

Suffolk County Landbank Corporation Board Meeting  
Suffolk County Department of Economic Development and Planning  
H. Lee Dennison Building  
11<sup>th</sup> Floor  
Hauppauge, NY 11788

**GOTOMEETING VIDEO CONFERENCE ONLINE**

**May 20, 2020 at 12:00 p.m.**

**Meeting Minutes**

**PRESENT:**

Board of Directors:

Peter Scully, Deputy County Executive  
Hon. Robert Calarco, Presiding Officer, Suffolk County Legislature  
Hon. Thomas Cilmi, Suffolk County Legislator, District #10  
Hon. Rich Schaffer, Supervisor, Town of Babylon  
Dorian Dale, Designee for Natalie Wright, Commissioner, SC Dept. of Economic Development and Planning  
Jason Smagin, Director of Real Estate, SC Dept. of Economic Development and Planning

Staff Present:

Sarah Lansdale, President, SC Landbank Corp  
Robert Braun, Counsel, Suffolk County Dept. of Law  
Janet Gremler, Dept. of Health Services  
Matthew Kapell, Project Manager, Suffolk County Landbank  
Mikael Kerr, Project Coordinator, SC Landbank Corp.  
Colleen Badolato, Secretarial Assistant, SC Dept. of Economic Development and Planning

Members Not Present:

Cara Longworth, Empire State Development

**Verbatim Transcript**

**CALL TO ORDER**

The Landbank Board Meeting was called to order by Natalie Wright at 12:07 p.m.

**Natalie Wright:** This is the May 20, 2020 scheduled meeting of the Suffolk County Landbank Corporation Board and for the record; we do have a quorum. The notice of meeting followed the Open Meetings Law as amended by Executive Order 202.1 and as extended by Executive Order 202.28, allowing meetings to take place telephonically or through other similar services. In this instance, we will be using Go To Meeting and will be recording the entirety of the meeting. All voting on Board Actions and Resolutions will be done via a roll call and we ask that all Board Members clearly state their name and when making a motion, and clearly state their vote when their name is called. Matt Kapell will conduct the roll call. Matt, can you conduct a roll call for attendance?

**(Roll Call by Matt Kapell)**

**Mikael Kerr:** Matt you're muted.

**Matt Kapell:** Sorry, Scully? (No response) I can see him.

**Peter Scully:** Is there a question? I'm unmuted.

**Matt Kapell:** We're just doing roll call.

**Peter Scully:** Yep

**Natalie Wright:** *(No response)*

**P.O. Rob Calarco:** Here

**Leg. Tom Cilmi:** Here

**Jason Smagin:** Here

**Hon. Rich Schaffer:** Here

**Cara Longworth:** *(No response)*

**Matt Kapell:** And that's it.

**Natalie Wright:** Sorry about that. I was trying to get to mute and had some pop-ups covering my button. If this meeting unexpectedly closes for any reason, wait one minute and then try to reconnect, and we will commence the meeting at this time.

For the **Public Portion**, please let the record show that we have not received any public comment.

For **New Business** today, the first item is **Review and Approve the Minutes for the December 4, 2019 Meeting as noted in Exhibit "A"**. Is there a motion to approve the December 4<sup>th</sup> Minutes?

**Hon. Rich Schaffer:** Rich Schaffer will make a motion.

**Natalie Wright:** Right, and a second?

**Leg. Cilmi:** I don't know which one of us you got, so it's Cilmi either makes the motion or the second.

**Hon. Rich Schaffer:** Yea, Cilmi and Schaffer will second.

**Natalie Wright:** Wonderful. All in favor, can we do a roll call please?

**(Roll Call by Matt Kapell)**

**Matt Kapell:** Peter Scully?

**Leg. Tom Cilmi:** You know what, before we do that roll call. So I'm looking at this document that you have up on the screen, and it says that I was present for the December 4<sup>th</sup> Meeting. Um, I guess we're sure about that, right?

**Mikael Kerr:** Yes, sir, if you remember you had planned on not coming and Maria was going to come, but then you were able to come and we were all very happy to see you.

**Leg. Tom Cilmi:** Right, right.

**Sarah Lansdale:** We checked the tape. We checked the tape to make sure you were there.

**Leg. Tom Cilmi:** That's fine, continue. Sorry to interrupt.

**Mikael Kerr:** No problem.

*(Roll Call Continued by Matt Kapell)*

**Peter Scully:** Yes

**Natalie Wright:** Yes

**Leg. Tom Cilmi:** Yes

**Jason Smagin:** Abstain, as I was not there.

**Hon. Rich Schaffer:** Yes

**Cara Longworth:** No response

**Matt Kapell:** Longworth isn't here, so, that's it.

**Natalie Wright:** So with four, will that pass? I know I was looking at the meetings previously, but that would be passing.

**Sarah Lansdale:** No, it takes five to pass.

**Natalie Wright:** Oh, it takes five to pass

**Mikael Kerr:** We only had six Board Members at the time because Legislator Gregory...

**P.O. Rob Calarco:** I don't think you called my vote, but I'll vote yes.

**Matt Kapell:** I don't think, I think you were at the meeting, but you weren't a Board Member yet.

**P.O. Rob Calarco:** No, I wasn't at the December 4<sup>th</sup> meeting, but that's okay, I'll vote yes. It's not the end of the world.

**Sarah Lansdale:** Bob?

**Mikael Kerr:** Bob?

**Sarah Lansdale:** Our By-laws clearly state that a quorum is five.

**Robert Braun:** That's true, but the Presiding Officer's willing to vote for the minutes, there's nothing that makes us ensure that he was there, so that makes five.

**Sarah Lansdale:** Okay, perfect.

**Natalie Wright:** Alright, great.

**Sarah Lansdale:** I like the way you think.

**Natalie Wright:** So, the motion passes.

The next item is **Review and Approve the Minutes from the February 13, 2020 meeting, Exhibit "B"**.

**Jason Smagin:** I'll make a motion.

**Natalie Wright:** Great, that was Jason Smagin, I believe. Is there a second?

**Peter Scully:** Second

**Leg. Tom Cilmi:** Second by Cilmi.

**Natalie Wright:** Peter Scully will second.

**Peter Scully:** I defer to Leg. Cilmi, even though I beat him.

**Natalie Wright:** Leg. Cilmi gets the second; and can we do a roll call please.

**(Roll Call by Matt Kapell)**

**Peter Scully:** Yes

**Natalie Wright:** Yes

**Matt Kapell:** Calarco was not present, Cilmi?

**Leg. Tom Cilmi:** Yes

**Jason Smagin:** Yes

**Hon. Rich Schaffer:** Can I vote yes through my Designee, who told me all about the meeting?

**Mikael Kerr:** Uh, hum.

**Matt Kapell:** Yes

**Robert Braun:** Absolutely.

**Matt Kapell:** And Longworth, who's not here.

**Mikael Kerr:** We have five anyway, so that's okay.

**Natalie Wright:** Great, so the motion passes.

The next item on the agenda is **Review and Approve the Minutes of the March 25, 2020 Meeting, as shown in Exhibit "C"**. Motion to approve?

**Hon. Rich Schaffer:** Motion, Schaffer.

**Natalie Wright:** Great. Supervisor Schaffer makes a motion. Is there a second?

**Dorian Dale:** Second

**Natalie Wright:** Buy, who was that, I didn't catch.

**Dorian Dale:** Nah, I was your Designee. I was just interjecting.

**Jason Smagin:** Oh, Jason Smagin makes a second.

**Natalie Wright:** Jason Smagin makes a second; and can we do a roll call please?

**(Roll Call by Matt Kapell)**

**Peter Scully:** Yes

**Natalie Wright:** I abstain, I was not present.

**Matt Kapell:** Dorian was your Designee

**Dorian Dale:** I was her Designee. I would vote "yes" on the Minutes.

**P.O. Rob Calarco:** Yes

**Leg. Tom Cilmi:** Yes

**Jason Smagin:** Yes

**Hon. Rich Schaffer:** Yes

**Matt Kapell:** And Longworth is not here, and that's it.

**Natalie Wright:** Alright, great. So that is approved. Next we'll head into the **Staff Report**.

**Mikael Kerr:** Sure thing. Thank you Natalie.

So we'll give a quick Staff Report on the Brownfield Program and the Zombie Program over the last month or so. So this is the slide your all very familiar with, a kind of overview of tracking our progress. So far for 2020, we've had one property owner scared straight and pay \$90,000 of their back taxes. We have completed five Phase I ESA's and for the Phase II Environmental Site Assessment's, we have completed one just in the past couple of weeks, and we have ten that are eligible/pending. We're sending out all the letters, trying to contact all the owners trying to get site access or go through the Hearing process, which, due to the COVID is on hold. So we're hoping the people will grant us access, but we'll keep the Board informed about that progress.

We have now the **Transaction Updates**. So far this year, we've completed two sales now: 60 Dale St., which was back in January for \$100,000 and just on Friday, we closed on 1200 Montauk Hwy. in Copiague. So, with that one, we've brought all the documents to the Clerk's Office to be recorded; and once those are recorded, we'll issue the buyer a tax deed. He'll have free and clear title to the property and he can begin remediation. He's pretty much all set to go, so he's just waiting for the documents to be recorded and then we'll be all set.

We have a number of pending sales, so 1305 S. Strong – that one is still held up unfortunately in the Appeals Court. So 294B Old Northport Rd and Steck/Philbin site, the two neighboring properties are still working with DEC, you know, to negotiate the brownfields clean-up process documents, and as soon as we have an update about that, we will inform the Board. The last time we spoke with them was in the past few weeks and they were still with DEC. DEC had some more questions. They're answering those questions, so it's moving along.

**Sarah Lansdale:** Mike, if I could just add to that. We are in regular communication with the buyers on that, Dorian is, and if you'd like to make a brief update on that Dorian?

**Dorian Dale:** Jim Rigano is their environmental attorney, and he has been actively, as Mike has already suggested, interacting with the appropriate contacts at DEC. As with everything else, there is a slowdown, so conceivably things aren't going as precipitously, but Rigano has expressed the sentiment that he's finding a high level of cooperation. He's dealt with them before on these issues, so I think we have a reasonably high level of confidence that this will move apace.

**Sarah Lansdale:** Thanks.

**Mikael Kerr:** Thanks Dorian.

So then on to 620 & 628 Shore Rd. – this is one of the more recent approvals by the Board and by the Legislature. We just accepted the down-payment on Friday and signed the contract, so we're in contract now on that property. The buyer is now getting title insurance and just working out the title issues; and I am hoping that will close, optimistically, the last week of May, maybe next week. Hopefully, realistically, it might be the first week of June, but we're working diligently with the buyer to set up a closing date. We're pretty much all set up on that one.

Then 156 Grant Ave. – the buyer is just working with DEC to finalize the Consent Order, which will specifically outline everything that's required of them, and provide them some liability protections for the remaining PCB's that are in the ground. That's the one kind of just unknown about the site is **the fuel PCB levels**, but their attorney, their environmental attorney is working hand in hand with DEC. He's copying me on all the e-mails with DEC and that is moving along you know, fairly well, so we're hoping to close on that one probably by the end of June, is what I'm anticipating.

**Sarah Lansdale:** So, Mike, if I could just add, I want to thank members of the Legislature for approving last night the two resolutions for 8 Drayton Ave. in Bayshore and 97 Old Quogue Rd. in Riverside. That was before the Landbank Board at our last meeting, so we've moved it one step closer to completion. Thank you.

**Mikael Kerr:** Yeah, sorry, I just didn't have time to update this, but at 8 Drayton Ave., the buyer is already in contact with the DEC. His attorney has been speaking with the project manager for the site, and the DEC is now in the process of assigning a legal representative to the site, that will work with the buyer's attorney to create a Consent Order and just create a path of communication moving forward about what's going to be expected of them at the site.

So this is the most recent Phase II that we just completed about, um, I guess, two and a half weeks ago now. Janet, were you able to get on? Are you on?

**Janet Gremli:** I am on. Can you hear me by the audio?

**Mikael Kerr:** Yes, yes, we can hear you. If you want to just dive into this one a little bit for us?

**Janet Gremli:** Sure. At this particular site, 433 Suffolk Ave. in Islandia, we did a Phase II there with Cider Environmental. The findings were four above ground storage tanks that were not registered with the County, a very simple paperwork issue to be resolved. The samples that were taken for the soil were taken from storm drains and the sanitary system. One storm drain was found to be impacted. That particular storm drain was associated with interior floor drains for this auto body shop. The compounds there were chromium only. The compound in the sanitary system was from toluene. In addition to that, on some of the soil samples were found an oily sheen due to the business at hand. The clean-up will not require any soil vapor. There were no soil vapor issues, which was a positive, and also groundwater was found to be acceptable. The clean-up requirements will be the registration of those tanks with the Health Department, in addition to the remediation of the single storm drain and sanitary system on site.

**Mikael Kerr:** Thank you Janet.

**Janet Greml:** You're welcome.

**Mikael Kerr:** So, um with that one we're going to now put out a request for quotes for an appraisal, and once that appraisal is in, we'll evaluate our marketing plan for the site, and we'll begin to market that one. We've had some of our previous buyers who keep up with our Board Meetings and agenda items, have already expressed some interest in this site, so we'll see what happens once we start marketing it.

**Peter Scully:** Could I just ask who the owner of record is?

**Mikael Kerr:** Sure. Janet, do you remember his name off the top of your head? I have it, but um

**Janet Greml:** Yes, Ralph Napolitano.

**Peter Scully:** Thank you.

**Mikael Kerr:** And, um, so that's pretty much it for the brownfields. You know, we've been plugging away with the sales, and with notifying owners and doing our Phase II's. So Matt, do you want to dive into Zombies for a bit? You're muted.

**Matt Kapell:** So we've continued to work through COVID. Construction, because it's affordable housing is an essential service, so we've continued to work on them. The pictures you're looking at are a very advanced septic system that we put in 106 Irving in Wyandanch, which had very – the water table is very high there, so we had to put in quite a, quite an advanced septic system to get the building permit for it. But it is complete, and now we're going to start construction on the house.

I won't go through the whole list of houses, but we continue to work on all of them. We've acquired two new houses, in the past month, which has been interesting doing these closings, and also, we are scheduled to close on a house, to a new affordable buyer, on Friday, which is 60 Mill, which is one of the houses we partnered with Brookhaven on. And we've acquired 10 of our 12 houses that we are required to for this Round, and the last two that we need to acquire are two County houses, which we've just gotten confirmation of title insurance, so we'll be closing on those soon. So we continue to move forward with the Zombie Program, and that's just about it.

**Natalie Wright:** Excellent. Thank you guys, much appreciated. Are there any questions regarding any of the Staff Reports? Moving on the requested **Landbank Board Actions**.

So the first item is **Resolution 2020-10 – Designation of an Additional Board Member as an Authorized Bank Signatory**. Is there a motion to approve?

**Jason Smagin:** I will make a motion to that.

**Leg. Tom Cilmi:** Second

**Natalie Wright:** Smagin makes a motion. Is there a second?

**Leg. Tom Cilmi:** Second by Cilmi.

**Natalie Wright:** Cilmi with a second. Can we do a roll call please?

**(Roll Call by Matt Kapell)**

**P.O. Rob Calarco:** Yes

**Leg. Tom Cilmi:** Yes

**Cara Longworth:** No response

**Matt Kapell:** Absent

**Hon. Rich Schaffer:** Yes

**Peter Scully:** Yes

**Jason Smagin:** Yes

**Natalie Wright:** Yes

**Matt Kapell:** Great, that's it.

**Natalie Wright:** The motion is approved.

Now I would like to propose to enter into Executive Session to discuss **Resolution 2020-11**. Is there a motion?  
(12:26 p.m.)

**Jason Smagin:** I'll make a motion.

**Natalie Wright:** Smagin made a motion. Is there a second?

**Hon. Rich Schaffer:** Second, Schaffer.

**Natalie Wright:** Supervisor Schaffer with a second. Can we do a roll call?

**(Roll Call by Matt Kapell)**

**P.O. Rob Calarco:** Yes

**Leg. Tom Cilmi:** Yes

**Cara Longworth:** No response

**Hon. Rich Schaffer:** Yes

**Peter Scully:** Yes

**Jason Smagin:** Yes

**Natalie Wright:** Yes

**Sarah Lansdale:** Natalie, before we move on, Bob can you just clarify, state the reason why we're going into Executive Session for the record?

**Robert Braun:** Yes, for 30 years, the County, and now the Landbank, have been involved in – the County's been

involved in litigation with the Federal Government, the State Government, namely the DEC, and others regarding property that the Landbank is going to assist in managing, known as Lawrence Aviation. There have been some extensive discussions about a way forward, where we could perhaps manage that litigation and the property. And so, because it involves pending litigation, it should be discussed in Executive Session. Along those lines, there are a number of these boxes on the GoToMeeting, which don't have pictures in them. I will assume the box that says CB is Colleen, who is County staff?

**Colleen Badolato:** Yes, that's me.

**Robert Braun:** And NW is Natalie Wright?

**Natalie Wright:** That's correct.

**Robert Braun:** And who is A?

**Doug Sutherland:** It might be me Bob, Doug Sutherland.

**Robert Braun:** Okay.

**Doug Sutherland:** Do you want me off?

**Leg. Tom Cilmi:** No A is me.

**Robert Braun:** Yes, we'll call you back in. I'm sorry, who is A?

**Leg. Tom Cilmi:** A is Cilmi, I think?

**Mikael Kerr:** Yes, yeah, Doug is caller 1.

**Robert Braun:** Oh, I'm sorry, you're back, you're picture's back.

**Leg. Tom Cilmi:** I don't know why mine says Administrator on it?

**Robert Braun:** Okay: Then we have the Presiding Officer, we have Peter Scully, we have Dorian Dale, we have Sarah Lansdale. The box that says DD I assume is Dale Desnoyers?

**Dale Desnoyers:** I believe so Bob. That's correct Bob. Can you hear me?

**Robert Braun:** Yes. There's Supervisor Schaffer. Then we have a box, who is RS?

**Mikael Kerr:** That's Supervisor Schaffer's microphone. It's picked up differently.

**Robert Braun:** Okay, so Supervisor Schaffer you're in two boxes. Then we have Matt Kapell, Jason Smagin, and then we have a couple of boxes that say **Caller**. One of them I think is Janet Gremli?

**Janet Gremli:** Yes, that would be accurate.

**Robert Braun:** Okay, and I don't know who the rest of them are?

**Mikael Kerr:** Caller 2, I believe is Doug. Doug are you still?

**Robert Braun:** Doug, speak please.

**Doug Sutherland:** Yeah, I'm here guys. So if you need me to get off, I'll get off, and if you need anything, just call me back. I'm in the office.

**Robert Braun:** Okay, thank you. We still have one box that is

**Mikael Kerr:** Caller 3, who are you? (No response) Okay, I'm going to remove them and lock the meeting.

**Robert Braun:** Okay.

**Dale Desnoyers:** Hey Bob, this is Dale. I just want to make sure you can hear me.

**Robert Braun:** Yes, we hear you.

**Mikael Kerr:** We can hear you.

**Dale Desnoyers:** Thank you.

**Robert Braun:** Okay, have we had the vote to go into Executive Session? If we have, let's proceed.

**Mikael Kerr:** Let me just pause the recording here.

**Entered Executive Session: 12:30 p.m.**

Motion to exit Executive Session made by Supervisor Rich Schaffer; seconded by Leg. Thomas Cilmi.  
Motion approved 6-0-0.

**Exited Executive Session: 12:54 p.m.**

**Note: I don't recall if there was a roll call or not?**

**Mikael Kerr:** We're recording again.

**Natalie Wright:** Okay, great. So now I would like to regarding **Resolution 2020-11 Authorizing the Acquisition and Disposition of Tax Liens for the Lawrence Aviation Industries Site, Port Jefferson Station, NY.** Is there a motion to approve?

**Hon. Rich Schaffer:** Motion to approve.

**P.O. Rob Calarco:** Second.

**Natalie Wright:** A motion by Supervisor Schaffer, a second by Presiding Officer Calarco. Can we do a roll call please, Matt?

**(Roll Call by Matt Kapell)**

**P.O. Rob Calarco:** Yes

**Leg. Tom Cilmi:** Yes

**Cara Longworth:** No response

**Hon. Rich Schaffer:** Yes

**Peter Scully:** No response

(Reverberation on line)

**Mikael Kerr:** Hold on one second. Who is that?

**Jason Smagin:** I think that was me. Yes.

**Matt Kapell:** Scully? On the motion Scully?

**Peter Scully:** Yes

**Mikael Kerr:** There we go. Gottcha.

**Natalie Wright:** Yes

**Matt Kapell:** That's it. Thank you.

**Natalie Wright:** Motion passes.

**Next Steps** – so the next Landbank Board Meeting is on June 24<sup>th</sup> at 11:30 a.m. We do not have any Old Business or **correspondence**, and can we have a motion to adjourn the meeting?

**Hon. Rich Schaffer:** Motion

**Natalie Wright:** Supervisor Schaffer makes a Motion.

**P.O. Rob Calarco:** Calarco Seconds.

**Natalie Wright:** Presiding Officer Calarco with a Second. Can we do a roll call please, Matt?

**(Roll Call by Matt Kapell)**

**P.O. Rob Calarco:** Yes

**Leg. Tom Cilmi:** Yes

**Hon. Rich Schaffer:** Yes

**Peter Scully:** Yes

**Jason Smagin:** Yes

**Natalie Wright:** Yes

**Matt Kapell:** And Longworth is absent.

**Natalie Wright:** Great. Thank you everyone for your time. That concludes our Landbank Board meeting for today, May 20<sup>th</sup>. I appreciate everyone's time and effort; and we will be convening again on June 24<sup>th</sup>. Thank you so much.

**Robert Braun:** Thank you everybody. Take care.