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INCORPORATED VILLAGE OF FREEPORT

BOARD OF TRUSTEES

MUNICIPAL BUILDING

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46 North Ocean Avenue
Freeport, NY 11520

September 22, 2022
12:00 p.m.

MEMBERS:

- ROBERT KENNEDY, MAYOR
- RONALD J. ELLERBE, DEPUTY MAYOR
- EVETTE SANCHEZ, MEMBER
- ROBERT MCLAUGHLIN, VILLAGE ATTORNEY
- PAMELA WALSH BOENING, VILLAGE CLERK
- SERGIO MAURAS, SUPERINTENDENT OF BUILDINGS

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MAYOR KENNEDY: Good morning,
everybody.

MR. MCLAUGHLIN: The first case
we have on here is 27 Queens Street.

MS. HEARD: Bettina Heard.

MR. MCLAUGHLIN: Mr. Mayor,
Ms. Heard has asked to appear by Zoom
today due to some medical issues that
she couldn't come in today.

Ms. Heard has been in
communication with Robert Krut who's
the Building Inspector with the
Building Department.

And Superintendent, if you could
explain the circumstances.

Just so the Board knows, this a
new case on our calendar.

MR. MAURAS: So Ms. Heard is a
homeowner here in the Village of
Freeport who has a garage which is in
dilapidated condition. It is our
understanding that Ms. Heard is
seeking for the Village to move
forward with the demolition of that

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existing garage.

MAYOR KENNEDY: Okay.

MR. MCLAUGHLIN: Ms. Heard, is that correct?

MS. HEARD: Yes.

MR. MCLAUGHLIN: Mr. Mayor, at this time, we ask for a Motion to move forward with the demolition on the property by the Village. And obviously we're also going to have further conversations with Ms. Heard to see if there's any other options for her to do it prior to us doing it.

MAYOR KENNEDY: It is understood that if the Village accepts to remove this garage, that it would need a Hold Harmless and that the homeowner would be invoiced for this. If it was not paid, it would be put on the taxes at the end of this year.

MR. MCLAUGHLIN: Ms. Heard, do you understand that?

MS. HEARD: You said that if -- it could be done by the Village, it

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would be put on the end of my taxes?

MR. MCLAUGHLIN: Correct. And you would sign a Hold Harmless with the Village to allow the Village to do the construction.

MS. HEARD: At this point I don't have any choice because I don't have another way to pay for it.

MAYOR KENNEDY: You will have to pay for it at the end of the year on your taxes, if not, there will be a lien placed on your property.

MS. HEARD: Okay, so you're saying that I would have to pay the whole amount -- pay the whole amount on my taxes this year?

MAYOR KENNEDY: That's correct.

MS. HEARD: And what -- okay, so if he can get someone else, like, my son can tear it down, would that work?

MAYOR KENNEDY: That would be fine. And honestly, it would probably be cheaper, because the Village is required to do prevailing wage, which

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increases the cost about 30 percent.

MS. HEARD: Okay.

MAYOR KENNEDY: So I would really suggest if could you get your son, a couple of friends to tear it down, it would save a significant amount of money on it.

MS. HEARD: That's what I'm going to do. I'm going to work on that. I already spoke to him earlier this morning and he's willing to do that, so we can go at that point. I just have to get a dumpster and, you know, start putting this -- the parts, you know in the dumpster.

MAYOR KENNEDY: Right.

MS. HEARD: So we'll work forward on trying to get it -- do I have to have a deadline to when it's done or would I just be able to go ahead and just get started when I can which, you know --

MR. MAURAS: Well, Ms. Heard, what I would recommend is that you get

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in contact with inspector Krut so that

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we can assist you in completing the

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required documentation because there

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is a permit that's associated for that

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deposition.

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MS. HEARD: Okay.

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MR. MAURAS: I will expedite that

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issuance of that permit for you.

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MS. HEARD: All right.

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MR. MAURAS: If you don't mind,

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just contact Inspector Krut and that

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way, if anything, we can schedule a

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meeting so that we can assist you in

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getting this accomplished.

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MS. HEARD: Okay. All right.

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Thank you very much.

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Do you know how much the permit

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is?

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MR. MAURAS: The cost of the

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demolition permit is \$300.

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MS. HEARD: Okay.

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MR. MAURAS: Will you need a

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letter from the Freeport Electric

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Department indicating that there's no

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electric in the garage, and if so that it's been disconnected. You will need a confirmation from the Water Department that there's no water whatsoever alined, associated to that garage. I will assist you in obtaining all the required documentation.

MS. HEARD: All right. Thank you.

MR. MAURAS: You're very welcome Ms. Heard.

MAYOR KENNEY: Thank you, Ms. Heard. I appreciate it. I'll make sure that if you don't reach Rob, the inspector, I will make sure he gets in touch with you. And we'll assist you in any way necessary.

MS. HEARD: I really, really thank you very much.

MAYOR KENNEY: Thank you. Have a great day.

MR. MCLAUGHLIN: Mr. Mayor, I would suggest that we just adjourn

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this without a date and then we'll
revisit the issue within 90 days in
order to -- by that point hopefully
the situation might be resolved at
that point.

MAYOR KENNEDY: I make a Motion
to delay this for 90 days.

MS. SANCHEZ: So moved.

DEPUTY MAYOR ELLERBE: Second.

MAYOR KENNEDY: Madam Clerk.

THE CLERK: All in favor.

MS. SANCHEZ: Aye.

MR. MAURAS: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any appose?

(Whereupon, there was no verbal
response.)

MAYOR KENNEDY: So we're going to
come back on this in 90 days and
hopefully it's all resolved at that
point. If you have any problems in
the interm, feel free to call the
Mayor's office or call Sergio who will

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help you out with it.

MS. HEARD: Okay, thank you.

MAYOR KENNEDY: Thank you. Have
a good day.

MR. MCLAUGHLIN: Have a good day,
ma'am.

The next matter is 160 Cedar
Street.

Mr. Mayor, Members of the Board,
this matter's been on numerous times
starting in February of this year.
Originally the homeowner was applying
for New York Rising to assist which
did not work out as he stated earlier,
and he was going to attempt to sell
it. I've done a review of the
appropriate web sites for sale, we did
not see any sale of property, he has
not provided us any documentation.
The property is still (inaudible) on
the community and it's still a
nuisance.

We would ask at this time that an
order be issued for the Village to

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repair the property and issue any bills for those repairs onto the taxes of the property.

MAYOR KENNEDY: Do we have any representatives online with us today?

MR. MCLAUGHLIN: I don't believe we do.

We sent two letters. We sent a letter last time, which he didn't appear, we sent a letter this time. I sent him a Zoom link and I also called and left a message for him and he did not return my calls.

And Mr. Howland is here from the bank.

Mr. Howland? You just have to unmute, Mr. Scott.

MS. SANCHEZ: "Sean."

MR. MCLAUGHLIN: I'm sorry.
"Sean."

Sean, are you there?
Sean Howland?

He just put a message on the bottom that he's going to try to sign

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in by phone. So if we can just hold off a second so he can resign in. It was in the Chat.

So, if I may, we'll just wait and take who's next.

MAYOR KENNEDY: That's fine.

MR. MCLAUGHLIN: The next matter is 295 Author Street. Mr. Rozario is here for State of New York.

Mr. Rozario?

MR. ROZARIO: Yes, that's correct.

Good afternoon, everyone.

Rovin Rozario on behalf of Rozario Touma on behalf of the State of New York The Housing Trust Fund Corporation.

MR. MCLAUGHLIN: As we may remember, this was a matter that The Housing Trust Fund was in the middle of litigation to receive the property back. It was one of the auction properties and the individual did not comply with what the requirements were

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for receiving the property by auction.

We did receive from counsel a copy of the deed which, as you remember, he had to get a court order which he did get, and we do have a copy of the deed now.

So counsel can just tell us now what their plans are for repairing the property.

MR. ROZARIO: Absolutely. And thank you.

I spoke to the client, they are interested, of course, in repairing the property, rehabilitating the property to make sure that it's no longer a nuisance. However, if there is a report from your office that I can obtain that actually lists the items that needs to be repaired or the suggestions that needs to go into effect to get this property up and out of nuisance, I certainly can take that to the client to have them go and shown (inaudible) the property

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immediately. Now that they own the property, they're ready to go in and take care of what needs to get done.

MR. MAURAS: So my first is question is, the state's going to send in their own engineers so that they can survey the property? Because the way that the property stands now, it would be a recommendation that they demolish the whole entire portion of the house, the framing portions of that home, because they're in such a depilated condition. Exposed to weather, framing is dilapidated, there's holes in the roof. It may be a better scenario to just demolish the whole entire framing portion of that and maintain the foundation which is in fairly good condition.

MR. ROZARIO: Understood. I certainly will relay that recommendation back to the client, and they will make that determination. I'm assuming they will send an

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inspector out to confirm that or to verify whether that step would be necessary, but I think this certainly helps us in terms of moving forward as to really what should be done based on the Village's recommendation.

MR. MAURAS: Okay. We can prepare a Notice to you indicating what our recommendations would be.

MR. ROZARIO: That would be fantastic and we would appreciate that.

MR. MAURAS: And I know your client stayed, so sometimes things happen slow, this thing needs to happen fast because we -- you know, it's to the point where the property has been left, it's not to say small (inaudible) but this property's been left to a situation where now it's a dangerous condition and we need to get that moving as soon possible.

MR. ROZARIO: Understood.

Really quickly, is there an

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expectation as to when that notice
would be sent to my --

MR. MAURAS: I can get the notice
ready for you by the end of the day
tomorrow.

MR. ROZARIO: Okay, great. Thank
you so much.

MAYOR KENNEDY: You want to
reschedule here for two weeks?

MR. MAURAS: Yes.

MAYOR KENNEDY: Motion to
reschedule this Hearing for the next
Nuisance -- when is the next
nuisance --

MR. MCLAUGHLIN: We don't have a
new date but we can put it on for the
6th of October.

MAYOR KENNEDY: Can we have a
Motion to reschedule this Hearing to
October 6th?

DEPUTY MAYOR ELLERBE: I'll make
it.

MS. SANCHEZ: I second.

MAYOR KENNEDY: All in favor?

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MS. SANCHEZ: Aye.

MR. MAURAS: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any appose?

MAYOR KENNEDY: No.

MR. MCLAUGHLIN: Mayor, we'll do
it at 11:00 a.m.

Okay, counsel, 11:00 a.m. on the
6th.

MR. ROZARIO: Thank you.

MAYOR KENNEDY: Thank you,
counsel. Have a good day.

MR. ROZARIO: Thank you.

MAYOR KENNEDY: 303 North
Columbus.

MR. HOFFER: Good afternoon.
William Hoffer from Brontster LLP, for
the plaintiffs, Mtag. We represent
the servicer in the -- well, there's
multiple tax liens foreclosures on
this property, we represent the
servicer on one of them.

MR. MCLAUGHLIN: But you're not

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the owner of the property?

MR. HOFFER: No.

MR. MCLAUGHLIN: Okay.

Mr. Mayor, we've had numerous dates on 303 North Columbus Avenue, and this number results dates on this property. It's deeded to the owner -- to a Mr. Mr. Romel Smith. He has not appeared. The property -- Sergio, if you can just describe briefly what condition it is in. And we'll be asking that property be repaired by the Village due its dilapidated issue.

MR. MAURAS: This property has been vacant in excess of eight years. It is missing windows, it is boarded, has damage to the ceilings, has damage to the exterior doors. The property is not being properly maintained, has issues with the portions of the house with the brickwork that's on the -- on the front facade of the structure and it is an absolutely nuisance to the community.

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MR. HOFFER: Can I -- can I interject for a second gentlemen? Is that all right?

MAYOR KENNEDY: Sure.

MR. HOFFER: Mrs. -- well, what we've been notified obviously -- well, the defendant, Michelle McCampbell's her name, apparently this property belonged to her mother originally who since been passed on, she would like to potentially repay -- I know this doesn't maybe sway you one way or the other but repay what's owed on the taxes, and if that's done, you know, we'll take ourselves out of it and she'll have to clean it up, you know, as she see fits. But again, I don't know if that sways you, one way or the other, but I just wanted to make sure you had that for your notes.

MR. MCLAUGHLIN: If I may Mr. Mayor, I don't think the tax issue is really an issue for this -- if they pay the taxes one way or the other,

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the taxes will get paid, but simple

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fact is the property needs to be

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repaired and it will be applied to the

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taxes. The repair would be applied to

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the taxes but the property needs to be

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repaired. By the time she pays the

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taxes, we don't know when that

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situation will arise. And I don't

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think counsel's client at this point

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really has standing to even do

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anything with it because they're not

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the owners of the property.

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MAYOR KENNEDY: Well, how is

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Ramal Smith involved in this?

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MR. MCLAUGHLIN: According to the

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records of the Nassau County Clerks

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Office, he is the deeded owner of the

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property.

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MAYOR KENNEDY: How is that

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possible if somebody who is prepared

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to pay the taxes and then restore the

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property?

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MR. MCLAUGHLIN: I can just tell

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you that who the county has -- I mean,

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sir, you're advising that someone else owns the property. Do you have paperwork to that affect?

MR. HOFFER: I don't -- I do not have in front of me. All I can tell you is there is an Order to Show Cause scheduled for October 24th where all these issues as to ownership and as to total amount due and owed on the tax lien will be brought up. Again -- you know -- I don't have anything in front me, no, as far as the deed. I apologize I do not.

MR. MCLAUGHLIN: But you're saying there's a court case now regarding the owner of --

MR. HOFFER: Yes. Yes, there's an active -- yes, there's an active tax lien foreclosure in Nassau County Supreme. We -- you know, we did receive a judgement of foreclosure of sale, however, the counsel for the defendant, Ms. Shelby White, who apparently is the heir to this

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property through her deceased mother
filed an Order to Show Cause to stay
any kind of sale and to also address
certain issues as to the amount of the
lien and ownership of the property.
That's returnable on October 24th.

MR. MCLAUGHLIN: Can you provide
me with documentation to the court
case so that way we can --

MR. HOFFER: Yeah, of course.
You want to give me an e-mail or --

MR. MCLAUGHLIN: Yes I'll give
you an email. It's
Rmclaughlin@freeportny.gov.

MR. HOFFER: Freeportny.gov.

MR. MCLAUGHLIN: Yes.

MR. HOFFER: Okay. Yeah, I'll
give you the index number. I can send
you a copy of the Order to Show Cause,
the tax lien certificate, anything I
have in reference to deed or ownership
I'm happy to provide that as well.
That's not a problem.

MR. MCLAUGHLIN: Counsel, what's

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the date you're in court.

MR. HOFFER: I think it might --
I don't -- it's Nassau County so it
might just be on submission but the
return date is October 24th.

MR. MCLAUGHLIN: If you don't
mind, we're going to put this on again
for October 6th so once we get your
paperwork we can review it and see
if --

MR. HOFFER: Okay.

MR. MCLAUGHLIN: -- relevant to
this proceeding here.

MR. HOFFER: Okay. Thank you.

MR. MCLAUGHLIN: Okay.

So it will October 6th at 11:00
a.m.

MR. HOFFER: Will you send out
another Zoom invite or whatever it is.

MR. MCLAUGHLIN: We will.

MR. HOFFER: Okay. Thank you.

MAYOR KENNEDY: Do we have a
Motion?

MS. SANCHEZ: So moved.

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DEPUTY MAYOR ELLERBE: Second.

MAYOR KENNEDY: All in favor?

TRUSTEE SANCHEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any appose?

(Whereupon, there was no verbal
response given.)

MAYOR KENNEDY: Thank you, sir.

MR. MCLAUGHLIN: Next matter is
360 Atlantic Avenue.

MS. GRASSO: Elyse Grasso. I'm
appearing for 360 Atlantic Avenue.

MR. CORSO: John Corso.

MR. FARELL: This is Scott Farell
from Miller Law Offices. I'm also
here for 360 Atlantic Avenue.

MR. SEEMAN: Fred Seeman, 32
Broadway New York, New York.

MR. MCLAUGHLIN: 360 Atlantic
Avenue is a property that was
originally an application was to put
in for an Arby's. That situation did
not happen. We had some problem with

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the sheeting of the property which has now been corrected, and we -- there's a -- we also received a Contract of Sale from the owner of the property to the tenant of the property.

And Sergio had meetings with the new owners. If you could advise of what the status is on that.

MR. MAURAS: A meeting was held yesterday with the deed owners who are proposing that they will be submitting an application to restore the building but in this case instead of an Arby's they're going to be proposing a Popeyes.

Presently the structure itself has had a lose house wrap, a building wrap which is their tyvec. We secured to the property. There are a few little maintenance issues with regards to landscaping where the new owners indicated they will be resolving and we're expecting that an application for the restoration of that structure

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to a Popeyes be submitted to the Building Department by the second week in October.

MR. MCLAUGHLIN: And Ms. Grasso, you represent the new owner, correct?

MS. GRASSO: Correct.

MR. MCLAUGHLIN: Do you have any further input on that on what the Superintendent stated?

MS. GRASSO: My update was going to be regarding the meeting that was held yesterday.

MR. MCLAUGHLIN: So you have nothing further then what Mr. Mauras said?

MS. GRASSO: Just that we have about a five to six week time line. You know, there are some requirements to go in front of the Zoning Board of Appeals but we are moving forward and we're hopeful to resolve this as soon as possible.

MR. MCLAUGHLIN: Mr. Mayor, I suggest that we leave this open

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without a date because we obviously don't want a situation where the permit filing doesn't get done. But we leave it open, adjourn it without a date so that way the superintendent can monitor the progress of the filings that counsel is going to be filing with the Village.

MAYOR KENNEDY: I have no objection.

MR. MCLAUGHLIN: Counsel, are you good with that, counsel?

MS GRASSO: Yes.

MR. MCLAUGHLIN: Any other attorneys have any representing clients on this matter with any other issues of what is being proposed?

MR. SEEMAN: No.

Mr. Farell: Scott Farell.
That's acceptable. Thank you.

MR. MCLAUGHLIN: If I may request a Motion to adjourn without a date and the superintendent will advise of the progress of the permits?

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DEPUTY MAYOR ELLERBE: So moved.

MS. SANCHEZ: Second.

MAYOR KENNEDY: All in favor.

TRUSTEE SANCHEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any appose?

(Whereupon, there was no verbal
response given.)

MAYOR KENNEDY: Thank you.

MR. MCLAUGHLIN: Next is 700
South Long Beach Avenue. The owner of
the property did come to our office
today and advised that he couldn't
make the Hearing today, however, he
did meet with myself as well as he
stopped in and saw the Mayor. He did
bring us copies of his DEC and his
Army Corp Engineers Permits, his
expeditor, his filing with the
Building Department to get the Village
permit, that's the last step.

I would just suggest we put it on
for the meeting on October 6th just to

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ensure that the filings were done and then after that we will be able to adjourn without a further date to file the progress.

MAYOR KENNEDY: Do we have a Motion to reconvene this on October 6th?

MS. SANCHEZ: So moved.

DEPUTY MAYOR ELLERBE: Second.

MAYOR KENNEDY: Madam Clerk.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any appose?

(Whereupon, there was no verbal response given.)

MAYOR KENNEDY: Rob, back to 160 Cedar?

MR. MCLAUGHLIN: 160 Cedar Street, yes.

Just give us your appearance, counselor.

MR. HOWLAND: Sean Howland, from

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McCalla Raymer Leibert Pierce on
behalf of Specialized Loan Service.

MR. MCLAUGHLIN: As we've been
from prior Hearings, Mr. Howland is
here representing the loan holder of
the property, but he does not
represent the owner of the property.
We now no longer have contact with the
owner. We've made notification by
mail for him to appear, as well as I
personally called and when sent him
emails including the link for the
Hearing today.

Sergio, if you can just go over
again, I don't think Mr. Howland heard
you before.

MR. MAURAS: The property was
previously owned, and unfortunately
the prior owner had past away. The
property was in dilapidated condition
which was a project that was being
funded through the New York Rising
Program. Presently that property is
in major delapidated condition,

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missing portions of siding, missing the ease of the home, has holes throughout the property. There are sections of windows that are missing and broken and the property remains in dilapidated condition.

MR. MCLAUGHLIN: Mr. Mayor, it's the recommendation of the Village Attorneys office that we start the process of getting quotes to repair the property and place any repairs on the taxes.

Mr. Howland, what's your thoughts on that?

MR. HOWLAND: I think we kind of spoke about this before, we're not adverse to the town going in and making the repairs. You know, Sergio gave me a pretty good list of the things that, I guess, the town is looking to remedy, so it's helpful. I would note, although our office doesn't have any direct communication with Mr. Bunnon, who had been

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previously attending these Hearings,
it does look like he's still engaging
with my client on a potential
short-sale but, you know, I -- even if
the property were to change hands
through a short-sale or other sale, I
understand the town's position
regarding the condition of the
property, so I would just ask, you
know, as much information as the town
could provide in terms of invoices or
what specifically is going to be done
on the property, that will be helpful.

MAYOR KENNEDY: Sir, I just
wanted to mention that we had delayed
this on numerous occasions because the
owner or the son said he was going to
list the house for sale, which
obviously hasn't been done till today,
so I'm going to ask that there's a
Motion here that we draw up a contract
with a engineer to spec out the work
that needs to be done on the exterior
of the house to bring it back into

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conformance with the Village and that the DPW bid that out to complete the work. And we will send an invoice to, I guess, both the bank and to the owner to see if it's -- if it is not paid, we will then put it on the taxes at the end of the year.

MR. HOWLAND: Sure.

If I could just request again, you know, when the time does come to get the invoices and estimates, that it will be passed along.

MR. MCLAUGHLIN: We will definitely forward to you, counsel, what all the invoices and estimates will be.

MAYOR KENNEDY: Counsel, I just want to mention also that the Village does do prevailing wage here, which means it's probably going to be 30 percent higher than either the owner or the mortgagee, if they were to do the repairs, so just to acknowledge the fact that if it seems

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it's a little bit more expensive that
it is prevailing wage.

MR. HOWLAND: Understood.

MAYOR KENNEDY: Can we have a
Motion to proceed with this?

DEPUTY MAYOR ELLERBE: So moved.

MS. SANCHEZ: Second.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any appose?

(Whereupon, there was no verbal
response given.)

MR. MCLAUGHLIN: Thank you,
counsel.

MAYOR KENNEDY: Thank you
Counsel, have a great day. We'll get
those faxed out to you as soon as
they're in and then follow up also
with the bids for these repairs once
those specifications are formed.

MR. HOWLAND: Thank you, I
appreciate it. Have a good day.

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MAYOR KENNEDY: You too.

MR. MCLAUGHLIN: Mr. Mayor, we have no further cases on the calendar today. We'd ask that you entertain a Motion to adjourn, please.

MAYOR KENNEY: Please.

MS. SANCHEZ: So moved.

DEPUTY MAYOR ELLERBE: Second.

MAYOR KENNEDY: Madam Clerk.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any appose?

(Whereupon, there was no verbal response given.)

(Time Noted: 12:37 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

I, AMANDA MICILLO, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the testimony is a true and accurate transcription of my stenographic notes.

I further certify that I am not related to any of the parties to the action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of September 2022.

Amanda Micillo

AMANDA MICILLO