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

ZOOM MEETING VIDEO CONFERENCE

June 23, 2021 at 11:30 a.m.

Verbatim Meeting Minutes

PRESENT:

Board of Directors:

Hon. Robert Calarco, Presiding Officer, Suffolk County Legislature
Natalie Wright, Commissioner, SC Dept. of Economic Development and Planning
Hon. Thomas Cilmi, Suffolk County Legislator, District #10
Hon. Rich Schaffer, Supervisor, Town of Babylon
Sidney Joyner, Director of Real Estate, SC Dept. of Economic Development and Planning

Staff Present:

Sarah Lansdale, President, SC Landbank Corp.
Dorian Dale, Director of Sustainability, SC Dept. of Economic Development and Planning Robert Braun, Counsel, Suffolk County Dept. of Law Janet Gremli, Dept. of Health Services
Mikael Kerr, Project Coordinator, SC Landbank Corp.
Brian Petersen, PKF O'Connor Davies
Colleen Badolato, Secretarial Assistant, SC Dept. of Economic Development and Planning

Not Present

Peter Scully, Deputy County Executive Cara Longworth, Empire State Development Matthew Kapell, Project Manager, Suffolk County Landbank

Guests Present:

Bob DeCandia, Environmental Engineer, NYS DEC Kerry Maloney, NYS DEC

Natalie Wright: Welcome everyone. This is the June 23, 2021 scheduled meeting of the Suffolk County Landbank Corporation Board of Directors, and for the record, we do have a quorum present. The notice of the meeting followed the Open Meetings Law as amended by Executive Order 202.1, allowing meetings to take place telephonically or through similar devices. In this instance, we shall be using Zoom and will be recording the entirety of the meeting. If the meeting does unexpectedly closes for any reason, please wait one minute and then try to reconnect. All votes on Board actions and resolutions will be done via a roll call and we ask that the Board Members clearly state their name when making a motion, and clearly state their vote, when their name is called. Mike, will you conduct a roll call please.

(Roll Call by Matt Kapell)

Peter Scully:

Natalie Wright: Present

Hon. Rob Calarco: Present

Leg. Thomas Cilmi: Here

Hon. Rich Schaffer: Here

Cara Longworth:

Sidney Joyner: Present

Matt Kapell: Five

Natalie Wright: Great, thank you, Mike. We'll commence the meeting at this time. The first item on the agenda is the Public Portion. So, in accordance with Executive Order 202.1, the Public Portion will be limited to individuals who submitted a request to speak to the email address landbank@suffolkcountyny.gov. Mike, do we have any speakers scheduled?

Mikael Kerr: We do not.

Natalie Wright: All right, so showing that there are no requests to make a public comment, we will now close the public portion. The next item is under New Business. Only one item here, which is to Review and Approve the Minutes from the May 12, 2021 Board Meeting Minutes, which are attached in your Board Member packet as Exhibit" A". Do I have a motion to approve?

Hon. Rich Schaffer: I'll make a motion.

Natalie Wright: Schaffer with a motion, and is there a second?

Hon. Thomas Cilmi: Cilmi seconds.

Natalie Wright: Cilmi with a second, and Mike, will you do a roll call please.

(Roll Call by Mikael Kerr)

Peter Scully:

Natalie Wright: Yes

P.O. Rob Calarco: Yes

Hon. Thomas Cilmi: Yes

Hon. Rich Schaffer: Yes

Cara Longworth:

Sidney Joyner: Yes

Mikael Kerr: Five

Natalie Wright: Great, so the motion passes. The Minutes are approved. The next item on the agenda is the NYS DEC update, and Janet, I will defer to you.

Janet Gremli: Thank you, Natalie. We have with us today representatives from the New York State, Albany Bureau, DEC, and those persons are from the Division of Environmental Remediation. We have Bob DeCandia, who is the Section Chief, and we have Kerry Maloney. Is Kerry with us, Bob?

Mikael Kerr: She did join us.

Janet Gremli: And Kerry Maloney. Kerry is currently the Project Manager for the property that we know as the Steck and Philbin Landfill located on Old Northport Road in Kings Park. Kerry is going to give us an update on the status of the Brownfields Clean-up Program application and the next steps going forward. Kerry, if you would?

Kerry Maloney: Yes, so currently, the part of the process that they're in, is they've submitted a Remedial Investigation Work Plan that goes under review by the Department of Health (DOH) and DEC. Once we have finalized our comments, we send back and they address the comments and once we have a plan that we believe is able to be approved, it would then go out for public comment. And, that is a 30-day comment period, and then once that closes, we review any comments we may have received, make any adjustments to the plan, if necessary, and then, if not, we issue the approval. At that point, they implement their remedial investigation.

Mikael Kerr: You're on mute, Janet. Janet, are you trying to speak? You're on mute.

Robert Braun: Janet, try holding down your space bar.

Natalie Wright: You have to hold it down while you talk, I believe.

Hon. Thomas Cilmi: While Janet is trying to figure that out, can I ask a question?

Natalie Wright: Absolutely, go ahead Legislator Cilmi.

Hon. Thomas Cilmi: Okay. To the DEC, could you describe, you described the process. What do you think the, ultimately, what the timing will be of that whole thing? I guess there is no way of really knowing is there? Once the public has an opportunity to comment, how long does it take, and when do we expect some finality here?

Bob DeCandia: So, the BCP Program has certain milestones. So, the first being the application, which has been completed by Cox. The second being the agreement between them and DEC, that they're going to implement a remedial program for the site. So, that's the Brownfield Clean-up Agreement. The next portion is the area where we're in now, which they would submit a remedial investigation work plan that would detail the data they're going to collect on the site, so that they can ultimately design some kind of remedy or clean-up for the site. So, we're in that portion now. We work cooperatively with DOH and then, once we get a plan that is complete, and what we feel would be approvable, we would put it out for a 30-day public comment. After that, depending on the comments that come back, it would go back to the applicant to conduct that investigation. So, some of the timing that is in play, you know, would depend on how much investigation is needed and how long it would take them to complete their report to pull all that together. So, depending on how extensive it is, you know, that would take, usually it takes some time, and then when we get that investigation, the same thing. It goes for internal review, and then DEC and DOH review. We would see if additional investigation is needed or another iteration of investigation, and then, there would

be more public comment period. And then that would lead us into a remedial work plan, which would be the actual clean-up plan, and that can be combined with the investigation, if it's completed at the same time or submitted at the same time, but it would be another 45 days and then, after that, a decision document is issued and then you would actually go into the remedial action, the construction, or the work for the clean-up. So, to answer your question, it's pretty difficult. Usually, the investigation phase probably would take a year to complete all of that. It can be fast-tracked. A lot of that depends on the applicant and how extensive the investigation actually is and if more investigation is warranted, you know, and how many iterations of investigations are necessary.

Hon. Thomas Cilmi: So, thank you for that. Let me tell you why I'm asking the question, and I'm sure you probably know this, but the County has to make all the other taxing jurisdictions whole on the taxes owed on properties that are tax-delinquent. This is certainly one of them. It's a big piece of property. The tax liens on the property are \$1.5 million. As you see annual taxes are \$77,000, so every day that goes by, the County taxpayers are on the hook for paying for this property, so it's in the Landbank's best interest and in the taxpayer's best interest to expedite this process as quickly as possible. The Landbank dealt with this property some time ago. When was the application submitted to the DEC for this?

Bob DeCandia: It was last summer.

Kerry Maloney: It was last year, August 2020.

Hon. Thomas Cilmi: So what has transpired between now and understanding that COVID, and I'm sure that's played some role, but between then and now, what has happened with the application?

Bob DeCandia: So, the application was submitted, it was reviewed, it was deemed complete. Then it went for a public comment period. Then, after the public comment period, I don't believe we received, well we did receive some comments.

Kerry Maloney: We did, we received 23 comments.

Bob DeCandia: We worked through those and then the agreement was developed and sent to the applicant and then he signed that agreement. Then following his entering in to the agreement with DEC, he submitted the remedial investigation work plan, which is currently under review with DEC and State DOH.

Hon. Thomas Cilmi: Okay, so the application was sent in August of 2020, it's now June of 2021. You said there was a public comment period, and then, forgive me, I'm just having trouble wrapping my, and I'm sorry to the Board for belaboring this, but I'm just trying to wrap my head around, so now there's going to be another, what's the purpose of the second public comment period?

Kerry Maloney: There's public comment periods throughout the process. We're required to keep, we have a citizen participation plan on all of our brownfields projects. We're required to keep the public informed. There are multiple steps in which we issue fact sheets, and some of them come with a public comment period, so the application has a public comment period, the remedial investigation work plan has a public comment period, the RI just has a notice, I'm sorry, the Remedial Investigation Report, there's a fact sheet to let people know that it's available for review, and then the Remedial Action Work Plan, which is how we decide upon the remedy, also has to go for public comment, so that the public is aware of what is being done on the site throughout the whole process. Then, finally, once it's done, the decision document, we issue a fact sheet and when the have the Certificate of Completion, we also issue a fact sheet. That is what we are required to do as part of the program.

Hon. Thomas Cilmi: Okay, so if I could just ask that whatever parts of that process, and listen, you all at the DEC have been wonderful partners for the Landbank. We have a great relationship, and I expect that to continue, obviously. We can't thank you enough for the partnership, but if you could do everything in your power to expedite this as much as possible, given the financial burdens that our taxpayers are bearing, it would be very much appreciated. That's me as a Landbank Board Member and me as a Legislator asking.

Mikael Kerr: Yeah, and any information or help that staff or County personnel can provide, just let us know, and we're happy to help out as well.

Kerry Maloney: Understood.

Hon. Thomas Cilmi: Thank you. Thanks you guys, appreciate it.

Janet Gremli: Any other questions? Okay, I guess that would conclude that. Thank you both very, very, much. You're welcome to stay for the rest of the meeting or I'm sure you may have other things to do, but thank you for your participation.

Hon. Thomas Cilmi: Go work on that application.

Bob DeCandia: Thank you for the opportunity.

Janet Gremli: You're welcome.

Hon. Thomas Cilmi: Thank you.

Natalie Wright: Thank you very much. Moving on to the next item on the agenda, we have the Staff Report Update. Mikael, I'll hand it over to you.

Mikael Kerr: Thanks Natalie. I'm just going to provide the Board with a quick update on our Brownfields Program as well as our ongoing Zombie projects.

So, the first slide is one you're very familiar with. There has been a slight change here. You'll see we've added 10 sites to the total sites. The Interagency Brownfields Working Group has met now. We've begun reviewing the sites. We'll get into them in a little bit. So, these are our current and pending sales. So, everyone will be happy to see we closed on 156 Grant Ave. in Islip. So, we sold that for \$100,000. The Charles Ferraro and Lighthouse Storage are now the proud owners of the tax liens for the property. We've sent everything to the Clerk's Office to be recorded; and we're just working with the Comptroller's Office now to have the Tax Deed issued, but that is just a, you know, quick signing. That'll be done within the next two weeks. All right, so they've also been in touch with Janet about starting the environmental work, so we are closed and moving forward on that one. 1305 South Strong – there's no updates there unfortunately, and then, Old Northport Rd., the Izzo site and the Steck/Philbin site, we just received that report from DEC.

So, this is the list of ten new properties that the Landbank is working on. We've sent out the initial notifications to the property owners, and I've also sent the letter to the DEC, as per our MOU, to have these properties added to the protection of the MOU, so they're included in the covenant not to sue, as well as the profit sharing mechanism, if we do move forward and sell these properties. So, as you can see, these are very varied properties. The first property, Little East Neck Road in Wyandanch is a commercial building with parking lot. It seems to be an auto repair facility from the aerials, about an \$83,000 tax lien. The next two on Swezey Drive are actually smaller parts of a larger parcel that the Landbank was entered into the Landbank inventory about two years ago. We knew that these other two parcels were coming up, so we held off on doing our investigations, and now we're going to be

tackling the entire property. So, we'll be moving forward with that one. That one is currently an unpermitted composting facility. There's also some evidence that they've been accepting C & D material, also unpermitted. So, that one should be an interesting investigation. The next is Eastport Manor Road in Eastport. It appears to be a former gas station with some other structures on the property with about a \$70,000 tax lien. Then 860-866 2nd St. in Ronkonkoma. It appears to be a welding and metal-working facility with a \$250,000 tax lien. We also have in East Moriches a first for the Landbank, an airport is on our list. It's the former Spadaro Airport. I know this property has a long history, so we'll be investigating this with taking a particular look at the fire-fighting foams, PFA's and PFOA's, you know, and potential for that kind of contamination.

Then, the last four parcels are ones that the Board is familiar with. This is Hubbard Sand and Gravel. It's the parcels surrounding Hubbard Power and Light, which we sold a few years ago to Mr. Vincent Trapani. This is a sand-mining facility. There has been some DEC involvement in the 80's and early 90's, and so, we are going to begin our investigations on those parcels, as well, and we will keep the Board updated as that progresses.

Hon. Rich Schaffer: Hey Mike, this is Rich Schaffer.

Mikael Kerr: Sure.

Hon. Rich Schaffer: On the first one, that's an active site, right, meaning?

Mikael Kerr: Correct.

Hon. Rich Schaffer: The business is still operating?

Mikael Kerr: It is, so you know, it's our hope that the initial letters that we sent out will prompt them

to pay the back taxes.

Hon. Rich Schaffer: Get their attention.

Mikael Kerr: Yeah.

Hon. Rich Schaffer: And, what's the issues there on the property.

Janet Gremli: If you want, I'll let them know. There's a couple of heating oil tanks and storage tanks there. In our database, for the Health Department, they were not really bad players as far as lots of violations or anything like that. They don't have any below ground storage tanks, which is a plus, and the only other issues we may have would be with the sanitary system or storm drains, because they're not sewered at that particular site.

Hon. Rich Schaffer: Right. So, Janet, if you want to factor in, on the Town's side, we're going to be taking all the properties along the Straight Path corridor, and Rich Groh is putting together a list of who can connect directly to the Southwest Sewer District pipe that runs up Straight Path. So, that property is one parcel off of the intersection of Straight Path and Little East Neck Road, and we can factor that in because I met with a couple of the property owners up there that we've had issues with, overflowing septics and we're telling them that we're gonna give them some assistance. We're creating a grant program with federal ARBOR money. So, I'll talk to you maybe further about that offline.

Janet Gremli: Great, and that will be great capital improvement for, if they keep it, or even if they don't sell it or pass it on, that's a great capital improvement. Thank you.

Hon. Rich Schaffer: Yup, okay, thanks.

Mikael Kerr: And, Janet and I will be visiting all these properties over the next couple of weeks to do an initial kind of visual inspection; and if we can, speak to the owners about their options moving forward.

Okay, so just another quick update on a forthcoming RFP that the Landbank is planning to issue. We updated the Board a little bit about this the last Board Meeting. We're in the final stages of finalizing the RFP. We've sent it over to the Village of Islandia for comment. We're anticipating a release date of next Wednesday, June 30th. So, this is an approximately a 6.3 acre site currently utilized for automotive and miscellaneous storage. There is a 2016 DEC Remedial Action Plan that outlines the environmental investigation that needs to be done at the property, so that's included in the RFP and will be expected of any potential applicant. So, at this point, we're just waiting for comments from the Village and then we're going to be able to issue the RFP.

Okay, so next up is 620 & 628 Shore Road in Lindenhurst. So, this is a property that the Landbank, we sold the tax liens to ANB Consulting in December of 2020 for the sale price of \$250,000. At the time of the sale, we overlooked the Village liens on the property, and so there's currently outstanding Village liens; and we've been trying to work with the buyer and the Village to come to some kind of agreement, but the Village would like to be paid for the liens; and the buyer believes that, you know, the County liens supersede the Village liens and extinguish them. So, we wanted to bring this to the Board to kind of have a discussion about potential ways that we could move forward.

Sarah Lansdale: So, there might be three possible ways that this could be resolved. The first would be to continue as is, having the Village and the current property owner figure out, on their own, lien superiority and lien priority. The second would be for the, potentially, for the County to make the Village whole in its entirety with the Village's lien of \$33,000, or potentially, there could be a third option, and probably other options that staff have not yet considered. The third option could be to enter into an agreement with the Village, similar to our relationship with the NYS DEC, to proportionally share and reimburse the Village for their proportional share of their liens versus the County liens in the sale proceeds. So, the County's lien, on the slide, indicates \$288,000. The Villages liens are \$33,000 and do you want to, Mike, put up the graphic. So similar to what we do with DEC, where DEC's costs or their environmental liens associated with their clean-up and our tax liens are proportionally split, the sales proceeds, we're suggesting that the Board consider a possibility or one of these three possibilities, or just discuss further how the Board would like us to proceed. So, this proportional split would then mean that the \$250,000, that the Landbank has received, we would remit approximately \$26,000, that would go towards satisfying the Village's liens of \$33,000, and wanted to just open it up for discussion.

Hon. Rich Schaffer: I like the last option. Obviously, we've got history with it. I think it's fair that any amount of money is large for them as the Village and I think this would be the fair thing.to do. I can support this.

Sarah Lansdale: Thank you. Any other thoughts on this?

Hon. Thomas Cilmi: So, I think I agree with Supervisor Schaffer, but my question would be, this is Cilmi by the way. My question would be, would that sort of suck us into a precedent that, you know. that we're obliged to follow with future transactions or can we change our policy so that we don't get into this sort of predicament again.

Sarah Lansdale: Yeah, so I just want to address how we've changed our policies so this wouldn't happen again.

Mikael Kerr: So, this was an oversight on my part. So, what I've been doing is I've been going through our full list of properties and just listing, notarizing each one that is in a village and reaching out to the village to already bring this to their attention, as well as putting in our standard language for the RFP that anyone buying a property from us within a village would have to satisfy those village liens, in addition to purchasing the County liens from us.

Hon. Rich Schaffer: So, Mike, this comes out of your salary then?

Robert Braun: If we want to take two years to cover it, it could come out of his salary because he only makes \$13,000 a year.

Hon. Rich Schaffer: Oh, Mike, you've got to get into the upper echelon over there.

Sarah Lansdale: We're working

Sarah Lansdale: Bob, would we need a, would we need a Board resolution allowing us to do this, procedurally?

Robert Braun: I think it would be appropriate to work it out with the Village first, subject to the Board's approval thereafter. There's also a question as to whether the Village would expect that if we're paying them \$26,000 instead of \$33,000, that we're expecting to recover the other \$7,000 directly from the new landowner, or whether they would just redo their claim to the amount that we pay them.

Hon. Rich Schaffer: And Bob, if you need any help with them, let me know.

Robert Braun: Okay, we will.

Hon. Thomas Cilmi: To some degree, I feel an obligation to the Village, but by us paying that amount we're sort of absolving the purchaser of their responsibility here, which bothers me that they're getting away with this and that we're paying.

Mikael Kerr: So, I would just say one thing, that we do typically, when we're selling these tax liens and marketing these tax liens, we do typically, represent that the County liens are superior to all other liens. I mean, the contract also does state that it's subject to liens and encumbrances other than the County liens. So, that's something that we need to clarify in our contract language I think as well.

Hon. Thomas Cilmi: Do you think it's reasonable that the purchaser believe at the time of purchase that the Village lien would go away?

Mikael Kerr: I believe that they believed any other lien or encumbrance would be extinguished with the County liens.

Hon. Thomas Cilmi: Okay, so it's reasonable to think that it's perhaps, not their fault.

Mikael Kerr: Yeah, I believe so, yes.

Hon. Thomas Cilmi: Okay.

Brian Petersen: Mikael, if I could add, what's the history as far as title insurance and things like that during these closings?

Mikael Kerr: They did receive title insurance from Omni Title. I think what we're really trying to avoid, I guess as Sarah mentioned in the first part is you know, potentially litigating the lien superiority from between the County liens, the Village liens, liens turned into private liens.

Hon. Rich Schaffer: I definitely don't want a Strong's Avenue.

Mikael Kerr: Yeah.

Sarah Lansdale: Right, our goal is to facilitate whatever clean-up is remaining on the property for environmental protection, as well as economic development, to produce a successful business; and if there's already this issue with the Village that's just going to further complicate their success, potentially.

Mikael Kerr: Yeah, and I think we do have clear steps to ensure that this issue doesn't arise again.

Brian Petersen: Hey, Mikael , have you confirmed that they haven't already sold these tax liens to private individuals?

Mikael Kerr: Yeah, they have not. They took ownership. They have not sold the liens and they're working to get access to the property.

Robert Braun: No, I think Brian was asking about whether the Village has sold the tax liens.

Mikael Kerr: Oh, no, so the Village does not. So, we spoke with the Village. They're not like other villages, they do not sell their tax liens.

Brian Petersen: Because that would be one hurdle, you know, that we probably couldn't get through, so I'm glad that they are holding it on their end.

Sarah Lansdale: Okay, any other thoughts or comments from the Board? It seems like as a next step, we will reach out to the Village to begin discussions about this.

Robert Braun: Good.

Sarah Lansdale: Thank you. Next slide is Lawrence Aviation. We just wanted to inform the Board about the status of the redevelopment of this project. I believe, Mikael correct me if I'm wrong, but I think that this is one of the larger land masses in our inventory, as well as liens annual cost to the County at this time.

Mikael Kerr: Correct, and still one of the largest Superfund sites in Suffolk County.

Sarah Lansdale: Exactly. So, we looked at the Consolidated Funding Application and we're excited to pursue two possible grant applications associated with this property. We're sorting out the details with Empire State Development Corporation. One would be a grant to partially fund the demolition of existing buildings on the site, and that would be, just to be clear with our Board, that would not be for the Landbank to undertake the demolition, but rather to secure the funding for demolition and if we have the ability to, to transfer the grant to the successful bidder of an RFP. So, it would be an additional incentive for whoever is successful in receiving title of this portion of this property. The second grant application would be to research the feasibility of implementing a Tax Increment Financing agreement for the Lawrence Aviation redevelopment. We've talked about that with both the EPA and the DOJ on settlement discussions, and there is a grant application available to fund a feasibility study. So, we're applying for those two grants. We have submitted a draft. Thank you Mikael for drafting the Request for Proposals for the Lawrence Aviation Redevelopment; and we've

submitted the draft of the RFP to the Town and other elected officials, and we've received feedback from the Town and we're looking to release the RFP later this week or early next week. And, in terms of the settlement, we've just received yesterday, the full settlement and we're reviewing that later today, internally. So, we'll keep you updated on the terms of that. Any questions?

Mikael Kerr: Okay, so on to our Zombies. So, we recently acquired three new properties from DSS, that I think the Board is aware of. The first is 1442 N. Clinton Ave. in Bay Shore. This one, we are partnering with Long Island Housing Partnership. We've done our initial walk-through for the house and we are just getting ready to start the contractor walk-through. The next is 31 Oakland Avenue in Bay Shore. This one we are working with Community Development Corporation. Again, we've also done our initial walk-through on this, we've created the scope of work, so now we're just doing some of our other due diligence and selecting a contractor. And then, 248 Crooked Hill Road in Brentwood. With this one we are working with Habitat for Humanity to rehab and resell the property; and we've just finalized our partnership agreement with Habitat, so we should be hitting the ground running within the next two weeks on this one. So we're looking forward to having these three. These three were the last three that we needed for our annual Enterprise Grant to finish before the end of the year, and we are on track to complete that. And, that's it for the Staff Report, unless there's any question from the Board? All right, well thank you very much.

Natalie Wright: Thank you very much Sarah and Mikael. Seeing no questions, moving on. So, we do not have any requested Board Actions for this Agenda, and we also do not have any Old Business or Correspondence. Mikael just noted that the next meeting will be held on August 11th at 11:30 a.m. Do I have a motion to adjourn the meeting?

PO Rob Calarco: Motion

Natalie Wright: Calarco with a motion, and is there a second?

Sidney Joyner: I second it.

Natalie Wright: Sidney with a second, and Mikael can you do a roll call please.

(Roll Call by Mikael Kerr)

Peter Scully:

Natalie Wright: Yes

PO Rob Calarco: Yes

Hon. Thomas Cilmi: Yes

Hon. Rich Schaffer: Yes

Cara Longworth:

Sidney Joyner: Yes

Mikael Kerr: Five

Natalie Wright: Excellent. The meeting is adjourned. Thank you everyone. I hope you have a great

afternoon and we'll see you all on the 11th.

Meeting adjourned at approximately 12:11 P.M.