

Suffolk County Landbank Corporation

RFP For Redevelopment of Tax-Delinquent Brownfield Sites

ADDENDUM – March 7, 2016

Responses to Technical Questions

1. Can claims be made against the NYS Spill fund on any of the sites?
 - a. *The spill fund is only available for use by the DEC. If the spill fund is used DEC is required to take legal action for reimbursement of all costs plus penalties.*
2. Does the new owner have the right to commence an action against prior owners for remediation costs?
 - a. *CERCLA provides private parties that have incurred costs associated with an environmental cleanup with two potential rights of action against another person liable or potentially liable for cleanup costs. First, CERCLA Section 107(a) allows PRPs to sue other PRPs to recover "necessary costs of response" that have been incurred for CERCLA removal or remediation actions. This is known as a cost recovery action. Second, under CERCLA Section 113(f)(3)(B), a PRP that has resolved its CERCLA liability to the state or federal government in an administrative or judicial settlement may "seek contribution" from a party that has not resolved its liability through such a settlement. This is known as a contribution action. These rights would be available to the extent a party meets the statutory requirements.*
3. For 550 Suffolk Ave (Liberty Finishing). How detailed does the proposal have to be in order to address the compliance with the DEP/DEC of the site?
 - a. *This site has been remediated to industrial standards by NYSDEC. Any proposal which seeks to utilize the site for uses currently restricted (i.e. residential or mixed-use) must address the need for additional remediation and demonstrate a willingness and ability to engage in the additional cleanup.*
4. Will environmental insurance be required of the successful bidder, naming the Landbank as additional insured? Are there any other insurance considerations associated with this initiative?
 - a. *The projected disposition process, which is outlined on Page 39 of the RFP would leave the SCLBC as well as Suffolk County out of the chain of title, therefore it is not envisioned that environmental insurance would be the concern of either entity. Details of the proposed transactions and contractual obligations are subject to negotiation between the SCLBC, Suffolk County, and environmental regulators.*
5. I spoke to Mr. Parish of DEC and he said that for gas station on Brentwood road, the county should have all the information regarding the environmental stuff. Can you please point me to the right direction?
 - a. *The SCLBC conducted a Phase I environmental assessment on this property, the link to which can be found on page 79 of the RFP. Additional documents, such as a 1998 subsurface investigation, and spill reports, can be provided by the NYSDEC.*
6. Do you have multi-family soil? Have soil borings been done on any of the properties?

- a. Any soil sampling conducted by the SCLBC can be found linked on page 79 of the RFP. Additional environmental reports in the possession of the NYSDEC are referenced on page 80 of the RFP and can be accessed via FOIL request to the NYSDEC.*
7. Have the tax assessments been grieved on the properties in question?
 - a. Since the properties are currently deeded to the tax delinquent property owners, the SCLBC has not grieved the property tax assessments.*
8. Will the SCLBC accept proposals for multiple properties?
 - a. The SCLBC encourages proposers to submit proposals on one or more of the properties referenced in the RFP.*
9. On page A-3 of the SCLBC RFP application, do you want only the lead organization's information if there is a joint venture/partnership involved in the bid?
 - a. If there is a joint venture proposed, please include all the relevant information requested in the application for both/all organizations. Please attach an additional sheet if necessary. Please specify which organization is the lead agency on page A-3 of the application.*
10. Do you have property surveys for the following properties:
Steck-Philbin Landfill
Hubbard Power & Light
 - a. The SCLBC does not possess surveys on either property, however, the Town of Smithtown and/or the Town of Islip, may have archived surveys on file for Steck Philbin and Hubbard Power & Light, respectively.*

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11. Since the Memorandum of Understanding has not been signed, please advise of the amount of the DEC lien for the costs and expenses of their remediation, as this amount must be considered in the determination of the tax lien purchase offer.
 - a. Any outstanding environmental liens will be subject to negotiations between the SCLBC, Suffolk County, the winning Proposer, and the lienholder.*
12. Is there an “upset” or minimum tax lien purchase price below which the Landbank will not entertain an offer?
 - a. The SCLBC has not set a “minimum bid” or “upset price” for this solicitation. The SCLBC will review proposals based on multiple criteria, as outlined in Section 6 of the RFP.*
13. Is there an appraisal or target amount that the Landbank is expecting?
 - a. No, please see Question 9 and 10 above.*
14. Are the bids made public to all bidders? Will there be more than one round of bidding?
 - a. All proposals received will be subject to the NYS Freedom of Information Law and may be made available to the public subject to statute. Certain information may be excluded from public disclosure, subject to statute. If a proposer has information which they wish to exclude from public disclosure, please indicate that on a separate attachment. For more information please refer to: <http://www.dos.ny.gov/coog/foil2.html>*
15. Is the site eligible for PILOT programs with either the County or Islip IDA's?

- a. The SCLBC is not aware of any circumstance which would exclude the properties in question from consideration for local IDA programs. The SCLBC encourages proposers to engage the local IDAs to determine which programs may be appropriate for any proposed projects. The SCLBC will work with selected proposers in good faith to bring awareness of the proposal to other economic development agencies which may be in the position to grant incentives.*
16. There are numerous trees on the property. Will a special permit be needed to remove the trees?
 - a. This will depend on what is being proposed for the property, zoning regulations, and site plan approval. Town of Islip controls zoning and land use for Brentwood.*
17. What is the timeline after the proposals are submitted and what is the estimated time for the Landbank to review and approve a bidder?
 - a. The SCLBC hopes to enter into a contract with a selected proposer within 90 days of the proposal due date.*
18. Once a bidder is selected will a down payment be due on the execution of the contract or will the transaction proceed directly to the purchase of the tax lien and issuance of the deed? If a down payment is required, how much will it be?
 - a. It is anticipated that a good faith or earnest money deposit may be required at contract execution, however, contract details are in the process of being finalized and will be subject to proposals received and final negotiations.*
19. Is the Landbank and/or the County in possession of a title report/abstract with regard to the property?
 - a. The SCLBC is not able to provide a title report at this stage in the RFP process.*