

TOWN OF CONSTANTIA
MINUTES, Public Hearing - TOWN BOARD –7:00 pm –March 20, 2012
Constantia Town Hall

Present: Charles Gilkey - Supervisor
Richard Colesante, Frank Tomaino, Thomas Moran - Council Members
Clare Haynes - Town Clerk
Others Present: Wayne Woolridge - Highway Superintendent
Warren Bader - Town Attorney
Absent: John Metzger – Council Member

CALL TO ORDER:

At 7:05 pm the meeting was called to order with the pledge of allegiance.

UNSAFE BUILDING:

Mr. Gilkey read the following into the minutes:

WHEREAS, Gordon Hall is the current owner of real property located at 1314 County Route 17, Bernhards Bay, New York in the Town of Constantia, County of Oswego and State of New York. Said property is briefly described as follows: a vacant cinder block structure with no roof, having a lot size approximately 100 x 200 and having a tax map number 247.02-04-27; and

WHEREAS, the Town of Constantia Building Inspector has inspected such premises and determined that the structure and the property are in violation of the New York State Property Maintenance Code Sections 108.3 (unfit for human occupancy), 301.2 (maintenance responsibility), 301.3 (vacant structures and land), 302.4 (weeds) and 302.5 (rodent harborage) as the premises were damaged in a previous fire and never repaired and, therefore, based upon his formal inspection of the premises and the violations heretofore mentioned, the Building Inspector found that the building and property are dangerous and unsafe because of the following facts and circumstances: (1) because of its condition, the building is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Town of Constantia; (2) the structure is open at the doorways and windows, making it accessible to and an object of attraction to minors under eighteen (18) years of age, as well as to vagrants and other trespassers; (3) the premises is or may become a place of rodent infestation; and (4) the premises consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty and there are vehicles on the subject premises; and

WHEREAS, based upon all the information before it, the Town of Constantia **ORDERED**, by Resolution dated February 21, 2012, that the premises located at 1314 County Route 17, Bernhards Bay, New York, must be demolished and torn down and the outside area maintained in a safe manner; and

WHEREAS, such repairs and maintenance must be commenced within thirty (30) days from the service of the instant Notice and shall be completed within sixty (60) days from the service of the instant Notice; and

NOTICE IS HEREBY GIVEN that at a regular meeting of the Town Board of the Town of Constantia, scheduled to be held on March 20, 2012, at the Town Hall, located at 14 Frederick Street, Constantia, New York, a hearing will be held commencing at 7:00 p.m., or as soon thereafter as the matter can be heard, to determine whether the Order to Repair made by Resolution of the Town of Constantia Town Board on February 21, 2012, shall be modified, affirmed or vacated and, in the event of modification or affirmance, to assess all costs and expenses incurred by the Town in the repair or removal of such building or structure against the land on which said building or structure is located, at which time all persons interested in the subject shall be heard and shall have the right to contest the Order and findings of the Town Board.

A complete copy of the Resolution implementing same and related items are on file and available for review in the Town Clerk's Office at the Town Hall during regular business hours.

PLEASE TAKE FURTHER NOTICE that, in the event that the persons having an interest in said premises shall fail to contest such Order and fail to comply with the same, the Town Board will order the repair or removal of such building by the Town, and that the Town will assess all costs and expenses incurred in such removal against the land on which such building or structure is located.

PLEASE TAKE FURTHER NOTICE that, in any case where a building which is required to be made safe and secure under the Town of Constantia Unsafe Buildings Law is made safe by the boarding up thereof, the material for such boarding shall be painted, as near as practicable, the same color as the building.

PLEASE TAKE FURTHER NOTICE that the failure to commence the necessary repairs, improvements or demolition within the time specified in the Notice will constitute a violation of the law subjecting the violators to a fine not to exceed two hundred fifty dollars (\$250.00) for each week of such violation.

PLEASE TAKE FURTHER NOTICE that, by Resolution dated November 21, 2012, the Town of Constantia Town Board **ORDERED** that no person, other than the owner or his agent, shall enter the property located at 1314 County Route 17, Bernhards Bay, New York, and such property shall be posted with signs indicating "NO TRESPASSING." Anyone found trespassing in violation of this Order shall be liable for a fine not to exceed fifty dollars (\$50.00) for each offense.

PLEASE TAKE FURTHER NOTICE that both the public hearing and the regular meeting of the Town Board which will follow are open to the public and that all interested persons will be heard on the subject and concerning same at the public hearing.

COMMENT:

Mr. Phillip Sciacca was in attendance to speak for Mr. Hall. Mr. Hall is currently working out of town and asked Mr. Sciacca to come to the meeting to tell the board that he has intentions of rebuilding the garage when he retires in a year. Mr. Hall was in about two weeks ago to see the code enforcement officer and he did not mention anything to him about this. He has had two mason contractors come to give him advice/suggestions on how to rebuild.

Mr. Gilkey said that he has been sent letters and he has not responded. Mr. Sciacca stated that Mr. Hall works out of town and he is not sure if he got the letters, he called Mr. Hall to read him the legal notice that was in the paper.

Mr. Bader did sent him a return receipt requested letter, but has not been to the office to verify that he did sign for the letter. The town board has no interest in getting people in trouble, but progress needs to be seen, it is one thing to say you're going to do it, but something must be done to prove it.

Mr. Gilkey showed the board new pictures that Mr. Illingworth took on Monday, March 19, 2012. Mr. Sciacca gave Mr. Hall's cell phone number to Mr. Gilkey. Mr. Gilkey will give to Mr. Illingworth to follow up on. It was requested that Mr. Sciacca tell Mr. Hall that he needs to contact Mr. Illingworth. If no contact is made, then the board will need to proceed.

ADJOURN:

At 7:24 pm Mr. Colesante made the motion to close the public hearing, seconded by Mr. Moran.

Carried: Moran - Yes Tomaino - Yes Colesante - Yes Gilkey - Yes