

PUBLIC HEARING
TOWN OF SHELBY

January 10, 2017
6:30 PM

Present: Merle Draper, Supervisor
Dale Stalker, Deputy Supervisor
Kenneth Schaal, Councilman
William Bacon, Councilman
Darlene Rich, Town Clerk
Karl Essler, Counsel for Bond, Schoeneck & King
Traci Culver, Bookkeeper
Claude Grimes, Constable
Paul Gray, Constable
Dan Wolfe, Zoning and Code Enforcement Officer
Trisha Laszewski, Assessor

Absent: Stephen Seitz Jr., Councilman

Others: Brian Murray Sr. Bob Kwandrans Sr.
Jim Zelazny Les Quackenbush

Public Hearing was called to order at 6:30pm

Purpose of the Public Hearing- To consider demolition or removal of property at 5475 East Shelby Road.

Mr. Essler-This hearing is pursuant to Section 6 of Local Law No. 1 of 1981 to determine if the Town of Shelby should demolish or remove certain structure or structures located on the property of 5475 East Shelby Rd. (tax map no. 114.-1-12) in accordance with Notice sent to the owner of said real property and dated December 14, 2016. Public hearing is calling for some sort of specific work on the property located at 5475 East Shelby Road for repair or demolition of that property but the hearing intended is to give the owner of the property some advance notice and the opportunity to do something to start repair work. Mr. Essler stated it won't be finalized tonight. Local Law #1 of 1981 gives the owner of the property 30 days from the date the notice was sent to him to start work to remediate the property. The meeting schedules did not come 30 days apart so he has 3 more days. It was decided to still go through with the hearing and take testimonies of anyone who is interested and then adjourn the hearing keeping it open until a special meeting or the February meeting. This hearing is not a typical public hearing where people stand up and offer opinions. This is a hearing where anybody who wants to speak can but they will be put under oath and the Board will be essentially looking for factual information the witness may know about the property.

The first to speak was Mr. Dan Wolfe, Zoning and Code Enforcement Officer. Under oath Dan Wolfe explained how it got to this point. He said in his tenure at the Town of Shelby as the Zoning and Code Enforcement Officer he has been made quite aware of this property maintenance issue. It was overgrown with weeds. Mr. Kwandrans, the next door

neighbor, would come into the office and talk to Mr. Wolfe on a very regular basis and he was very concerned and upset no one was there, owner was absent. Mr. Wolfe had found out Thomas Whiting, who owned the property he believes, was in Attica Correctional Facility or Wendee Correctional Facility.

On May 20, 2011, Mr. Wolfe received a phone call from Mr. Kwandrans regarding 5475 East Shelby Road, the property of Mr. Thomas Whiting. He stated rear door of house was open and the well house was open and ajar from the foundation. Mr. Kwandrans was concerned that animals were infesting the only structure and the dug well was a hazard to the neighbors and children. At 11:00 am Mr. Wolfe drove to the property. He posted the property with a red notice **Not to be Occupied** sign. Mr. Wolfe talked with Mike Fuller and asked him to secure the back door. There was a little well house over a dug well which was very dangerous. It was moved out of the way. Mr. Wolfe asked if Mike could move the well house back on top of the wall and secure it so children wouldn't fall in. On that same day, May 20, 2011, Mr. Wolfe wrote an appearance violation letter and sent registered mail to Mr. Thomas Whiting. The post office was unable to deliver the letter and it was returned back to Mr. Wolfe.

On July 10, 2014 the property was sold at the Orleans County Tax Auction to Mr. Edward Odell residing at 1191 Norway Rd, Kendall, NY.

On October 8, 2014 a violation letter was sent to Mr. Odell with a list of requirements to make the structure habitable with a violation that the **Not to be Occupied** placard had been removed that Mr. Wolfe had put on the house. That was a violation. Mr. Wolfe went back that morning and re-placard the property. He had no response from Mr. Odell.

On June 26, 2015 Mr. Wolfe sent a property maintenance code violation letter to Mr. Odell via registered mail. The post office was unable to deliver the letter. It was returned.

On July 10, 2016 Mr. Wolfe issued an appearance ticket to Edward Odell. Orleans County Deputy Eric Harling was unable to serve the ticket. Deputy Harling observed no one home or living at the 1191 Norway Rd address.

On December 14, 2016 with the help of Mr. Essler, Mr. Wolfe sent an order to repair and / or demolish the 5475 East Shelby Rd property. The letter was sent to Mr. Edward Odell via certified mail. He posted the house with the same order. The letter was returned undeliverable.

On December 16, 2016 Mr. Wolfe filed same order of repair and /or demolish at 5475 East Shelby Road with the Orleans County Clerk.

Just a note- as of January 9, 2017, the 2015 and 2016 County and Town Taxes remain unpaid. The amount of arrears is \$4,332.48

Mr. Essler asked that all copies of the documents Mr. Wolfe had be turned over as evidence to the Town Clerk. Mr. Essler asked the Town Clerk to mark Exhibit A on the documents from Mr. Wolfe. Mr. Essler asked if the Town Board is willing to accept documents into evidence from Mr. Wolfe. Each board member present answered "yes". Mr. Wolfe inspected the property at 7:50 am today (January 10, 2017) and saw that nothing has been done to the property. It looks as it has for the past several years. No questions by the Town Board to Mr. Wolfe. He was excused as a witness.

Mr. Essler asked if anyone else would like to offer testimony. Mr. Bob Kwandrans came forward and under oath said there hasn't been anything done on that property. He said somebody needs to do something. Mr. Essler asked if he sees anyone at the property and Mr. Kwandrans said "only the people that want to buy it". He has not seen Mr. Edward Odell at that property. Mr. Kwandrans reiterated that he would like to see something done with that property. Nobody

is paying taxes on it. He would like to see someone get some use out of it. There were no questions from the Town Board. Mr. Kwandrans was excused as a witness.

Mr. Essler added a copy of the page of the 2016 Final Assessment Roll which identifies the property at 5475 East Shelby Road as belonging to Edward Odell with a mailing address of 1191 Norway Rd. Kendall, NY 14476. This will be noted as Exhibit B.

The recommendation at this time is that since the local law gives the property owner 30 days from notice date sent (December 14, 2016) the hearing should be kept open. There could be a special meeting after the 3 days or just keep the hearing open until the February Board meeting. Mr. Wolfe sees no problem with waiting until the February Town Board meeting. It was decided to have the hearing recess until the February Town Board meeting at 7:00 pm at the Town Hall. Motion by Councilman Schaal, second by Councilman Stalker to recess hearing until February 14, 2017 at 7:00 pm.

Adjourn at 6:40pm

Respectfully submitted,

Darlene A. Rich, MMC, RMC
Town Clerk