

**Town of Ancram
Town Board
Public Hearing on Unsafe Buildings Law
August 21, 2014**

Present: Supervisor Arthur Bassin Councilman James Miller
 Councilman Hugh Clark Councilwoman Madeline Israel
 Town Clerk Monica Cleveland

The public hearing to discuss the proposed Unsafe Buildings Law was called to order by Supervisor Bassin at 6:00pm. Mr. Bassin noted that the meeting had been properly noticed in the town's official papers.

Mr. Bassin gave an overview of what the law would protect the town from and also the way the law would be used.

Mr. Bassin opened the floor up to comments from the public.

Mr. John Perrella asked if this law was specific to unoccupied, abandoned properties or if it also included occupied properties. Mr. Bassin stated that the law covered both but that the town expected that the law would mostly be used on unoccupied properties.

Mr. Bassin stated that Unsafe Buildings are covered under the NYS Uniform Fire and Building Code and that with this proposed local law, the town can enforce the NYS unsafe building laws without having to go to court by authorizing administrative actions by the CEO and Town Board.

Mr. Perrella asked when, if passed, the law will go into effect. Mr. Bassin stated that once adopted, the law would go into effect immediately. There is a process that needs to be followed prior to adopting a local law. This public hearing will be left open so that comments can be made via mail and email. The hearing will be closed in a month. Then, once passed, the law has to go to the state to be filed. Once that happens, it will then be on the books and ready to be implemented. The entire process could take up to four months.

Mr. Perrella questioned an abandoned house on Poole Hill Road. He stated that this building has been condemned. His question was that if the owner is approached with this law, how long does the owner have to correct it. Mr. Bassin answered that the Building Inspector has to give his judgment along with an engineer. The owner is then contacted and asked to come before the Town Board. The process could take months and be a very lengthy process.

Mr. Terry Boyles asked how many unsafe buildings there are in town and how many other towns have a similar law. Mr. Bassin replied that many towns have a similar unsafe building law, and did not know how many "unsafe buildings" there were in Ancram. Mr. Bassin stressed that the Town Board does not want this to become a priority for the building department. They feel that this will be more of a reactive process. He stated that the buildings in the center of town may be made safe. In 2007 the Town Board at the time

passed a local law to enforce the NYS Uniform Fire and Building Code but that they decided to not deal with the unsafe building aspect of the law at that time.

Mr. Ron Brant asked if the building is deemed unsafe, are the costs incurred by the process of the law then passed onto the homeowner? Mr. Bassin stated that the costs are only passed on if the owner does not comply with order to make his building safe. If the process goes to the end without the owner rectifying the situation to the Town Boards approval, then the owner can become responsible for the costs incurred from taking down the structure.

Mr. David Boice asked about the situation if the building is foreclosed on. Mr. Bassin stated that if the building is owned by a bank, the bank will have to make the building safe. Mr. Boice expressed his feeling that this was an expensive process for the town. Mr. Bassin stated that he has been told that in towns which have similar laws, it seems to be a deterrent. Just by passing the law, the town will get the people's attention.

The question was raised regarding if a homeowner would be able to bring in their own engineer. Mr. Bassin responded that this could be done. The home owner could pay for a study and fix the property on his own. The town would only hire an engineer if the owner did not comply with an order to make the building safe.

Mr. Bassin stressed that Mr. Ferratto has been asking for this law for years to fill in the gap in the 2007 law.

Mrs. Lynn Perrella asked about condemned buildings. Mr. Bassin said that all "condemned" means is that the structure is uninhabitable, or unsuitable for occupation. This could be for several reasons including the water or the septic. Condemned does not mean the actual structure of the building is unsafe. Mrs. Perrella stated that the structure on Poole Hill sits empty and condemned and why would the town allow that to happen. Mr. Bassin answered that the proposed law is specific to properties that are unsafe to the public. If a building is unsafe and far off the road, then it may not be unsafe to the public. If it is close to the road and wind could bring it into the road, then public safety is involved. Mr. Mike Citrin asked what if a building is unsafe and 100 feet off the road and a child goes into it? Councilman Miller stated that this then becomes the owner's insurance problem.

Mr. Bob Wilcox suggested that the Town Board speak to other towns who have a similar law on the books and have enforced it. Councilwoman Israel stated that Mr. Ferratto has used similar laws in his other towns. Mr. Wilcox stated that as a town justice, he has attended training sessions on this and that in larger towns it is used often and enforced.

Mr. Bassin said that he has had many people express concerns about this law could lead to harassment by the Building Department.

Mrs. Donna Hoyt read the following statement into the record:

First- This Law is designated to discriminate against middle and low income property owners. It allows politicians in town to target properties that they or special interests in town would like to acquire. By being allowed to charge extraordinary expenses such as Engineers and Contractors of their choosing it will make the property owners tax bill so inflated that they will not be able to pay their taxes therefore loosing the property. This property then gets sold by the County for cents on the dollar. This law has all the potential of becoming legal land grabbing.

Second- The way this law is written gives on man full power to target certain properties. Our Building Inspector is not an elected official. He is only answerable to a majority of the Town Board. He does not even live in town so has no care or interest in what this does to towns people. He has also proven in the past to be politically motivated. In a previous election, information given to him, about a building code violation by a Board member was handed over by him to people running against this Board member. The information circulated throughout the town and was used against this Board Member. The people who received this information now sit on the Town Board. This makes it clear that his job can be manipulated to serve special interest.

Third- I find it quite a coincidence that shortly after I spoke out against outrageous plans that are being pushed on the taxpayers of Ancram that my Husband and I are now the target of this law. I believe that article in the paper with only our building in the picture and calling us a blight on Ancram made that very clear. This law is a blatant infringement of our individual rights. You are allowing a man with no care or connection to this town to pick and choose who will feel his wrath. Passing this law and giving him this power makes this Town Board responsible for all that comes after.

Fourth- The comp plan took 3 years to complete. The Zoning laws took 4 years to almost complete. The Ridgeline Protection law took close to a year. Yet you threw this law together in a matter of weeks and want to pass it in a matter of 2 months. I would like an answer as to why this hurry? When was the last time anyone was hurt by a derelict building? No answer? That's because no one in Ancram has. I would also like to add that I am sick to death of hearing about what other people don't like to look at. I pay taxes on that building which I might add is more than just a vacant piece of property and I did not take money from Taxpayers to do it Perhaps those people who don't like to look at it should make an offer instead of hiding behind a law to seize it. I find that reprehensible.

I would like the people of Ancram to think about what comes next. My husband and I may be the first target but who will be the next. –Donna Hoyt

The question was raised as to the definition of "unsafe". Mr. Bassin said we would use the definitions in the NYS Fire & Building Code Property Maintenance Code. The town will have to go by the NYS law and the town law to determine safety.

Mr. Boyles asked if the towns insurance covers this law. Mr. Bassin stated that the Town Attorney says that the property owners are liable in an accident involving an "unsafe building" not the town. Mr. Boyles asked why the town then is pushing this law. Mr. Bassin said it is so the town can enforce the state law on a local level.

Mrs. Kay Hoyt asked if the law is for one unsafe building in town or are others "being targeted"? Mr. Bassin answered that nobody is being targeted. He explained that the town passed a building law seven years ago that left out this part and that the town is now looking to tie up loose ends. The proposed unsafe building law would allow the town to recover its costs of correcting an unsafe building problems, which is not possible under the State law.

Mr. David Boice spoke that there are many laws on the books in Ancram that are not enforced. Why not begin, in his opinion enforcing those laws instead of writing new ones.

Mr. Hoyt asked what the town is doing with the Stiehle House? A member of the APG answered that they are fixing it up, beginning with painting it. They are also going to replace the roof in the near future.

Mr. Hoyt asked about the prospect of a septic system on the ball field. Mr. Bassin stated that this has not come up recently. Mr. Gerry Fultz stated that the grant committee is looking at the option of a "trickle system" on the slope of the field, not the field itself. Donna Hoyt asked if there were any others in town besides the Simon's store looking to have a septic on the ball field. Mr. Bassin said no one that he knew of.

Mrs. Perrella asked what would happen if the law was not passed? She suggested, after hearing Mrs. Hoyt's statement, that the town board and the building owners find a way to get to a mutual agreement.

Mrs. Hoyt brought up the fact that when the town was fixing the intersection, there was the suggestion that they buy the Tin Smith House. But, she said, this was dismissed. She felt the town never invests in real, tangible things. She cited that the intersection would never been fixed had it not been for her and her husband giving a section of their property.

Mrs. Libby McKee suggested that as there has been a law in place since 2007, why not finish it and implement it. She felt it may be useful someday and better to have it than not.

At this time Carol Smillie, Deputy CEO/ZEO read the section of the 1980's NYS Uniform Fire and Building Code.

Donna Hoyt stated that this law was written in the 1980's. She stated that this is a depressed area with no businesses. She felt that the taxes went up a lot in 2008. She said that she pays \$20,000 a year in taxes. She cited that the NYS officers do not live in Ancram and that she feels this was brought up to target certain people.

John Perrella made the comment that if a person does not pay their mortgage, they get foreclosed on. He feels that it is the responsibility of the property owner to keep the property up. The town, in his opinion cannot let these buildings continue to deteriorate until someone gets hurt. In his mind "unsafe is unsafe".

Mrs. Hoyt stated that she is paying 12% on back taxes and it bothers her that someone else's opinion can cause her taxes to go up. She once again said it was wrong that a man who does not live in town has so much power. Leah Wilcox stated that the Building Inspector does not have soul say over the process. Mr. Bassin said this was correct. The unsafe building enforcement process is initiated by the Building Inspector but if the owner is not receptive, it then goes on to the town board.

Mrs. Hoyt stated that there is a public hearing but only after the engineer study is done. Mr. Bassin said this was correct and if the owner fixes everything, then they are not charged. They are only charged if the process goes through to the end and the town has to do the fixing, because the owners refuse to.

Mr. Bassin stated that the Hearing will remain open for emails, letters and comments.

Mr. Wilcox again suggested that the town should speak to other towns and get their findings.

A motion was made to adjourn the meeting at 7:00pm with a motion by Councilman Miller and seconded by Councilwoman Israel. Motion carried.

Respectfully submitted by,

Monica R Cleveland