

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

August 12, 2024
5:50 p.m.

M E M B E R S:

- | | |
|-------------------------|------------------------|
| ROBERT T. KENNEDY | MAYOR |
| RONALD J. ELLERBE | DEPUTY MAYOR |
| JORGE A. MARTINEZ | TRUSTEE |
| CHRISTOPHER L. SQUERI | TRUSTEE |
| * * * | |
| PAMELA A. WALSH-BOENING | VILLAGE CLERK |
| ROBERT McLAUGHLIN | DEPUTY VILLAGE COUNSEL |
| JENNIFER UNGAR | DEPUTY VILLAGE COUNSEL |
| SERGIO MAURAS | BUILDING DEPARTMENT |
| SCOTT BRAUN | BUILDING INSPECTOR |

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

August 12, 2024

2

-----INDEX-----

<u>ADDRESS</u>	<u>PAGE</u>
122 Sportsman Avenue	3-6
174 North Main Street	6-17

* * *

1
2 MR. McLAUGHLIN: Mr. Mayor, if I may
3 proceed.

4 MAYOR KENNEDY: Yes.

5 MR. McLAUGHLIN: The first matter on
6 is 122 Sportsman Avenue.

7 Counsel, your appearance please.

8 MR. PARK: Yes. Ronald Park with the
9 Law Firm of Hinshaw and Culbertson on behalf
10 of Deutsche Bank.

11 MR. McLAUGHLIN: Mr. Mayor, we have
12 been in conversation. As you may remember
13 the last time, counsel had mentioned that the
14 property is going to be in contract. I
15 believe he has more information now on the
16 contract information and the possible
17 anticipated closing date.

18 Counsel, can you give your report to
19 the Board?

20 MR. PARK: Yes. So, the client -- we
21 were on under contract, then the client
22 advised on July 31st that the deal was
23 cancelled, and I immediately informed
24 Mr. McLaughlin and I told him to proceed,
25 otherwise we would have to proceed with the

1
2 sale -- with the repairs. Then on August 9th
3 I received notification that a new purchase
4 agreement was signed on August 7th and that
5 the client was prepared to close within 30
6 days.

7 I expressed the Village's
8 frustrations and emphasized the importance of
9 getting this closed immediately. I will
10 provide Mr. McLaughlin with the buyer's
11 contact information this week, once I get
12 that from the client. We expect to close on
13 an all cash deal within the next 30 days.

14 MR. McLAUGHLIN: You stated there is
15 no financing at all for the closing of the
16 property, correct?

17 MR. PARK: It's supposed to be one of
18 the flash sales where it's an all cash deal.
19 They take the property as is and is expected
20 to repair and bring everything up to code.

21 MR. McLAUGHLIN: Your client advised
22 them of the repairs that are needed?

23 MR. PARK: Correct. Yes.

24 MAYOR KENNEDY: Will you agree that
25 if you're not closed in 30 days you give

1
2 authorization for us to do any and all work
3 that's required on the property?

4 MR. PARK: Yes. I advised the client
5 that at the last hearing the Village was
6 expected to bring their own bids. I would
7 object on the record. However, I understand
8 the history behind this case and there's not
9 much else I could do, except request more
10 time. If the Village decides to proceed on
11 its own, then it is what it is. I will make
12 my request for whatever the client is
13 seeking; however, I understand the situation
14 currently. So, yeah, I understand.

15 MAYOR KENNEDY: I would ask that the
16 Board make a resolution that if the property
17 is not sold within 30 days and a meeting set
18 up with the owner to schedule repairs for
19 these within the next 30 days, that the
20 Village has the ability to go make the
21 repairs itself forthwith.

22 TRUSTEE MARTINEZ: 30 days from today
23 or 30 days from when?

24 MR. McLAUGHLIN: It will be 30 days
25 from today.

August 12, 2024

6

1
2 TRUSTEE MARTINEZ: Is counsel clear
3 on that?

4 MR. McLAUGHLIN: Are you clear on
5 that, counsel, it's 30 days from today,
6 correct?

7 MR. PARK: Correct. Correct.

8 MAYOR KENNEDY: Do we have a motion?

9 TRUSTEE MARTINEZ: So moved.

10 DEPUTY MAYOR ELLERBE: Second.

11 MAYOR KENNEDY: Madam Clerk.

12 THE CLERK: All in favor.

13 TRUSTEE MARTINEZ: Aye.

14 TRUSTEE SQUERI: Aye.

15 DEPUTY MAYOR ELLERBE: Aye.

16 MAYOR KENNEDY: Aye.

17 THE CLERK: Any opposed?

18 (No response was heard.)

19 MAYOR KENNEDY: Any other comments?

20 MR. PARK: Nothing further.

21 MAYOR KENNEDY: Thank you, sir.

22 MR. PARK: Thank you. Have a nice
23 day. Thank you.

24 MR. McLAUGHLIN: The next matter is
25 174 North Main Street. Gentlemen, you can

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

come up.

E V A N E H A L T,
having been first duly sworn by a Notary
Public of the State of New York, was
examined and testified as follows:

D Y L A N E H A L T,
having been first duly sworn by a Notary
Public of the State of New York, was
examined and testified as follows:

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

EVAN EHALT: First name is Evan,
E-V-A-N, Ehalt, E-H-A-L-T. Address is 89
Babylon Turnpike, Merrick, New York 11566.

DYLAN EHALT: Dylan, D-Y-L-A-N,
Ehalt, E-H-A-L-T. 71 14th Avenue in
West Babylon, New York 11704.

MR. McLAUGHLIN: Mr. Mayor, we have
Inspector Scott Braun with us today to give a
report on this property. This matter, it's
the first time on today.

MAYOR KENNEDY: Okay.

MR. McLAUGHLIN: Inspector.

MR. BRAUN: So, this property is at

1
2 North Main Street. It's actually two
3 separate buildings, and the forward building
4 that's on Main Street is not as bad as the
5 rear portion of the building. Basically, the
6 roof structure is in such despair that the
7 roof joists are no longer connected to the
8 outside walls and it's in imminent danger of
9 collapsing.

10 MAYOR KENNEDY: Okay.

11 MR. BRAUN: These gentlemen brought
12 in an engineer that looked at the structure
13 and agreed with the assessment on the rear
14 portion of it, that no one should go into it.
15 The front half of the building, although it's
16 in need to be repaired, and I believe they
17 came with plans as to how they are going to
18 address this issue, but they could be allowed
19 back into the building; it's not in as bad as
20 the rear that it's going to collapse.

21 So, we have allowed them to go back
22 into the building, and the process now is
23 going to be cleaning up some of their tools
24 and moving stuff so repair can take place.

25 MAYOR KENNEDY: Okay.

1
2 MR. McLAUGHLIN: Sir, if you could
3 just --

4 DYLAN EHALT: Yeah, I would agree
5 with that. The back half -- the building was
6 built 120 years ago. The back of the
7 building, it's in poor shape. There is --
8 not that every single one is disconnected,
9 but I'll agree there are one or two spots
10 that are not attached at the sill plates.

11 Our design is being done now by an
12 architect to actually redo the entire rear
13 roof structure in the rear. The front would
14 basically need roofing repair, resheathing,
15 and he found that one other roof joist was
16 unconnected; they attached the A/C unit
17 underneath it. It was kind of a poor design
18 and it's pulling on the joist.

19 MR. McLAUGHLIN: You presently have
20 an architect who is making plans for these
21 repairs?

22 DYLAN EHALT: Yes. He's writing up
23 the repair plans now for it. We'll go
24 through with the repair work.

25 MR. McLAUGHLIN: You have a

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

contractor ready to go?

DYLAN EHALT: Once I have plans, I'll get estimates for it and we'll hire a contractor to do it. I figured with the plans, I could -- it's hard to go about -- they could look at it, but they can't really -- without the plans, they can't do any work.

TRUSTEE MARTINEZ: What is the plan using the building?

DYLAN EHALT: We use it for storage of cars and we do, like, track car preparation and stuff.

TRUSTEE MARTINEZ: Currently it's being used for what; storage and mechanical work?

DYLAN EHALT: Yeah. It's like a hobby kind of.

MR. McLAUGHLIN: How long before you get the plans?

DYLAN EHALT: I mean, I believe the contract says within 30 days. I haven't received it yet. I think they're required to be within a certain time.

1
2 MR. McLAUGHLIN: When did you sign a
3 contract?

4 DYLAN EHALT: I signed a contract
5 probably a little over a week ago. This was
6 signed on -- I believe it states 30 days.
7 Two weeks for the first design. There was
8 on -- that was on Wednesday of last week,
9 they came and did the actual surveying,
10 measurements and stuff like that on
11 Wednesday. So, I'm assuming that it's within
12 the next -- the design they say two to four
13 weeks, once the original schematic design.
14 There's a schematic design process of two
15 weeks. I guess, six weeks total. To design
16 documentation phase, three to four weeks.

17 TRUSTEE MARTINEZ: How long have you
18 owned the property?

19 DYLAN EHALT: At this point, I think
20 going on --

21 EVAN EHALT: Roughly ten years.

22 DYLAN EHALT: Ten years.

23 TRUSTEE MARTINEZ: The whole time
24 it's been used for the same thing or a
25 different use?

August 12, 2024

12

1
2 DYLAN EHALT: Yeah, we were using it
3 for the same thing. At one point, we weren't
4 really using it as much.

5 EVAN EHALT: The rear half of the
6 building is used for storage.

7 MR. McLAUGHLIN: You would
8 anticipate, since you signed a contract last
9 week, within the next two or three weeks.

10 DYLAN EHALT: Yeah, we should have
11 design work. The way we saw it, they'll
12 probably repair the front at first so it's
13 all sealed up. There's a couple of --
14 unfortunately, the building next to us was a
15 bit damaged. They dropped -- they were doing
16 a roof repair on the corner building -- the
17 owner's name is Neal -- and they dropped a
18 piece of plywood and punctured our roof,
19 which is leaking towards the electrical box.
20 I have been trying to contact him, he doesn't
21 answer. I don't know if he has a permit to
22 do that work or whatever.

23 MR. McLAUGHLIN: . We'll find out.

24 DYLAN EHALT: We have been going
25 through it. We figured if we do the front

1
2 section first, then we could have the
3 electrical stuff inspected for the power to
4 be put back on. I would assume that with the
5 power back on in the building that it would
6 be way easier for them to do a massive
7 roofing repair for the rear. I think it
8 would be probably pretty important for them.

9 MAYOR KENNEDY: Do you want to make a
10 motion for a date of submittal for the
11 engineering report and contracts issued?

12 MR. McLAUGHLIN: Within three weeks
13 submit the engineering report, and come back
14 here on the 9th of September.

15 MAYOR KENNEDY: Yes.

16 MR. McLAUGHLIN: That would be our
17 first meeting in September.

18 DYLAN EHALT: Yeah.

19 TRUSTEE MARTINEZ: Do you have time?

20 MR. McLAUGHLIN: We can get a report
21 and an update. We're not going to have
22 permits filed or anything like that, but
23 we'll know progress is coming forward.

24 DYLAN EHALT: For the electrical
25 inspection, I believe there needs to be a

1
2 permit for the inspector to come, he said. I
3 spoke with him today. Licensed in Freeport.

4 MAYOR KENNEDY: Just get a licensed
5 electrician, he knows what to do, then they
6 bring it to Underwriters when they are
7 finished.

8 DYLAN EHALT: Yeah. I guess if they
9 don't deem that there are any repairs that
10 need to be done.

11 MAYOR KENNEDY: They have to do
12 whatever repairs it is, if there's any
13 required.

14 DYLAN EHALT: If it's not required.

15 TRUSTEE MARTINEZ: Any delays at all,
16 contact us. Don't come back in a month from
17 now and say, "I'm still waiting."

18 DYLAN EHALT: I figured I would try
19 to apply for the -- can I apply for the
20 underwriter to come in, or no, I can't do
21 that?

22 MAYOR KENNEDY: Yes.

23 MR. McLAUGHLIN: It would be your
24 underwriter that comes in. Scott can go
25 through it with 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

DYLAN EHALT: There's one in Freeport that they use, like Underwriters --

MR. BRAUN: You'll have to get a permit for an electrical survey, have the electrician come in and do a survey on it. When all the work is done, then the electrician will apply for the third-party to come in and do the survey, when it's all done.

DYLAN EHALT: The third-party can't come down and inspect it initially and say, Hey, it's good or bad?

MAYOR KENNEDY: I think they can. Check Underwriters.

EVAN EHALT: We spoke with them.

MR. MAURAS: Only under emergency conditions. This would be an emergency condition.

DYLAN EHALT: Get a temporary repair for the water leaking. It's not like anything changed or anything is different than the way it was.

MR. McLAUGHLIN: I think, following up on what Trustee Martinez said, it's

1
2 important, if anything gets delayed, get in
3 touch with Inspector Braun, so that way we
4 know there's a delay. We don't want to find
5 out a month from now when we meet again that
6 there's a delay and we didn't know. Keep in
7 touch with us.

8 DYLAN EHALT: I'll talk to you about
9 it.

10 MAYOR KENNEDY: Isn't there another
11 company, Electrical Inspectors, Inc?

12 MR. MAURAS: There's seven total.

13 MAYOR KENNEDY: There are various
14 companies.

15 DYLAN EHALT: I saw them on the
16 website, a whole list of all the companies.

17 MR. McLAUGHLIN: Can we entertain a
18 motion to adjourn this matter until
19 September 9th?

20 TRUSTEE MARTINEZ: So moved.

21 DEPUTY MAYOR ELLERBE: Second.

22 MAYOR KENNEDY: Madam Clerk.

23 THE CLERK: All in favor.

24 TRUSTEE MARTINEZ: Aye.

25 TRUSTEE SQUERI: Aye.

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

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed?

(No response was heard.)

TRUSTEE MARTINEZ: Good luck.

DYLAN EHALT: Thanks a lot. It will
make the town a little better, when it's all
done.

MR. McLAUGHLIN: Mr. Mayor, at this
time that you entertain a motion to close.

TRUSTEE MARTINEZ: So moved.

TRUSTEE SQUERI: Second.

THE CLERK: All in favor.

TRUSTEE MARTINEZ: Aye.

TRUSTEE SQUERI: Aye.

DEPUTY MAYOR ELLERBE: Aye.

MAYOR KENNEDY: Aye.

THE CLERK: Any opposed.

(Time Noted: 6:04 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

August 12, 2024

18

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 14th day of August, 2024.


BETHANNE MENNONNA