

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INCORPORATED VILLAGE OF FREEPORT  
BOARD OF TRUSTEES MEETING

MUNICIPAL BUILDING  
46 North Ocean Avenue  
Freeport, NY 11520

January 8, 2024  
6:37 p.m.

M E M B E R S:

- |                       |              |
|-----------------------|--------------|
| ROBERT T. KENNEDY     | MAYOR        |
| RONALD J. ELLERBE     | DEPUTY MAYOR |
| CHRISTOPHER L. SQUERI | TRUSTEE      |
| EVETTE B. SANCHEZ     | TRUSTEE      |
| JORGE A. MARTINEZ     | TRUSTEE      |

\* \* \*

- |                         |                     |
|-------------------------|---------------------|
| PAMELA A. WALSH-BOENING | VILLAGE CLERK       |
| ROBERT McLAUGHLIN       | DEPUTY COUNSEL      |
| SERGIO MAURAS           | BUILDING DEPARTMENT |

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

January 8, 2024

2

-----INDEX-----

<u>ADDRESS</u>	<u>PAGE</u>
177 Atlantic Avenue	3-11
213 Maxson Avenue	11-12
823 South Long Beach Avenue	13-14
313 Nassau Avenue	15-20
700 South Long Beach Avenue	20-24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. McLAUGHLIN: Hello, everyone.  
We're ready to start now. Thank you for your  
patience. The first case we're calling is  
177 Atlantic Avenue.

MS. ANGELIADES: Hello.

MR. McLAUGHLIN: Can you give your  
appearance, please?

MS. ANGELIADES: Aegina Angeliades.  
177 Atlantic Avenue, the Dairy Barn Stores  
for SIMI Enterprises, Incorporated.

MR. McLAUGHLIN: Superintendent, can  
you give us a -- this is the first time on.  
So, can you give us a report on the property?

MR. MAURAS: So, the Dairy Barn, of  
course, as you know, has been vacant for  
quite a while. The property has really not  
been maintained as well as it should have.  
The structure now has sections that are  
flaking paint. It has an overhang, which  
used to be the drive-thru, which is starting  
to deteriorate, and we would like to see what  
we could do about either rehabilitating or  
find out what is the goal for that structure.

MS. ANGELIADES: Of course. A couple

1  
2 of years back the silo was in really bad  
3 shape, so we removed it; it was in danger of  
4 falling, which my maintenance guy -- we  
5 acquired the Dairy Barns in 2010. So, we  
6 also took a lot of the crew from the old  
7 Dairy Barn. So, our maintenance guy had --  
8 he's great because he'll go and say, "We  
9 should take this down, it's not in good  
10 shape."

11 So, we're doing the best we can to  
12 keep it updated. The last thing the town had  
13 sent us was the sidewalk was uneven. They  
14 guess they were doing something with  
15 sidewalks. We fixed that. I have a  
16 maintenance guys that goes every week to  
17 clean up litter and garbage.

18 Right now though I had forwarded to,  
19 I'm not sure of her name, but they asked me  
20 to forward any information I had. We have  
21 applications filed and plans. Thank God we  
22 have someone that wants to partner with us  
23 and renovate them and reopen them as Brody  
24 Coffee. It's a chain from upstate. They are  
25 hoping to compete with Starbucks and

1  
2 Dunkin Donuts. Nonetheless, plans have been  
3 filed to renovate that store. Again, thank  
4 God. We have 18 of these locations in  
5 similar shape as Freeport. So, I forwarded  
6 that information. The application has been  
7 filed, the plans have been filed, they are  
8 waiting for feedback from Freeport.

9 MR. MAURAS: The application we are  
10 aware was recently filed. It is in the  
11 process of being reviewed by our plans  
12 examiner. Once we have completed that  
13 review, we would also request that you make  
14 sure that you stay in contact with Nassau  
15 County, as they need to be advised of that  
16 project, being that that project is on a  
17 county road; so, that generally causes you a  
18 few delays. If possible, if you wouldn't  
19 mind --

20 MS. ANGELIADES: Tell me, should they  
21 also, the applicant, the expediter, the  
22 architect, they should also be in contact  
23 with Nassau?

24 MR. MAURAS: Nassau County, that's  
25 correct. Nassau County DPW, Department of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Public Works.

MS. ANGELIADES: Public works.

MR. MAURAS: They are going to require for you to provide them a 239.

MS. ANGELIADES: Would an architect know what that is?

MR. McLAUGHLIN: The architect should know what it is. It's a review from the Nassau County Department of Public Works, because the property is on Atlantic Avenue, which is a county road.

MS. ANGELIADES: Okay. So, I will tell the architect that he needs to be in contact with public works and file a 239 for this project.

MR. MAURAS: That is correct.

MR. McLAUGHLIN: Superintendent, what is the process with regard to the application filed?

MR. MAURAS: On our end, once we finish reviewing the submitted plans, we have to verify that you are going to be compliant with zoning requirements of the Village. If it is compliant with zoning, we will send you

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

a site plan letter, which is our ARB, Architectural Review Board. You would need to make a filing with them to make a presentation as to the aesthetics of the structure.

MS. ANGELIADES: Are you sending that to me, the property owner, or the applicant who is going to be the potential operator?

MR. MAURAS: Generally we send it to whoever the applicant is.

MS. ANGELIADES: I'll let them know. I'm assuming they know these things better than me, but I'll make sure they know where you guys are at, that Freeport, the Town of Freeport, is going to respond to the applicant with a site plan -- what did you call it?

MAYOR KENNEDY: If I could interrupt for one second. This is Mayor Kennedy. I just spoke with the superintendent of Buildings. He said within seven days you'll have your review analysis completed. At that point you may just have to go to the Planning Board. If not, you still have to go get a

1  
2 239 from the county. At least you'll have  
3 that.

4 I will also say that you are welcome  
5 to reach out to me, once you have that. I'd  
6 be glad to call a meeting with electrical,  
7 Water Department, village attorney, DPW,  
8 Buildings Department, put them together with  
9 your architect right here in the conference  
10 room and make it very easy transition for you  
11 in the future to move forward with these  
12 applications to get the work and permits  
13 done.

14 MS. ANGELIADES: Tell me again how to  
15 contact you.

16 MAYOR KENNEDY: My number is  
17 (516) 377-2252. Call my office and I'll be  
18 glad to set up a meeting with all department  
19 heads, put you all together and make it  
20 easier to move forward. But you will have a  
21 determination on your application in seven  
22 days.

23 MR. McLAUGHLIN: I would also advise  
24 moving quickly with the county, because not  
25 only do you have to file the 239, but they

1  
2 are going to refer you to the Nassau County  
3 Planning Commission. We want to get this  
4 process moving as quick as possible.

5 MS. ANGELIADES: Believe me, so do I.  
6 So, I am going to tell this to the guys who  
7 are intending to operate and purchase the  
8 property. I have a whole Email thread. So,  
9 I'll send all of them the contact  
10 information, let them know the Village will  
11 hear back, let them know they have to be in  
12 contact with Public Works to file a 239,  
13 whatever that is.

14 In the meantime, besides just  
15 maintaining the property, is there anything  
16 else you need? I had a guy there two days  
17 ago and he cleans up and lets me know if cars  
18 are parked there. I have to take care of  
19 that.

20 MR. MAURAS: In the meantime, while  
21 we work on your application, as you  
22 mentioned, just make sure that whoever the  
23 representative is does go there to make sure  
24 that they cut the grass, the weeds, and, of  
25 course, now that we're getting into the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

winter season, to be prepared in case there is snow on the sidewalks.

MS. ANGELIADES: Of course. Okay, good. I can do all of that.

MR. MAURAS: Thank you.

MAYOR KENNEDY: We'll be glad to work with you and help expedite this.

MS. ANGELIADES: Thank you so much. I appreciate it.

MR. McLAUGHLIN: Before you sign off. Mr. Mayor, I'd ask for a motion at this time to adjourn the matter to February 5th for an update at 5:45.

MAYOR KENNEDY: Yes. Do we have a motion to adjourn this?

DEPUTY MAYOR ELLERBE: So moved.

MAYOR KENNEDY: Madam Clerk.

THE CLERK: All in favor.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

TRUSTEE SANCHEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

January 8, 2024

11

(No response was heard.)

MAYOR KENNEDY: So, we're going to adjourn to February 5th. In the interim, you will keep in touch with Sergio. Sergio's phone number is --

MR. MAURAS: (516) 351-3316. That is my cell phone.

MAYOR KENNEDY: You can have your representative keep in touch with him. Please let's get this resolved before the next meeting and we'll be able to close it out.

MS. ANGELIADES: Great. Thank you so much.

MAYOR KENNEDY: Have a good day. Happy New Year.

MS. ANGELIADES: Happy New Year.

MR. McLAUGHLIN: Mr. Mayor, the next matter was 213 Maxson Avenue. Mr. Mayor, this matter was originally put on the calendar due to the fact we were having difficulty with the owner, with contractor going onto the property. I have spoken with Rob Fisenne, the Superintendent of Public

1 Works. That matter had been resolved. The  
2 work has actually been completed, so this  
3 matter will be closed out at this point. We  
4 had originally put it on the calendar because  
5 during the month we did have an issue with  
6 that, which got resolved.  
7

8 MAYOR KENNEDY: Okay. Do we have a  
9 motion to take this off the Nuisance  
10 Buildings calendar?

11 TRUSTEE SANCHEZ: So moved.

12 TRUSTEE MARTINEZ: Second.

13 MAYOR KENNEDY: Madam Clerk.

14 THE CLERK: All in favor.

15 TRUSTEE MARTINEZ: Aye.

16 TRUSTEE SQUERI: Aye.

17 TRUSTEE SANCHEZ: Aye.

18 DEPUTY MAYOR ELLERBE: Aye.

19 MAYOR KENNEDY: Aye.

20 THE CLERK: Any opposed?

21 (No response was heard.)

22 MAYOR KENNEDY: Off the record.

23 (WHEREUPON, a discussion was held off  
24 the record, after which the following  
25 transpired:)

January 8, 2024

13

1  
2 MAYOR KENNEDY: We took that off the  
3 calendar, we made a motion. That's done. Go  
4 ahead.

5 MR. McLAUGHLIN: Next is 823 South  
6 Long Beach Avenue.

7 MAYOR KENNEDY: Ivan Scarborough.  
8 Come up, Mr. Scarborough. How are you?

9 MR. SCARBOROUGH: Not too bad.

10 MAYOR KENNEDY: Sergio, would you  
11 bring us up-to-date?

12 MR. MAURAS: As of our last meeting,  
13 Mr. Scarborough did agree that he was going  
14 to be painting that rear extension, adding on  
15 a set of steps out of the egress door. Was  
16 going to be painting the metallic door also  
17 on the rear of the property and moving the  
18 dilapidated railing. As of to date, it still  
19 has not been done, but he does assure us that  
20 it will be done within the next three weeks,  
21 weather permitting.

22 MAYOR KENNEDY: Mr. Scarborough, you  
23 did authorize the Village to do the work as  
24 of January 8th, right, at our last meeting?

25 MR. SCARBOROUGH: Yes, I did.

January 8, 2024

14

1  
2           MAYOR KENNEDY: I would make a motion  
3 to give you three more weeks. If you can't  
4 do it -- we don't have to have another  
5 meeting, we'll just do it. You're giving us  
6 authorization now?

7           MR. SCARBOROUGH: Okay.

8           MAYOR KENNEDY: I make a motion that  
9 we delay this to the February 5th meeting.  
10 However, the Buildings Department will  
11 inspect this three weeks from now. If it's  
12 completed, we will not move on it. If it's  
13 not completed, we will then address it and  
14 take care of. Is that okay?

15          MR. SCARBOROUGH: Yes.

16          TRUSTEE MARTINEZ: Second.

17          MAYOR KENNEDY: Madam Clerk.

18          THE CLERK: All in favor.

19          TRUSTEE MARTINEZ: Aye.

20          TRUSTEE SQUERI: Aye.

21          TRUSTEE SANCHEZ: Aye.

22          DEPUTY MAYOR ELLERBE: Aye.

23          MAYOR KENNEDY: Aye.

24          THE CLERK: Any opposed?

25          Who made the motion?

January 8, 2024

15

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MAYOR KENNEDY: I did.

MR. McLAUGHLIN: Next is Dangerous Buildings proceeding of 313 Nassau Avenue. Is anyone on Zoom for 313 Nassau Avenue?

MS. ABENHAIM: Yes. Good evening. This is Jennifer Abenhaim with Woods, Oviatt and Gilman for Wells Fargo.

MAYOR KENNEDY: Good evening. How are you?

MS. ABENHAIM: Fine. Doing very well. Thank you very much for letting me appear tonight.

MAYOR KENNEDY: Please proceed.

MR. McLAUGHLIN: This matter was originally on for a Nuisance Building proceeding for which a decision was made to have the repairs be made by the Village. After estimating out the cost of repairs, as well as damage to the property, it was determined that this property is in a situation now where repairs cannot be adequately made and, at this point, requires the building be demoed.

Superintendent, can you give a brief

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

description of what you found at that location.

MAYOR KENNEDY: I believe this job was supposed to be bid out for demo already. Do we have bids on demolition?

MR. MAURAS: We do have a bid for the demolition. The bid amount is \$24,900.

MAYOR KENNEDY: So, \$24,900 is what the Village received, which would be the lowest bid for the removal of the structure itself. It's up to, I guess, the village attorney whether we do it or the bank does it.

MR. McLAUGHLIN: If I may, before we move on, so we have it for the record, if the superintendent can give us a description of why the building at this point needs to be demoed.

MR. MAURAS: So, the structure was an elevated project, which still sits on cribbing as steel beams that are running through the second story of the structure through the garage area. The wood has dilapidated, the interior of the house has

1  
2 been opened and exposed to the elements, and  
3 the actual cost of making any of those types  
4 of repairs, even aesthetically, just doesn't  
5 justify the condition of that structure. It  
6 is in the best interest of all parties  
7 involved that that structure just be  
8 demolished?

9           MAYOR KENNEDY: Would you consider  
10 that a health and safety issue?

11           MR. MAURAS: It is a safety issue.

12           MR. McLAUGHLIN: Counsel, can you  
13 give your appearance for the record?

14           MS. ABENHAIM: Good afternoon. This  
15 is Jennifer Abenhaim with Woods, Oviatt and  
16 Gilman, counsel for Wells Fargo Bank. If I  
17 may, we would just request an additional 60  
18 days before the demo order is issued. We  
19 have an investor on this file that received  
20 an initial set of bids. My client also has  
21 required, of course, your bid for demolition.  
22 The investor is requesting a second bid from  
23 my client. My client is in the process of  
24 compiling those, just so we get the  
25 investor's approval to proceed on our end. I

1  
2 understand you may act independently, but we  
3 are just asking for another 60 days so my  
4 client can compile a second set of bids for  
5 the investor.

6 MR. McLAUGHLIN: With all due  
7 respect, I think 60 days is too long,  
8 especially given the fact we are concerned  
9 about the health and safety. We have  
10 dangerous weather coming up. I don't think  
11 we can do more than 30 days, at this point.

12 MS. ABENHAIM: 30 days is  
13 appreciated.

14 MR. McLAUGHLIN: In the meantime, we  
15 are going to be taking steps forward in order  
16 to be able to demo the property at that  
17 point. I will give you my phone number. My  
18 name is Robert McLaughlin. I'm the Deputy  
19 Village Attorney. (516) 377-2248. I would  
20 ask that you set up a meeting with your  
21 client and myself, we can do it on Zoom like  
22 we are today, so we can move this forward in  
23 an expeditious manner.

24 MAYOR KENNEDY: I might add that the  
25 labor charge is significantly increased if

1  
2 the Village does it, because we do prevailing  
3 wage. I'm sure you might get a more  
4 reasonable price from another contractor.  
5 There are several demolition contractors  
6 local here that are used. If you can do  
7 that, help expedite it. We don't want to  
8 take a chance with bad weather coming over  
9 the winter and the building being up on  
10 cribbing. If the ground gets wet and the  
11 cribbing drops it will end up falling on  
12 another house.

13 MS. ABENHAIM: I appreciate that. I  
14 appreciate your concerns. Thank you very  
15 much. Mr. McLaughlin, I'll reach out to my  
16 client for availability for a Zoom call.

17 MR. McLAUGHLIN: Thank you.

18 MAYOR KENNEDY: I'll make a motion  
19 that this be reconvened on February 5th. At  
20 that time we'll make our decision on how to  
21 move.

22 Do we have a motion -- I mean do we  
23 have a second?

24 DEPUTY MAYOR ELLERBE: Second.

25 MAYOR KENNEDY: Madam Clerk.

January 8, 2024

20

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE CLERK: All in favor.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

TRUSTEE SANCHEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MAYOR KENNEDY: Thank you very much.

MS. ABENHAIM: Thank you for your  
time. Have a good evening.

MAYOR KENNEDY: Happy New Year.

MS. ABENHAIM: Thanks. Happy New  
Year. Bye.

MAYOR KENNEDY: Okay.

MR. McLAUGHLIN: The final matter is  
700 South Long Beach. I don't know if we  
have anyone online for 700 Long Beach. I  
believe we do.

MR. ROTHMAN: Parker Rothman with  
Polsinelli.

MR. McLAUGHLIN: Who are you  
representing?

MR. ROTHMAN: I represent Wilmington

1  
2 Savings Fund Society, as per the entire name  
3 in the caption. They have a current  
4 foreclosure against the owner of the  
5 property.

6 MR. McLAUGHLIN: Mr. Mayor, as you  
7 may remember, we did make a finding last  
8 month on this matter. The owner of the  
9 property has filed permits which at this time  
10 I believe to be rejected by the Building  
11 Department.

12 Superintendent, can you give us an  
13 update?

14 MR. MAURAS: We did receive  
15 applications filed in our office in the  
16 Building Department for a partial demo of the  
17 structure. Partial demolitions are  
18 prohibited, as that structure was determined  
19 to be substantially damaged, and a  
20 substantially damaged property is mandated to  
21 be demolished in its entirety or elevated.

22 In this case, the application that  
23 was submitted was only for a partial  
24 demolition. It was lacking information, it  
25 did not provide a contractor, and it did not

1  
2 have associated permits such as disconnects  
3 of water and sewer filed along with it.

4 There was also an asbestos report that was  
5 provided and no asbestos abatement report  
6 submitted indicating that the asbestos was  
7 previously removed.

8           MAYOR KENNEDY: Sir, if I could just  
9 add in one other point -- this is Mayor  
10 Kennedy -- that this property has  
11 substantially damaged probably 30 other  
12 houses in this neighborhood because water is  
13 flooding the bulkhead going back down into  
14 the sewers and storm sewer lines flooding  
15 those lines with dirt and debris and coming  
16 up in other areas and flooding those homes  
17 out.

18           This is a health and safety issue  
19 where I can't get fire departments down  
20 there, police department, ambulances down  
21 there going through salt water two feet high  
22 in areas as a direct result of the bulkhead,  
23 defective bulkhead where the salt water is  
24 filling back into the streets and flooding  
25 the remainder of South Long Beach.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. ROTHMAN: Thank you. If I could add one thing, I would only say that my client concurs that this project would be futile. Even in a theorized world where the current owner does restore the premises, it would not live up to the valuation of what's owed; therefore, it would be nothing more than an exercise in futility. Thank you.

MR. McLAUGHLIN: Thank you, counsel.

MAYOR KENNEDY: Can we get authorization to proceed in removing the building?

MR. McLAUGHLIN: I believe we already have authorization. What we're going to do is confirm the authorization and file for a warrant with the Village Court, confirm the authorization with the Freeport Fire Department and move forward with the demolition.

MAYOR KENNEDY: And we'll keep the bank --

MR. McLAUGHLIN: We'll keep the bank up the date on everything.

Do you have questions, counselor?

January 8, 2024

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. ROTHMAN: No. Thank you for your time.

MAYOR KENNEDY: Thank you, counselor, have a good day.

MR. ROTHMAN: Likewise.

MR. McLAUGHLIN: Mr. Mayor, at this time I'll entertain a motion to close the meeting. We already did a decision on that.

MAYOR KENNEDY: What is the motion?

MR. McLAUGHLIN: To close the meeting.

DEPUTY MAYOR ELLERBE: So moved.

TRUSTEE SANCHEZ: Second.

MAYOR KENNEDY: Madam Clerk.

THE CLERK: All in favor.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

TRUSTEE SANCHEZ: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(No response was heard.)

(Time Noted: 6:58 p.m.)

\* \* \*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

January 8, 2024

25

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 10th day of January, 2024.

  
BETHANNE MENNONNA