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INCORPORATED VILLAGE OF FREEPORT
BOARD OF TRUSTEES MEETING

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

April 15, 2024
5:45 p.m.

M E M B E R S:

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

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

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MS. UNGAR: Good evening everyone.
This is the Nuisance and Dangerous Buildings
proceedings for the Village of Freeport.

The first case on the Nuisance
Buildings calendar is 177 Atlantic Avenue.
Do we have anyone here on behalf of 177
Atlantic Avenue?

MAYOR KENNEDY: Going once, going
twice.

MS. UNGAR: I would ask that we
second call, to give them a chance to appear.

MAYOR KENNEDY: That's fine.

MS. UNGAR: Second on the calendar is
188 Independence Avenue.

MR. REICHEL: Good afternoon. Samuel
Reichel of Frenkel Lambert, attorneys for the
bank on the property. One of the mortgages
on the property.

MAYOR KENNEDY: Good afternoon.

MS. UNGAR: We have the
superintendent Buildings with us. I would
ask if Sergio could give us an update on the
property, please.

MR. MAURAS: So, 188 Independence

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2 there has been work performed on the exterior
3 of the property of the trees that have been
4 removed, hedges have been removed, air
5 conditioning unit, which was on the western
6 side of the property has been removed.

7 So, the exterior has been taken care
8 of, but the structure itself we're still
9 waiting to figure out whether that property
10 is going to be demolished or whether it's
11 going to be rehabilitated.

12 MR. REICHEL: Since the last hearing,
13 we had an engineer's structural report done,
14 which I believe was Emailed to Mr. McLaughlin
15 today.

16 MR. McLAUGHLIN: I haven't received
17 it as of yet.

18 MR. REICHEL: I thought my paralegal
19 sent it to you. Basically, I'll send it to
20 you after the hearing. What is your Email
21 address, just to confirm?

22 MR. McLAUGHLIN: It's rmclaughlin at
23 Freeport NY dot-gov.

24 MR. REICHEL: Freeport NY dot-gov.
25 Again, I'll Email you as soon as I get off

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the computer.

Basically, the report says the major damage to the property, it's basically saying that the best bet would be to demolish. The only catch being, from our prospective, the matter is in foreclosure. At the same point, it's tied up in Surrogate's Court, so the foreclosure can't go ahead and we can't do any major repairs/demolition on the property which we don't own.

MAYOR KENNEDY: Did you say it's structurally not sound? Is that what the engineer says?

MR. REICHEL: What the report says -- of course I don't have it. I don't have the ability right -- I'm on laptop. I shut down my computer, in order to hold this conference, so I can't actually Email you directly. I have copy of the report in front of me and -- hold on a second. It includes a bunch of photographs and it shows major damage. It even talks about bent -- I don't know how much you want me to read to you.

MAYOR KENNEDY: If you want, send it

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2 to us. Let's review it. If it appears to be
3 structurally not sound or it's a health and
4 safety issue for emergency services to enter
5 the building, we would be glad to knock it
6 down for you as a nuisance home in the
7 Village of Freeport that is unsafe for our
8 emergency crews to enter. Why don't you let
9 us review it first and we'll call you back
10 tomorrow.

11 MR. REICHEL: Not a problem at all.
12 When are you available tomorrow? The only
13 catch is, I have a court appearance tomorrow
14 morning.

15 MAYOR KENNEDY: If you send it over
16 tonight, I'll talk to Rob, he'll set
17 something up so we can get back together on a
18 conference call. It doesn't have to be
19 tomorrow. In the next day or two.

20 Rob, when you get a hold of that,
21 send me a copy and also to the trustees and
22 to the superintendent of buildings.

23 MR. McLAUGHLIN: Absolutely.

24 MR. REICHEL: Rmclaughlin at Freeport
25 NY dot-gov.

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1 MR. McLAUGHLIN: Yes.

2 MR. REICHEL: I'll send it over. It
3 should be over to you in 10, 15 minutes.

4 MAYOR KENNEDY: Thank you, sir.
5 Goodnight.

6 I would ask that the Board adjourn to
7 the next meeting, and maybe we can resolve it
8 before that.

9 TRUSTEE MARTINEZ: So moved.

10 TRUSTEE SANCHEZ: Second.

11 MAYOR KENNEDY: Madam Clerk.

12 THE CLERK: All in favor.

13 TRUSTEE SANCHEZ: Aye.

14 TRUSTEE MARTINEZ: Aye.

15 TRUSTEE SQUERI: Aye.

16 DEPUTY MAYOR ELLERBE: Aye.

17 MAYOR KENNEDY: Aye.

18 THE CLERK: Any opposed?

19 (No response was heard.)

20 THE CLERK: That will be May 6th at
21 5:45.

22 MAYOR KENNEDY: Thank you, sir.

23 MS. UNGAR: Next on the calendar is
24 360 Atlantic Avenue.
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2 MAYOR KENNEDY: Anyone here from 360
3 Atlantic Avenue?

4 MR. SNEAD: Lee Snead representing
5 360 Atlantic Avenue.

6 MAYOR KENNEDY: Good afternoon.

7 MR. SNEAD: Howdy.

8 MAYOR KENNEDY: Sergio.

9 MR. MAURAS: As of yesterday, we did
10 have someone come file an application for the
11 interior to convert that into a Popeyes
12 restaurant. Based upon the nuisance hearing
13 itself, we are still concerned about the
14 exterior of the property. The exterior of
15 the property not being maintained. We took
16 photos approximately three weeks, as the
17 Tyvek wrapping on the western side of the
18 property is basically completely off. And as
19 of an inspection that was conducted two days
20 ago, it's still in the exact same condition
21 with all the litter, debris, grass that was
22 there three weeks ago. By the fenced in
23 area, it includes beer bottles, it includes
24 cartons, litter, miscellaneous garbage that
25 also still remains on the property.

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2 MR. SNEAD: I spoke with the property
3 manager today. He says he went by Friday and
4 looked at it and it did not seem to be a
5 problem. I'm not aware of the Tyvek issue.
6 I will question him on that. I'm not aware
7 of a litter issue. I'll question him on
8 that.

9 I do know that he has said they have
10 engaged somebody to do a spring cleanup that
11 should happen within the next three to four
12 weeks; we are waiting for a schedule from the
13 individual for that. We will be doing
14 periodic, every other week going by the
15 property to clean it up. I realize that does
16 not square at all with what Mr. Mauras is
17 giving you, and I don't have an explanation
18 for that. But what I can tell you is this
19 property is moving forward with the
20 application process. If Tyvek needs to be
21 put onto the building, I will, if that's what
22 you want us to do and it's missing, then I
23 will make that recommendation to the property
24 manager to see if we can engage somebody to
25 go out and do that. I'm not sure whether

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2 Tyvek is what you want there, but whatever it
3 is you feel needs to be done in the interim
4 until the application is determined, until
5 final construction starts on this property,
6 we're happy to talk about that and do it.

7 MAYOR KENNEDY: Sir, this is Mayor
8 Kennedy. This is supposed to have been done
9 periodically for the last year. Every time I
10 drive by there, it's havoc, there's boxes.
11 You say somebody is down there, but there are
12 empty beer cans, plastic hanging off the
13 building, garbage all over the parking lot.
14 I'll tell you what we'll do. We'll wait
15 patiently, but every time I see the debris
16 down there or a condition, I'll send somebody
17 in to make the repair, but I'll be paying
18 significantly more in wages, because I do
19 prevailing wage. I'll clean it and fix it
20 myself and send you a bill. I'll take
21 pictures before and after.

22 MR. SNEAD: You know, I will again
23 talk to my principal about it, after I get of
24 this phone call with you. If need be, I'll
25 go down to the site, take a look at it, and

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2 make an assessment of it, because I'm not
3 suggesting that you're not telling me the
4 truth, I'm just saying that I'm hearing it
5 differently from my side and, admittedly, I
6 have not been to the site. So, I will be
7 happy to go down, take a look at that, and I
8 will get an option. But again, with regard
9 to the Tyvek issue, is that something you
10 want us to replace or remove it? What
11 exactly do you want us to do with it?

12 MAYOR KENNEDY: Maintain it. If it
13 requires replacing, replace it. If you can
14 repair it, repair it. But it's -- believe
15 me, I have better things to doing than
16 calling the Buildings Department every week
17 on something your employee said is okay.

18 MR. SNEAD: I have better things to
19 do than come back every month. I appreciate
20 what you are doing there. I have been a
21 village attorney myself and I know the
22 problems. I will go ahead and contact him
23 and, if need be, I will go down to the site
24 with him and say what the heck is going on.

25 TRUSTEE MARTINEZ: Mr. Snead, this is

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2 Trustee Martinez. I'm a little uncomfortable
3 with you suggesting that a spring cleanup
4 will take three to four weeks.

5 MR. SNEAD: He is using somebody to
6 do it.

7 TRUSTEE MARTINEZ: To me, that is
8 unrealistic.

9 MR. SNEAD: He is having a
10 significant problem engaging somebody to
11 commit to doing a spring cleanup. Again, I'm
12 not the guy who is calling, it's my manager
13 who is doing that. I will have a discussion
14 with him about that.

15 TRUSTEE MARTINEZ: The other thing
16 then, talk to your client. At this point,
17 I'm leaning towards issuing tickets,
18 summonses on this property. We have been
19 very -- to the mayor's point, we have been
20 extremely lenient on this. This is on a main
21 road with lots of traffic that goes by.
22 There's a lot of landscapers, people who
23 would love to get that job get that done. I
24 find it hard to believe it's going to take a
25 month to get that property cleaned up.

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Otherwise, you can tell your client they may see tickets coming his way real fast.

MR. SNEAD: I'll apprise him on that information. I will tell you, we spoke with the County last week, last Friday. They have not yet completed their review of the application we sent to them. I anticipate that they will be going in the next week or two. As soon as we get something on that, I'll certainly be sending it back over to you.

MR. McLAUGHLIN: Counsel, may I suggest that when you go to that location that you contact the superintendent and he can be there himself or one of his inspectors, because, obviously, your client is seeing different things than what we're seeing. This way we can point out exactly what our issues are.

MR. SNEAD: That will be Mr. Mauras?

MR. McLAUGHLIN: Yes, sure.
Absolutely.

MAYOR KENNEDY: Let's adjourn to May 6th, same time.

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MR. SNEAD: Is there another day? I may -- I'm not supposed to be in the State that day. I'm going out of town probably on the 29th and I'm not coming back for another ten days.

MAYOR KENNEDY: Call the Village Attorney, Mr. McLaughlin before that and update him on whether the issue has been resolved.

MR. McLAUGHLIN: I think if it gets resolved, it wouldn't necessitate someone to be on. Within a month, if we are still dealing with these same issues, then we need somebody on the line.

MR. SNEAD: All right. I will relay that to him as well. I'll put it tentatively down for the 6th, subject to me speaking with Mr. McLaughlin confirming that it needs to go forward.

MAYOR KENNEDY: Thank you. We'll inspect it periodically also.

MR. SNEAD: Pleasure to appear.

MAYOR KENNEDY: Have a good day.

MS. UNGAR: We need a motion to

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adjourn to May 6th.

TRUSTEE SANCHEZ: So move.

TRUSTEE SQUERI: Second.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed.

(No response was heard.)

MS. UNGAR: Next up is on the
Dangerous Buildings calendar, 122 Sportsman
Avenue.

MAYOR KENNEDY: Anybody here from 122
Sportsman?

MS. UNGAR: Mayor and Board, the
attorney who may be representing them may not
have been retained yet, which is perhaps why
no one is on this call, but we'll second it
in a couple of minutes to give them a chance.

Next up is 313 Nassau Avenue.

MS. ABENHAIM: Good evening.
Jennifer Abenhaim with Woods, Oviatt, Gilman,

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attorneys for the mortgagee.

MAYOR KENNEDY: How are you today?

MS. ABENHAIM: I'm doing very well.

How about yourself?

MAYOR KENNEDY: Good, thank you.

MS. ABENHAIM: Wonderful.

MAYOR KENNEDY: Status on 313.

MS. ABENHAIM: Pardon me?

MAYOR KENNEDY: Do you have a status
on 313?

MS. ABENHAIM: Yes. I apologize, the
audio cut out for a moment.

Yes, absolutely. So, we provided the
architecture report to Mr. McLaughlin
recently. The architecture report concluded
the property, the best option would be to
demolish the property. I have talked to my
client and they don't have bids themselves
yet, but the investor said they have no
objection to this City proceeding -- or the
Village proceeding with the demolition
themselves. Mr. McLaughlin has been very
kind and confirmed on a phone with my clients
the other day or last week that, of course,

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2 more expensive than my client performing the
3 demolition because you have to pay prevailing
4 wage. That was relayed to my client, and I
5 asked him to relay it to the investor, and we
6 have no objection. We are aware that you'll
7 be proceeding. We just request that when the
8 demolition date is in place that you please
9 notified my office and that the invoice for
10 demolition be sent to my office when that's
11 available.

12 MAYOR KENNEDY: What I will ask is
13 for Rob McLaughlin to send over to you three
14 proposals from three different companies on
15 the structure removal before we do anything,
16 so you have them in hand, and we'll
17 acknowledge who we want to move with and
18 concur at that point to move forward upon
19 mutual agreement.

20 MS. ABENHAIM: I appreciate that.
21 Thank you so much for your time.
22 Mr. McLaughlin and Mr. Mauras have been
23 extremely helpful. I appreciate all their
24 time on this matter as well.

25 MAYOR KENNEDY: I appreciate your

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assistance with this. We'll get back to you in the very near future.

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

MAYOR KENNEDY: Thank you.

Sergio, do you want to prepare the bids for that?

MR. MAURAS: Absolutely.

MAYOR KENNEDY: I want at least three minimum. And prepare the specifications of the same with all of them. Be sure all the specs are the same: Apples and apples.

MR. MAURAS: Got it.

MAYOR KENNEDY: Thank you very much.

MS. ABENHAIM: Thank you.

MAYOR KENNEDY: Do we have a motion to --

MS. UNGAR: Adjourn with no specific date unless needed?

MAYOR KENNEDY: Right.

MR. McLAUGHLIN: Mr. Mayor, I would, at this point, suggest that we have a motion granting authority to the superintendent of Buildings to knock down the building and we

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will provide, obviously, counsel with all the information at that point.

MAYOR KENNEDY: Yes. Do we have a motion?

TRUSTEE MARTINEZ: So moved.

TRUSTEE SQUERI: Second.

MAYOR KENNEDY: Madam Clerk.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MAYOR KENNEDY: Thank you, counsel.
I appreciate your assistance.

MS. ABENHAIM: Thank you. Have a great evening everyone.

MS. UNGAR: Returning to the nuisance calendar, 177 Atlantic Avenue second call. I don't hear anyone, but would you like to give us an update, Sergio?

MR. MAURAS: 177 Atlantic Avenue has

1 submitted an application to restore that
2 structure to convert it into a drive-thru
3 coffee shop. A site plan approval is
4 required. Site plan letter has been prepared
5 and issued. We are just waiting for them to
6 get approval from the site Plan Board so we
7 can proceed with the issuance of a permit to
8 rehabilitate that building.
9

10 MAYOR KENNEDY: I make a motion that
11 we reconvene this meeting at the next hearing
12 date, May 6th.

13 TRUSTEE MARTINEZ: So moved.

14 TRUSTEE SANCHEZ: Second.

15 MAYOR KENNEDY: Madam Clerk.

16 THE CLERK: All in favor.

17 TRUSTEE SANCHEZ: Aye.

18 TRUSTEE MARTINEZ: Aye.

19 TRUSTEE SQUERI: Aye.

20 DEPUTY MAYOR ELLERBE: Aye.

21 MAYOR KENNEDY: Aye.

22 THE CLERK: Any opposed?

23 (No response was heard.)

24 MS. UNGAR: Recalling 122 Sportsman
25 Avenue. Sergio.

1
2 MR. MAURAS: 122 Sportsman Avenue is
3 presently a vacant home which had some major
4 structural related issues. It had a rear
5 deck which was basically about to collapse
6 into the canal, it had a front portico which
7 was also -- front porch which was also
8 damaged. Additionally, that structure also
9 is attached to the neighboring property.
10 There is communication between the neighbor
11 and between the managers of the property at
12 122 Sportsman, as they're trying to figure
13 out exactly who is going to be able to
14 demolish the structure at 122, which is
15 attached to 128 sportsman. They did retain a
16 company to start remediating the property.
17 They did remove that dangerous deck that was
18 attached to the rear. Now it's just a matter
19 of them working on how they are going to
20 separate those two structures.

21 MAYOR KENNEDY: Can I make a
22 suggestion that if there is a possibility of
23 it being a health and safety issue, which I
24 believe it is -- I just inspected it the
25 other day -- that we get permission from the

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Building Department and Fire Department to inspect the property and determine the actual condition of it?

MR. McLAUGHLIN: Mr. Mayor, we will obtain a search warrant from the Village Court to do an inspection of the property. At such time, should the superintendent find that there's a dangerous condition, he will contact the Fire Department for their evaluation and review.

MAYOR KENNEDY: I'll make a motion that we follow Mr. McLaughlin's recommendation of an inspection of the building by the Buildings Department.

TRUSTEE MARTINEZ: So moved.

TRUSTEE SANCHEZ: Second.

MAYOR KENNEDY: Madam Clerk.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed.

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(No response was heard.)

MR. McLAUGHLIN: Mr. Mayor, I would also recommend that in between that time, while we're doing that, we schedule this matter for the next date, should there be a necessity for it.

MAYOR KENNEDY: Do we have a motion to adjourn to May 6th?

TRUSTEE SANCHEZ: So moved.

TRUSTEE SQUERI: Second.

MAYOR KENNEDY: Madam clerk.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MAYOR KENNEDY: Hopefully it will be resolved much before then. I'm glad to see everything moving along here.

Anything else? Do we have a motion to close the meeting?

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TRUSTEE MARTINEZ: So moved.

TRUSTEE SANCHEZ: Second.

MAYOR KENNEDY: Madam Clerk.

THE CLERK: All in favor.

TRUSTEE SANCHEZ: Aye.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(Time Ended: 6:11 p.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 29th day of April, 2024.


BETHANNE MENNONNA