  
2 secure certain things. This would be a  
3 danger to the first responders of the Village  
4 of Freeport.

5 At this time, I would ask that  
6 Mr. Coyle explain where he is in his house  
7 and what he plans on doing to rectify the  
8 situation.

9 MAYOR KENNEDY: Sure.

10 MR. COYLE: Your honor, as you know,  
11 I have been approved for a grant from the  
12 Freeport Development Corporation. However,  
13 the day they were to begin work, it was  
14 established that additional work would have  
15 to be done first for the support of the roof.  
16 When we last met, I asked you if I were to --  
17 if I take a loan, etcetera, etcetera, to have  
18 all those repairs done, if it would be  
19 amenable to the Village, and you had said  
20 yes.

21 Since that time, I have made an  
22 application on the equity in my home for  
23 cash. I have contacted two contractors, and  
24 I'm hopeful that as these matters are  
25 resolved first that, you know, I will be able

1  
2 to be enabled to do the necessary repair, and  
3 at that time, possibly, if it's quick enough,  
4 re-evaluate with the grant. If not, proceed  
5 in my own right with the roof, depending on  
6 what the total cost would be.

7 I don't want to give up my home. If  
8 it's prohibitive in the final analysis, then  
9 what I will do is sell the home to a  
10 developer. I have 12, 14 offers of people  
11 who want to buy a house in my neighborhood,  
12 etcetera, etcetera, and I don't have to  
13 worry, I just have to agree and all the rest  
14 of it. Such are the times that we live in  
15 that property itself, notwithstanding a  
16 building on it, is astronomical with market  
17 values being what they are in Nassau County.  
18 So, though I would prefer that not happen, if  
19 that is my only alternative, I will have to  
20 bite the bullet and do that.

21 MAYOR KENNEDY: I have no objection  
22 to you securing a loan to do those structural  
23 repairs. And I would ask the Community  
24 Development Agency to then allow the  
25 contractor to come back to do the roof. But

1  
2 there has to be an inspection done on the  
3 house first. And I would say the Buildings  
4 Department and a structural engineer should  
5 do this report, so they could outline what  
6 must be done by your contractors in the  
7 refinancing that you do prior to the  
8 Community Development putting a new roof on.  
9 We don't want to tell CDA to come back and  
10 the repairs are not be done properly.

11 MR. COYLE correct.

12 MAYOR KENNEDY: I would ask you at  
13 this meeting to allow our superintendent of  
14 buildings to come back with the structural  
15 engineer, they were there once before, so  
16 they could write up what they need to be  
17 prior to replacing the roof.

18 MR. COYLE: I have no problem with  
19 that. I was advised by Mr. McLaughlin that  
20 someone from the building department had  
21 stopped by last week. I had advised him that  
22 I was not home last week nor even this week,  
23 but it should end on Friday. My sister had a  
24 quadruple bypass and I have been staying with  
25 her, caring with her because she developed

1  
2 sepsis and needs an IV drip. They were  
3 supposed to call me, so I could arrange to be  
4 there. I never got a call, nothing,  
5 etcetera. There was just a miscommunication.

6 MAYOR KENNEDY: We're all here today.  
7 Give me a day that we can send somebody over.  
8 Can you give me a day and then you can talk  
9 to our structural people and have somebody  
10 there with you.

11 MR. MAURAS: What is the best contact  
12 number for you?

13 MR. COYLE: (516) 205-5488. That's  
14 my personal cell. Although, I forgot it,  
15 rushing out of the house to get here on time.  
16 Wednesday would be -- I'm sure that I can be  
17 there all day Wednesday, whatever would be  
18 good for you or your designates.

19 MR. MAURAS: How about Wednesday  
20 between 11:00 and 12:00 p.m.?

21 MR. COYLE: That's fine.

22 MAYOR KENNEDY: That's great. You'll  
23 speak with -- who was there before; Bob  
24 Bennett?

25 MR. MAURAS: Bob Bennett.

1  
2 MAYOR KENNEDY: Let him write up a  
3 spec on what has to be done to make the house  
4 safe, and then bring that back and I will --  
5 once that's completed, you give that to your  
6 contractor to take care of it. When that is  
7 done, we'll have another hearing. Maybe  
8 we'll set it up in a minute. We'll inspect  
9 it to make sure it's okay, and then we'll  
10 move to proceed with the remaining work.

11 TRUSTEE SQUERI: Sir, you applied for  
12 a credit line with your bank?

13 MR. COYLE: Yes. Through a company  
14 called Unison.

15 TRUSTEE SQUERI: That's all started?

16 MR. COYLE: Yes, as of last Thursday.

17 TRUSTEE SQUERI: Okay.

18 MR. COYLE: I submitted the  
19 application and you know. They are, because  
20 they can make money, very positive that  
21 everything will be just ducky. But of  
22 course, as we know, in business such a this,  
23 there can be any kind of number of bumps in  
24 the road. So, I'm hopeful. That's why I  
25 hesitated in calling Bob Bennett, because I

1  
2 need funds, because I'm sure there will be a  
3 bill attached, etcetera, etcetera. You know,  
4 I'm very glad things are beginning -- the  
5 pieces of the puzzle are beginning to fall in  
6 place.

7           MAYOR KENNEDY: Why don't we set up  
8 another hearing date and by that time we'll  
9 have the results in from the superintendent  
10 and Bob Bennett. You should have your  
11 financing arranged by then. In the interim,  
12 you can speak to some contractors, because  
13 you will have the report already, and we'll  
14 see what the status is at that date.

15           MR. COYLE: Yes.

16           MR. McLAUGHLIN: If I may,  
17 Mr. Superintendent. We do have a hearing, on  
18 other matters on March 7th. Would that be  
19 enough time for you to get a report?

20           MR. MAURAS: Absolutely.

21           MR. McLAUGHLIN: I think, like the  
22 other case we put off until April, but that's  
23 more of an esthetic issue. I think this has  
24 a dangerous building component to it. So, I  
25 don't feel comfortable going into April on

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that.

MAYOR KENNEDY: I think the inspection should be done as soon as possible. But I don't know if you will have sufficient time by March 7th to take those specs, get the financing and get the pricing together. So, I would ask for an extra week or two on that.

MR. McLAUGHLIN: The only reason I mention March 7th, I wasn't worried as much on his financing, as much as getting a report on safety of the building.

MAYOR KENNEDY: That could be delivered right away. But the hearing should be?

MR. McLAUGHLIN: March 14th then?

MAYOR KENNEDY: That's okay. March 14th. Make it four weeks; that would be sufficient time. He's going to have to get a contractor.

MR. McLAUGHLIN: So, the 21st.

MAYOR KENNEDY: Is that okay with everybody?

TRUSTEE SQUERI: Yes.

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MAYOR KENNEDY: That's 3/21. What day is that?

TRUSTEE SQUERI: Let me ask a question. Is that a board meeting day? Do you want to do it before the Board meeting?

TRUSTEE ELLERBE: The 23rd is a Wednesday.

TRUSTEE SQUERI: I had a different thought.

MR. McLAUGHLIN: March 23rd at 11:00 a.m.

MAYOR KENNEDY: If you need anything in the interim, please feel free to call Sergio and he'll get back to me. Anything we can help to push this along we'll be glad to. Let him, with the inspector, come in, draw the specs, we'll give you the specs, and we'll ask you to -- we'll even provide some general contractors names that work with the Village that you may want to go out and get bids from. We can't recommend them, but we can give you people.

MR. COYLE: I understand. That's a place to start, because I was working out of

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yellow pages.

MAYOR KENNEDY: We can tell you people that are licensed currently in Village, that do work in the Village, a list of names, and you can check with them.

MR. COYLE: That would be great. That would be great. I really mean it. This is a bad time of year to try to get something like this done, because of the weather, any many businesses aren't really working, etcetera, until March.

MR. McLAUGHLIN: If you get them lined up now, you'll be on the calendar for when it is warmer out.

MR. COYLE: So, I will see you again March 23rd at 11:00.

MR. McLAUGHLIN: You will see Mr. Mauras next Wednesday.

MR. COYLE: Next Wednesday between 11:00 and 12:00.

MR. MAURAS: Yes.

MR. COYLE: Very good.

MAYOR KENNEDY: Mr. Coyle, thank you very much.

February 23, 2022

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MR. COYLE: I appreciate it more than you know.

MAYOR KENNEDY: You have a great day. Like I said, if you need me for anything, get in touch with Sergio, he'll reach out to me and I'll call you back.

MR. COYLE: Swell. Thank you, Your Honor, ladies and gentlemen. Have a good day.

MR. McLAUGHLIN: The next matter is 296 Pine Street -- I'm sorry, we need a motion for adjournment.

TRUSTEE ELLERBE: So moved.

TRUSTEE SQUERI: Second.

MAYOR KENNEDY: All in favor.

TRUSTEE SQUERI: Aye.

TRUSTEE ELLERBE: Aye.

MR. McLAUGHLIN: The next matter is 296 Pint Street. Counsel.

MR. EDWARDS: Good morning, your Honor.

MAYOR KENNEDY: How have you been.

MR. EDWARDS: Very well, thank you.

MR. McLAUGHLIN: Counsel, your

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appearance please.

MR. EDWARDS: I do Bayview Home Loan Servicing, 1400 Old Country Road, Westbury, New York 11590 by Harrison Edwards.

My client does not yet own this property. The property is in foreclosure. There have been foreclosure sales since 2017 that have been routinely stayed due to bankruptcies filed by the home owner. We were noticed, since we are tenants on the property. I'm here to observe to see what happens with the proceeding. Any work the Village has to do to remedy the problems will certainly be tacked onto the taxes, which is something my client will have to deal with.

The home owner -- we can't remedy the situation, because we don't own the property yet.

MAYOR KENNEDY: Right.

MR. EDWARDS: We were noticed, and I appreciate the notice from the Village. Our client, obviously, has an interest in what happens. We have no control on what happens on the property.

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MR. McLAUGHLIN: Do you know what the status presently is?

MR. EDWARDS: We just came out of another bankruptcy dismissal and it's gone to judgement. The final step is foreclosure auction. Hopefully that will happen in the next few months.

MR. McLAUGHLIN: The reason why I ask, this counsel, a lot of times the banks don't really move on these properties.

MR. EDWARDS: We have had the judgment of foreclosure sale since 2017. Even with the COVID epidemic delays, there have been four bankruptcies filed by four separate individuals related to the properties that have stayed, foreclosure sale. This is one that we are watching and trying to push.

MR. McLAUGHLIN: So each individual that lives there filed.

TRUSTEE SQUERI: They're running out of family members.

MR. EDWARDS: It looks like they were starting to do work on this and just stopped.

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2 MAYOR KENNEDY: Apparently. They put  
3 exterior foam board over and it's just been  
4 hanging. I'll tell you, the people are  
5 calling me crazy, next door neighbors and  
6 such.

7 MR. McLAUGHLIN: If I may, Mr. Mayor,  
8 for the record, if the superintendent could  
9 give us a report for the record on what the  
10 status is.

11 MR. MAURAS: 296 Pine Street is a  
12 project that was issued a permit.  
13 Unfortunately, they never completed the  
14 project. The home owner, to my  
15 understanding, has had some discrepancies  
16 with her contractors. The house has an  
17 exterior, which it has exposed sheeting, it's  
18 missing house wrap, has sections of foam  
19 board on the exterior that are just exposed.  
20 There is no siding on the structure itself.  
21 It's missing eaves, there's incomplete  
22 sections of rear door deck which are sealed  
23 from the interior, but it basically an  
24 exterior that has not been completed at all.

25 MR. McLAUGHLIN: Mr. Mayor, we did

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2 notice Ms. Fagan, who is the titled owner of  
3 the property by regular mail and certified  
4 mail, return receipt, of the hearing for  
5 today and she has, as of this time,  
6 11:40 a.m., has not responded.

7 I would like, with your permission,  
8 put into evidence as Superintendent's  
9 Exhibit A, a photo of the condition as it  
10 appeared on January 20, 2022 when the  
11 inspection was done.

12 (WHEREUPON, the above-referred to  
13 document was marked as Superintendent's  
14 Exhibit A, for identification, as of this  
15 date.)

16 MAYOR KENNEDY: It looks much better  
17 in this picture. My question is, how do we  
18 resolve this? So, do we just put the siding  
19 on and assess it to the property, and when  
20 the bank repossesses it or whatever they're  
21 going to do, then everybody is happy. The  
22 bank will put a lien on it and we won't put a  
23 lien on it. There's eight months left on the  
24 lien, because it wouldn't be called in until  
25 the end of the year.

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2 MR. McLAUGHLIN: Right. It will be  
3 basically applied to the taxes and taxes have  
4 to be clear.

5 MR. EDWARDS: The bank has been  
6 carrying the taxes. There shouldn't be any  
7 delinquency on the taxes. If a new tax bill  
8 comes in, I'm sure my client will pay it like  
9 they have been for as many years as it's been  
10 in default.

11 MR. McLAUGHLIN: At this point, just  
12 so the Board is more aware, this matter  
13 started when Mayor Glacken was mayor. That's  
14 how long the process has gone on. She  
15 apparently appeared to the Planning Board.  
16 We did have her in Village Court, which she  
17 did appear for, and she --

18 TRUSTEE SQUERI: This is 13 years  
19 old?

20 MR. McLAUGHLIN: At least. She was  
21 unhappy. He indicated in Village Court that  
22 she was unhappy with some decision of the  
23 Planning Board. That aside, it's 13 years  
24 ago, she did not pursue any of her remedies  
25 on that end. She just decided not to do any

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2 work and not pursue in any way to resolve  
3 whatever issues she had over a decade ago,  
4 and she just left it in disarray. Obviously,  
5 it's not something that she is going to  
6 handle, because the reason why Mr. Edwards is  
7 here today is because it's now in foreclosure  
8 and it appears that she's going to lose the  
9 house at some point.

10 So, my recommendation would be, at  
11 this point, that Ms. Ungar will prepare a  
12 decision, but the decision would be, in sum  
13 and substance, that the Village of Freeport  
14 is going to hire a contractor to make repairs  
15 that are necessary and apply any cost to the  
16 Village of Freeport on the taxes of the  
17 property.

18 TRUSTEE SQUERI: When is our next  
19 meeting? March 7th.

20 MR. McLAUGHLIN: Realistically, we  
21 could probably pass this at our regular Board  
22 meeting, the decision itself. We don't have  
23 to have a hearing for that.

24 TRUSTEE SQUERI: We still have to  
25 wait for prices.

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2 MR. McLAUGHLIN: Given the authority  
3 to do it, what we would be doing at our next  
4 board meeting, which will be a week and a  
5 half from now, would be giving the authority  
6 to make the repair. What the costs are and  
7 all of that would be the administrative end,  
8 after the authority is given to make the  
9 repair.

10 MAYOR KENNEDY: This doesn't present  
11 the bank any problems?

12 MR. EDWARDS: No.

13 MAYOR KENNEDY: It's not going to  
14 hurt the bank, it's a benefit to us.

15 MR. EDWARDS: It will only improve  
16 the value of the asset when it does sell.

17 TRUSTEE SQUERI: And prevent any  
18 further damage.

19 MR. EDWARDS: Correct.

20 MAYOR KENNEDY: Okay. That clears  
21 that up.

22 MR. McLAUGHLIN: We'll prepare a  
23 decision for the Board meeting on Monday  
24 night, in order for the three members of the  
25 Board who are sitting today to pass a

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decision.

MAYOR KENNEDY: We'll draw some specifications for siding and drain pipes. That's it. Get it done and that's it.

MR. EDWARDS: It will be on this Monday's Board agenda?

MR. McLAUGHLIN: It will be on this Monday's Board agenda.

MR. EDWARDS: What date is that?

THE CLERK: 2/28.

MR. McLAUGHLIN: Mr. Mayor, I'd ask for a motion to close this hearing to any further evidence and testimony.

TRUSTEE ELLERBE: So moved.

TRUSTEE SQUERI: Second.

MAYOR KENNEDY: Madame Clerk.

THE CLERK: All those in favor.

TRUSTEE SQUERI: Aye.

TRUSTEE ELLERBE: Aye.

THE CLERK: Any opposed.

(No response was heard.)

MR. McLAUGHLIN: Then one final motion. We ask for a motion to reserve decision on this matter to the 28th of this

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month.

MAYOR KENNEDY: Yes. All in favor.

TRUSTEE SQUERI: So moved.

TRUSTEE ELLERBE: Second.

THE CLERK: All in favor.

TRUSTEE SQUERI: Aye.

TRUSTEE ELLERBE: Aye.

THE CLERK: Any opposed?

(No response was heard.)

(WHEREUPON, this hearing was  
concluded at 11:47 a.m.)

\* \* \*

## 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 24th day of February, 2022.

  
BETHANNE MENNONNA