

Suffolk County Landbank Corporation Board Meeting  
Suffolk County Department of Economic Development and Planning  
H. Lee Dennison Building  
2<sup>nd</sup> Floor – Planning Library Conference Room  
Hauppauge, NY 11788

**October 23, 2019 at 11:30 a.m.**

**Meeting Minutes**

**PRESENT:**

Board of Directors:

Peter Scully, Deputy County Executive  
Hon. DuWayne Gregory, Presiding Officer, Suffolk County Legislature  
Hon. Thomas Cilmi, Suffolk County Legislator, District #10  
Hon. Rich Schaffer, Babylon Town Supervisor  
Cara Longworth, Regional Director, Empire State Development  
Natalie Wright, Acting Commissioner, SC Dept. of Economic Development and Planning  
Justin Hornung, Designee for Jason Smagin, SC Director of Real Estate

Staff Present:

Sarah Lansdale, Executive Director and President, Suffolk County Landbank Corp.  
Afreen Wright, Counsel, Suffolk County Dept. of Law  
Dorian Dale, Director of Sustainability and Chief Recovery Officer  
Janet Gremler, Dept. of Health Services  
Matthew Kapell, Project Manager, Suffolk County Landbank  
Mikael Kerr, Project Coordinator, SC Landbank Corp.  
Brian Petersen, CPA, AVZ  
Colleen Badolato, Secretarial Assistant, SC Dept. of Economic Development and Planning

Not Present

Jason Smagin, Director of Real Estate, SC Dept. of Economic Development and Planning

Guests:

Hon. Robert Trotta, Suffolk County Legislator, 13<sup>th</sup> District  
Walter Parish, NYS DEC  
Karen Gomez, NYS DEC  
Doug Sutherland, Suffolk County Comptroller's Office  
James Rigano, Rigano LLC, Counsel for Pioneer  
Eugene Kempey, PE, Environmental Engineer for Pioneer  
Alex Izzo, Landowner  
Paul Farino, Landowner  
Lorraine Finnerty, Kempey Engineering  
Kevin Cox, Michael Cox, Mike Cox, Jr. and Dan Cox - Pioneer (Proposers)  
Les Poinelli, The Ketcham Group for Powercrush  
Liz Alexander, Leg. Spencer's Office

**CALL TO ORDER**

The Landbank Board meeting was called to order by Peter Scully at 11:30 a.m. There was a quorum of 7 present.

## **PUBLIC PORTION**

### **Paul Farino, Landowner**

Mr. Farino expressed his concerns and spoke in opposition to the Steck Philbin and Izzo sites being sold independently, instead of being combined.

### **Hon. Robert Trotta, Suffolk County Legislator for District 13.**

Legislator Trotta stated that he was happy that the Steck Philbin and Izzo sites are being sold to the same person, but requested that to be fair to everyone, the covenants that were included in the prior bidder's contract as Section "N", also be included in the new bidder's contract. Leg. Trotta read Section "N" of the old contract to the Board Members:

*"Buyer agrees not to apply to the Town of Smithtown for uses which are not permitted by current zoning, in addition, by our covenants do not utilize the premises for the following permitted and special exception uses: sand and gravel mining or processing, asphalt manufacturing, junk yard or outdoor composting."*

Public Portion closed at 11:36 a.m.

## **NEW BUSINESS**

### **1. Review and Approval of Minutes of August 14, 2019 meeting - Exhibit A:**

*Hon. Rich Schaffer made a motion to approve minutes of the August 14, 2019 meeting; seconded by Cara Longworth. Motion approved 6-0-1 - Abstention by Peter Scully, who was not present at 8/14/19 meeting.*

### **2. Brian Petersen gave an update of the 2019 Budget and presentation of the proposed FY2020 Budget.**

#### **➤ RESOLUTION SCLBC 2019-25 – ADOPTING FY2020 BUDGET (Taken out of order)**

*Motion to Approve made by Hon. Thomas Cilmi; seconded by Hon. Rich Schaffer. Motion approved 7-0-0.*

*Hon. Rich Schaffer made a Motion to take Resolution 2019-31 out of order; seconded by Hon. DuWayne Greogry. Motion approved 7-0-0.*

### **Presentation by Kevin Cox representative of Pioneer (See transcript attached)**

Kevin Cox gave a presentation on Pioneer's plans to obtain, clean and develop the Steck and Philbin site. Pioneer's intention is to convert the contaminated, abandoned landfill into a prosperous indoor warehousing and office space, as well as a construction equipment yard with repair garages.

### **Jim Rigano, Environmental Attorney for Pioneer**

Mr. Rigano has been an environmental attorney with about 30 years of experience on Long Island working with subsurface issues and working with the New York State Dept. of Environmental Conservation. Mr. Rigano gave an overview of the 3 key elements that will be dealt with on the Steck and Philbin site:

1. An agreement with the NYS DEC to investigate and remediate the property under DEC oversight.
2. Remediate and address the groundwater for emerging contaminants, PFAS and 1,4 dioxane.
3. Capping the property.

### **Gene Kempey, PE, President of Kempey Engineering**

Mr. Kempey gave an overview of his background and experience in the environmental business for the past 30 years, mostly dealing with the New York State Department of Environmental Conservation. Mr. Kempey gave an overview of his preliminary plan for remediating the Steck and Philbin site and installing a ¾ acre recharge basin on the southwest corner of the site to allow for water drainage.

**BOARD ACTIONS REQUESTED**

- **RESOLUTION SCLBC 2019-24 - APPOINTING NATALIE WRIGHT AS VICE CHAIRPERSON OF THE GOVERNANCE COMMITTEE**  
*Motion to Approve made by Hon. Rich Schaffer; seconded by Hon. DuWayne Gregory. Motion approved 7-0-0.*
- **RESOLUTION SCLBC 2019-26 - AUTHORIZING THE NEGOTIATED SALE OF 44 S. 25<sup>th</sup> St., WYANDANCH**  
*Motion to Approve made by Hon. Rich Schaffer; seconded by Hon. DuWayne Gregory. Motion approved 7-0-0.*
- **RESOLUTION SCLBC 2019-27 – AUTHORIZING THE NEGOTIATED SALE OF 205 NEW AVE., WYANDANCH**  
*Motion to Approve made by Hon. Rich Schaffer; seconded by Hon. DuWayne Gregory. Motion approved 7-0-0.*
- **RESOLUTION SCLBC 2019-28 - AUTHORIZING THE TRANSFER OF PROPERTY TO HABITAT FOR HUMANITY OF SUFFOLK**  
*Motion to Approve made by Hon. Rich Schaffer; seconded by Cara Longworth. Motion approved 7-0-0.*

**EXECUTIVE SESSION: 12:00 p.m.**

Peter Scully asked for a motion to enter Executive Session to discuss financial considerations on three pending proposals on the sale of brownfield properties.

*Hon. Rich Schaffer made a motion to enter into Executive Session; seconded by Peter Scully. Motion approved 7-0-0.*

**EXECUTIVE SESSION CLOSED: 12:24 p.m.** - Hon. Rich Schaffer made a motion to exit Executive Session; seconded by Hon. Thomas Cilmi. Motion approved 7-0-0.

- **RESOLUTION SCLBC 2019-29 – AMENDING RESOLUTION 2019-06 AUTHORIZING THE ACQUISITION OF TAX LIENS FOR THE PROPERTY AT 60 DALE ST.**  
*Motion to approve by Hon. Rich Schaffer; seconded by P.O. DuWayne Gregory. Motion approved 7-0-0.*
- **RESOLUTION SCLBC 2019-30 – AUTHORIZING THE ACQUISITION AND DISPOSITION OF TAX LIENS FOR THE FORMER PRUDENT PEST CONTROL, 1200 MONTAUK HWY., COPIAGUE**  
*Motion to approve by Hon. Rich Schaffer; seconded by P.O. DuWayne Gregory. Motion approved 7-0-0.*
- **RESOLUTION SCLBC 2019-31 – AUTHORIZING THE ACQUISITION AND DISPOSITION OF TAX LIENS FOR THE FORMER STECK PHILBIN SITE**  
*Motion to Approve with amendments as discussed made by Hon. Rich Schaffer; seconded by P.O. DuWayne Gregory.*

On the motion, Hon. Thomas Cilmi asked for the record to reflect what was discussed in Executive Session with regard to the amendments to the resolution. Peter Scully stated that he could articulate them and asked that if they are wrong, please let him know.

*"At Legislator Cilmi's request, language will be added to the approval resolution requiring that language, that was referenced by Leg. Trotta included in the draft contract that was never executed by the prior proposer's be included in the contract of sale of tax liens on this property, and that we communicate with the Town of Smithtown about the importance of the two parcels, both Izzo and Steck and Philbin being developed jointly and remaining in single ownership."*

*Motion approved 7-0-0.*

**OLD/NEW BUSINESS:**

- Leg. Cilmi noted that in the past, the Board discussed marketing of Landbank properties and erecting signs on properties, where appropriate; and asked for the Board to authorize a sign, immediately, for the property at 156 Grant Ave., Islip. This property has been vacant and a blight on the community for decades. The owners have either passed away, have been unable to locate, and have never responded to any of our outreach.

*Supervisor Schaffer made a motion to authorize posting a sign at 156 Grant Ave., Islip; seconded by Peter Scully. Motion approved. 7-0-0.*

Peter Scully noted that this should be a standard practice going forward.

**NEXT STEPS**

Next SC Landbank Corp. Board meeting is scheduled for Wednesday, October 23, 2019 at 11:30 a.m.

**ADJOURNMENT**

Jason Smagin asked for a motion to adjourn. Motion to adjourn made by Hon. Rich Schaffer; seconded by Jason Smagin. Meeting adjourned at 11:53 a.m.