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INCORPORATED VILLAGE OF FREEPORT
BOARD OF TRUSTEES MEETING

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

August 11, 2022
11:16 a.m.

M E M B E R S:

RONALD J. ELLERBE	DEPUTY MAYOR
CHRISTOPHER L. SQUERI	TRUSTEE
EVETTE B. SANCHEZ	TRUSTEE

* * *

PAMELA A. WALSH-BOENING	VILLAGE CLERK
ROBERT McLAUGHLIN	DEPUTY VILLAGE COUNSEL
JENNIFER UNGAR	DEPUTY VILLAGE COUNSEL
SERGIO MAURAS	BUILDING SUPERINTENDENT

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2 MR. McLAUGHLIN: Good morning
3 everyone. The first matter we have before
4 us, Deputy Mayor, is 109 Atlantic Avenue.

5 MR. SAVRAN: Greg Savran, of counsel,
6 to Knuckles, Komosinski and Manfro. Good
7 afternoon.

8 MR. McLAUGHLIN: Good afternoon. We
9 have before us also today, Superintendent of
10 Buildings, Sergio Mauras.

11 Superintendent, can you just describe
12 the status update on 109 Atlantic Avenue?

13 MR. MAURAS: 109 Atlantic Avenue is a
14 property, of course, that is posing a
15 dangerous condition due to the front porch
16 which is completely dilapidated and
17 collapsing. The property also has interior
18 related issues, it has a roof related issue,
19 and in addition the property was determined
20 to be a substantially damaged property, which
21 means, as per local, state and federal law,
22 it is required that that property either be
23 elevated or demolished. It is probably in
24 the best interest to have that property
25 demolished.

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2 MR. McLAUGHLIN: Counsel, who do you
3 represent?

4 MR. SAVRAN: So, I certainly
5 understand what Mr. Mauras is saying here
6 regarding the status of the property. We
7 brought this to our client. Our client,
8 Safeguard, was there, the property
9 preservation team. There is a related
10 foreclosure action. And their policy -- I
11 understand their policy is, they usually
12 don't like to demolish themselves if they
13 don't have title yet, which they don't have.

14 I looked at the status of the
15 foreclosure. There is an Order of Reference.
16 I can't say that it's going to be a sale
17 tomorrow. It's probably not going to be
18 heavily litigated, but it's not going to
19 happen overnight. What we were asking for,
20 or they were asking to postpone it until
21 after the sale. I doubt you guys are going
22 to do that, but in say four to six weeks for
23 them to have the trust take a look at the
24 damage as well, to see if there is any way
25 the rectify it. As well, if possible, could

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2 we at least get a quote or something to see
3 what that cost would be, because, obviously,
4 it may be more financially -- make more sense
5 for them to demolish it themselves, if able
6 to, as opposed to the Town doing it.

7 That's really the position.

8 MR. McLAUGHLIN: A couple of things.
9 We have another hearing date on September
10 1st. We can put it on for then. It's not
11 six weeks, but it's three weeks. Maybe we
12 can get someone over there, meet with the
13 superintendent regarding the condition of the
14 building.

15 But as far as quotes, we can give you
16 a rough estimate. If we do quotes, then what
17 we have to do is spend money to put it out to
18 bid. If we're going to put it out to bid,
19 then we're going to do it.

20 MR. SAVRAN: Understood.

21 MR. McLAUGHLIN: We can discuss it
22 with our Superintendent and Public Works and
23 get a general quote, an estimate, an educated
24 estimate on that.

25 There's no one living there at this

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time, right Sergio?

MR. MAURAS: The property is vacant.

MR. McLAUGHLIN: Have you had any response from the owner?

MR. SAVRAN: Not that I'm aware of. We're moving for an Order of Reference. They never put in an answer.

MR. McLAUGHLIN: This is in Nassau Supreme Court?

MR. SAVRAN: Yeah.

MR. McLAUGHLIN: I believe you and I have spoke before. You have my Email address. Can you Email me the Index Number.

MR. SAVRAN: I have it right here. I'm of counsel, but I do have the Index Number right in front of me, if you want it, which is 608409 of 2020. It's US Bank v Napolitano. Again, that's 608409 of 2020. From what I say, an Order of Reference is returnable on 8/22.

Obviously, if they are doing an Order of Reference, then they have to appoint a referee and make another motion judgement of closure of sale. Coming from the firm, they

1
2 anticipate a February 2023 sale date at the
3 earliest. I think that's really -- I don't
4 see that happening that quickly, if I'm going
5 to be honest here.

6 MR. McLAUGHLIN: But they're not
7 going to --

8 MR. SAVRAN: This could take forever.
9 It probably will be in 2023. I just don't
10 see January or February.

11 MR. McLAUGHLIN: So, you can arrange
12 for the engineer to meet with the
13 Superintendent before the 1st of September?

14 MR. SAVRAN: Well, who would we reach
15 out to, to get that set up? You said we have
16 an Email, and I'm sure we do. I know that
17 Bobby Banks was in touch with you guys.

18 MR. McLAUGHLIN: Yes. You would
19 reach out to the Superintendent of Buildings.

20 MR. MAURAS: I'm going to give you my
21 cell phone number, if you didn't mind, it's
22 (516) 351-3316. The name is Sergio.

23 MR. SAVRAN: Sergio, it's 351-3316.

24 MR. MAURAS: Correct.

25 MR. SAVRAN: Thanks. That return

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date would be 9/1 at 11:00 a.m.?

MR. MAURAS: Yes.

MR. McLAUGHLIN: But we would like to have a decision, one way or the other, on what's going to happen on September 1st.

MR. SAVRAN: Understood.

MR. McLAUGHLIN: Do you have anything else, counsel?

MR. SAVRAN: No.

MR. McLAUGHLIN: Sergio, anything else?

MR. MAURAS: No.

MR. McLAUGHLIN: Can we entertain a motion to adjourn this matter until September 1st at 11:00 a.m.?

TRUSTEE SANCHEZ: So moved.

TRUSTEE SQUERI: Second.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MR. McLAUGHLIN: Thank you, counsel.

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2 MR. McLAUGHLIN: The next matter is
3 160 Cedar Street. Any appearance for 160
4 Cedar Street.

5 (No response was heard.)

6 MR. McLAUGHLIN: We'll second call
7 it. Just so you know, 160 Cedar Street,
8 we're waiting for a copy of the Contract of
9 Sale. This is the gentleman who is
10 attempting to originally fix it through
11 New York Rising, and that did not work out.

12 295 Arthur Street we have received a
13 notification from the attorney for the bank.
14 The owner was here. He, apparently, left,
15 because he's actually aware he is losing the
16 house. We actually received notification,
17 I'm sorry, not from the bank but from the
18 State of New York who is taking the property
19 back, as it was purchased through an auction
20 where there were conditions for remediation
21 on the property. The remediations were not
22 done. So, beginning in September they're
23 going to -- title will be transferred over to
24 the State of New York and then the repairs
25 are going to be made.

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Is that correct, Sergio?

MR. MAURAS: That is correct. Either repairs or demolition of the top portion of the structure.

MR. McLAUGHLIN: We'd ask that that matter be adjourned to September 1st for a status us report.

MR. ROZARIO: Good morning. My name is Rovin Rozario. I'm the attorney for New York State Housing Plus Corporation. What you indicated is correct. We do have what's called a reversionary interest of the deed. We just obtained a court order from Justice Sullivan in the Nassau County Supreme Court reverting title back to the State of New York. There is formality, now that we presented.

The current owner of the property has an opportunity to sign the deed over voluntarily. If he fails to do so, which we know he will, we will then present it to the Nassau County Clerk's Office for signature. That process takes approximately 30 days. We submitted that on August 2nd, and we had

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requested an adjournment for 30 days out.

MR. McLAUGHLIN: Do you have his contact information? He was here today but he left.

MR. ROZARIO: Other than him calling our office line indicating that he's aware not only of the reversion at the Court order and today's hearing, I haven't been in contact with him for any other reason.

MR. McLAUGHLIN: But you have his contact information?

MR. ROZARIO: I have his address, I have his telephone number.

MR. McLAUGHLIN: I was going to give that to you, if you needed it.

So, he hasn't signed over the deed yet?

MR. ROZARIO: He won't. This is really just a court order formality. We certainly know that he won't, so we have to now wait 30 days, as per Justice Sullivan's order, to then present it to the county clerk in Nassau County specifically.

MR. McLAUGHLIN: When is it up?

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MR. ROZARIO: September 3rd.

MR. McLAUGHLIN: If you have no objection, I'm going to put this on for September 1st, just to see if he signed it beforehand. It will be a Zoom like it is today, just to see if he signed it beforehand. If not, we'll kick it over, because by a couple of days after that you should be able to submit the deed into the Nassau County Clerk's Office.

TRUSTEE SANCHEZ: So moved.

TRUSTEE SQUERI: Second.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MR. McLAUGHLIN: Thank you, counsel.

MR. ROZARIO: September 1st at 11:00 a.m. as well?

MR. McLAUGHLIN: Yes.

MR. ROZARIO: Thank you. Have a great day.

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MR. McLAUGHLIN: 313 Nassau Avenue.

Anyone here for 313 Nassau Avenue?

360 Atlantic Avenue.

MS. CARLO: Hi. My name is Vicky Carlo. I'm logged in on behalf of Elyse Grasso. I'm her secretary.

MR. McLAUGHLIN: I also received a notification from Scott Farrell that he was engaged before Judge Gianelli. Is he with your office as well?

MS. CARLO: No, he's not.

MR. McLAUGHLIN: Who do you represent?

MS. CARLO: 360 Atlantic Avenue.

MR. McLAUGHLIN: You represent the owner of 360 Atlantic Avenue?

MS. CARLO: Yes.

MR. McLAUGHLIN: Sergio, can you go over the status of 360 Atlantic Avenue?

MR. MAURAS: 360 Atlantic Avenue was a structure that was intended to become an Arby's restaurant. The structure was incomplete. The structure was covered in Tyvek, which is the wrap for the structure,

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2 which was getting loose, dilapidated and
3 posing a dangerous condition.

4 Mr. John Corso was kind enough to go
5 to the site and resecure it. He did indicate
6 that, technically, he wasn't allowed to be on
7 the property, even though it is his property.
8 And we were expecting that there might be a
9 sale of that property to the existing tenant.

10 MS. CARLO: If I may add something.
11 Elyse had asked me to let you know that she
12 forwarded a purchase agreement to Robert
13 McLaughlin yesterday by Email.

14 MR. McLAUGHLIN: Yes, I did receive
15 the purchase agreement. Do you have an
16 anticipated date of closing?

17 MS. CARLO: I do not. She didn't
18 leave any information like that for me.

19 MR. McLAUGHLIN: The only confusion I
20 have is we did receive -- we have been having
21 conversations with Scott Farrell from the
22 Miller Law Office, and our discussions with
23 him is that we were going to adjourn this
24 matter to September 1st in order to
25 receive -- to have both the present owner and

1
2 the future owner here to have at least a
3 discussion on what the process is going to be
4 in the future for repairing the property.

5 So, you don't know Scott Farrell from
6 Miller Law Office.

7 MS. CARLO: I do not, no.

8 MR. McLAUGHLIN: Maybe he's
9 representing him on the sale. Are you doing
10 the sale?

11 MS. CARLO: I believe Elyse is, yes.

12 MR. McLAUGHLIN: I would discuss it
13 with your client, because the number we got
14 came from your client for Mr. Farrell.

15 MS. CARLO: Okay. She also wanted me
16 to let you know that the new owner will be
17 responsible for the maintenance of the
18 property moving forward.

19 MR. McLAUGHLIN: Well, I understand
20 that. That's what your contract has. But
21 the simple fact is, he's still -- under the
22 Village Code, the owners are responsible, if
23 the lessee doesn't do anything. If they
24 don't do it, you go after him. We have no
25 authority to go after him. The only

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authority we have is the owner is ultimately responsible for the upkeep of the property.

MS. CARLO: I'll make sure that Ms. Grasso knows that.

MR. McLAUGHLIN: Okay. I would discuss it with your client, because we had received a Notice of Appearance from Scott Farrell from Miller Law Office in Lynbrook, New York and an Affirmation of Engagement that he was engaged in Lynn versus Johnson before Honorable Sharon Gianelli, and requested the adjournment until September 1st.

Given that, we would like to get both parties here. Do you have any objection to the September 1st adjournment date?

MS. CARLO: No. At 11:00 a.m.?

TRUSTEE SANCHEZ: So moved.

TRUSTEE SQUERI: Second.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

THE CLERK: Any opposed?

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(No response was heard.)

MR. McLAUGHLIN: 700 South Long Beach isn't here yet. I do see Mr. Howland on for 160 Cedar. Is that correct, Mr. Howland?

MR. HOWLAND: Yes. I apologize I wasn't here earlier. I was on a court call that started at 9:30 in Brooklyn. I thought for sure it would be over by 11:00, but I was wrong.

I have spoken with Mr. Bunion. I provided him with a payoff statement for the mortgage, following our last appearance. I haven't heard back from him. I was wondering if he appeared today, and if so, what the status of the property was.

MR. McLAUGHLIN: I'm waiting for him to send me a copy of the contract and also obtain a closing date for the sale. We had anticipated that we were going to be adjourning until September 1st. I'm not sure if you need to continue appearing, it's up to you. He's selling the property. I think he's the one who has to provide any further information.

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MR. HOWLAND: Okay, I appreciate it.

MR. McLAUGHLIN: Sergio, do you have anything further than what I stated?

MR. MAURAS: No.

MR. McLAUGHLIN: I'll ask that the matter be adjourned until September 1st.

TRUSTEE SANCHEZ: So moved.

TRUSTEE SQUERI: Second.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MR. McLAUGHLIN: Thank you, Mr. Howland.

MR. HOWLAND: Thank you.

MR. McLAUGHLIN: 700 South Long Beach Avenue.

A L Y E R U C L A R K,
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

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name and address for the record.

MR. CLARK: Al-Yeru Clark 700 South Long Beach Avenue, Freeport.

MR. McLAUGHLIN: Sergio, can you give a status report on 700 Long Beach.

MR. MAURAS: So, presently, we are waiting for a contract to be provided to us indicating that they have made arrangements for the replacement of the dilapidated bulkhead.

MR. CLARK: I did speak with the Mendez Corporation about the bulkhead and I'm waiting to get a more specific contract from that. But I did secure permitting -- I'm sorry, I didn't make copies. I did secure -- start the permit process through an expediter named Joe Enrico. So, I was able to make a deposit with him and he and provided the survey and other materials he needed to begin the permitting process.

MR. McLAUGHLIN: Have you spoken to Mr. Enrico?

MR. MAURAS: I have not spoken to Mr. Enrico. But Mr. Enrico does have a

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2 positive reputation for doing his job very,
3 very well. So, part of that process, of
4 course, is filing the application with the
5 DEC and Army Corps. If he has retained the
6 services of Mr. Enrico, I'm confident it will
7 get done.

8 MR. McLAUGHLIN: One other issue that
9 came up through another department, our
10 Quality of Life Department, is that the
11 property itself needs to be cleaned up
12 because, apparently, they stopped there and
13 they were going to issue tickets. I held
14 off, because I knew you were coming here
15 today. While you are having construction,
16 you still need to keep the property in an
17 orderly fashion. If you could take care of
18 that for us.

19 MR. CLARK: No problem.

20 MR. McLAUGHLIN: If you could also --
21 what I'd like to do is at least have a
22 meeting set up between your expediter and
23 Sergio so we know the process and put this on
24 for September 1st.

25 MR. CLARK: I won't be here

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1
2 September 1st. I'm going to be away from the
3 31st to September 4th.

4 MR. MAURAS: If you'd like to have
5 Mr. Enrico contact me directly.

6 MR. CLARK: Sure.

7 MR. McLAUGHLIN: Have him contact him
8 directly. With permission from the Board,
9 we'll adjourn the matter without a date and
10 then pick a date after the conversation that
11 the superintendent has with Mr. Enrico. Is
12 that okay?

13 MR. CLARK: That's fine.

14 MR. McLAUGHLIN: So, it will be
15 adjourned without a date, at this point.

16 Can we get a motion to adjourn the
17 matter to a date to be decided at a later
18 date?

19 TRUSTEE SQUERI: So moved.

20 TRUSTEE SANCHEZ: Second.

21 THE CLERK: All in favor.

22 TRUSTEE SANCHEZ: Aye.

23 TRUSTEE SQUERI: Aye.

24 DEPUTY MAYOR ELLERBE: Aye.

25 THE CLERK: Any opposed?

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(No response was heard.)

MR. McLAUGHLIN: Do me a favor and get that cleaned up.

MR. CLARK: I'll work on that.

MR. McLAUGHLIN: If I send my guys back on Monday, we should be good?

MR. CLARK: Oh, okay. I'll see what I can do for sure.

MR. McLAUGHLIN: At least we'll see progress.

MR. CLARK: Absolutely. I need to get a container out there so I can have the guys fill a container.

MR. McLAUGHLIN: On Monday, give Sergio a call and give a status of the cleanup.

MR. CLARK: I'll have something done for sure.

THE CLERK: Do you want to stop by the Clerk's office to get an application for the container?

MR. MAURAS: He's going to keep it on the property.

MR. CLARK: That's how I've been

1
2 doing it. Thank you, I appreciate it. Sorry
3 for the lateness.

4 MR. McLAUGHLIN: If we can call the
5 matter of 313 Nassau Avenue.

6 This is second date. We sent
7 certified letters to Celia Moore, the owner
8 of the property. We received certified
9 letters back, unable to forward. We have
10 also notified Wells Fargo Bank and we have no
11 appearance, and we have no further contact
12 information with any interested party.

13 TRUSTEE SQUERI: They never showed up
14 at all?

15 MR. McLAUGHLIN: They never showed up
16 at all.

17 Sergio, can you give a report?

18 MR. MAURAS: 313 Nassau Avenue is an
19 elevation project through the New York Rising
20 program which was left incomplete. The
21 property is missing siding, sections of
22 roofing, the property is not being
23 maintained, the garage doors are dilapidated,
24 open and elevated, there's issues with the
25 foundation, and there's also missing sections

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of fascia on the property.

MR. McLAUGHLIN: Have you received any notifications from any interested party?

MR. MAURAS: We have received no communication from anyone interested in the property.

MR. McLAUGHLIN: Your office has attempted --

MR. MAURAS: To make contact with the owner the property with no success.

MR. McLAUGHLIN: With the Board's permission, at this time, I'll ask for a motion to authorize the Department of Public Works to make the necessary repairs to take the property out of a nuisance condition and fix any unsafe conditions.

TRUSTEE SQUERI: How bad is it?

MR. MAURAS: It's pretty bad.

TRUSTEE SQUERI: That's what I'm saying. Making the necessary improvements, which way are we going with it?

MR. MAURAS: It would probably be the best interest of the Village to, firstly, get an engineer to prepare a report, detailing

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2 everything that needs to be done and then
3 from there we can make a determination as to
4 whether the house should be demolished or
5 whether the house can be repaired.

6 MR. SQUERI: That was my question.

7 MR. McLAUGHLIN: Or if you want, we
8 can put it on for September 1st and have the
9 engineer go prior to that date and have
10 whatever route you'd like to go with. Either
11 way, the Village -- we don't want to take
12 down or knock it down if we don't have to,
13 but either way, we want to make sure it's
14 safe.

15 TRUSTEE SQUERI: We have to do our
16 homework.

17 MR. McLAUGHLIN: We'll put it on for
18 September 1st. In the meantime, Sergio,
19 you'll have Mr. Bennett go over there and by
20 September 1st give us a report of what needs
21 to be done?

22 MR. MAURAS: Yes.

23 MR. McLAUGHLIN: We'll adjourn to
24 September 1st, and there is an order for the
25 Superintendent to get an engineer's report

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for that date.

TRUSTEE SANCHEZ: So moved.

TRUSTEE SQUERI: Second.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MR. McLAUGHLIN: Now I'll ask for a
motion to adjourn.

TRUSTEE SQUERI: Adjourn.

TRUSTEE SANCHEZ: Second.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

THE CLERK: Any opposed?

(WHEREUPON, this hearing was
concluded at 11:41 a.m.)

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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 13th day of August, 2022.


BETHANNE MENNONNA