

*******DRAFT*******

PUBLIC HEARING UPON

AN UNSAFE BUILDING LOCATED AT 198 DILL ROAD,

**IDENTIFIED AS SECTION 12, BLOCK 1, LOT 33 OWNED BY WAYNE PRICE, SR. AND
JANET PRICE**

COUNTY OF SULLIVAN

STATE OF NEW YORK

July 27, 2011

Supervisor Galligan called the public hearing to order at 7:00 p.m.

Roll Call: Present – James P. Galligan, Supervisor
Eugene D. Raponi, Councilman
John W. Galligan, Councilman
William B. Sipos, Councilman
Michael Creegan, Councilman

Absent – None

Recording
Secretary – Joanne K. Nagoda, Town Clerk

Others
Present – David Bavoso – Attorney for the Town
Richard Lorino – Code Enforcement Officer
Arnold Burger – Dog Control Officer

Town Clerk, Joanne Nagoda read the notice of public hearing and submitted the affidavit of posting. She also read into the minutes a letter signed by several residents of Dill Road.

“We, the undersigned residents of Dill Road and surrounding roads would like to stand behind our Elected Officials and employees of the Town of Forestburgh in their decision to condemn the property at 198 Dill Road.

Although we have not seen the inside of the house, we trust our officials and employees of the town that have seen the inside. We can only see the outside, which has had garbage strewn about for at least six months to a year. The yard cannot be mowed in places because of the discarded junk and at least one dead dog carcass.

The house has been abandoned by humans for a very long time and left to the numerous dogs and cats who were the last inhabitants. They were left on their own except when someone would sporadically come to feed them.

We are concerned about the health risks posed by the condition of the house and yard (i.e. insects and rodents). The collapsed pool is a breeding ground for insects and has been for years.

We are also concerned about our property values dropping, being located near this property. There is nothing personal against the Prices, it is a matter of health concerns and property values.

Sincerely, The residents of Dill Road and surrounding roads.

The letter was signed by seventeen residents of the area.

Supervisor Galligan introduced Attorney Bavoso to everyone and stated that Mr. Bavoso would be asking questions of Code Officer Lorino and Dog Officer Burger.

Mr. Bavoso asked Mr. Lorino to state his name and position for the record. He further asked Mr. Lorino if the Town Board appointed him to that position, who replied yes. Mr. Bavoso then asked if Mr. Lorino had an opportunity to inspect the property located at 198 Dill Road. Mr. Lorino replied yes, twice, once in 2008 and again in 2011. Mr. Bavoso asked who Mr. Lorino believed the owner of that property to be, and he replied Janet Price. Mr. Bavoso then asked Mr. Lorino to tell us what he found when he inspected the property in 2011.

Richard Lorino – I was asked by the Sheriff’s Department to join in their investigation, and when we entered the house, it was immediately evident that the house was unfit for human occupancy. It appears that the house was used as a dog kennel for a long period of time. There were many violations inside, including fire hazards, filth, lack of maintenance, insanitary conditions. At this time, Mary Dollard, sister of Janet Price asked what “insanitary” is. Mr. Lorino replied that “insanitary” is a word that is defined in the code books. There was the presence of toxic fumes and gases, basically a bio-hazard. There was stuff strewn around and obstructing the path of travel and a large amount of waste accumulation. Some of the sub-floors were deteriorated; there was a massive fly infestation and dead animals. That is what I observed when I was there. Mr. Bavoso asked what kind of waste was included in this “waste accumulation”. Mr. Lorino replied that it appeared to be dog waste. Large amounts of dog waste. Mr. Bavoso asked if Mr. Lorino provided the Town with a report of his findings at the property, to which he replied that he did. Mr. Bavoso continued that based upon Mr. Lorino’s observation what was the conclusion of the inspection. Mr. Lorino stated that the building is unfit for human occupancy, and that there was a case to be made for many violations outside of the house also in accordance with property maintenance laws of New York State. Mr. Bavoso asked Mr. Lorino if he felt the building was dangerous and unsafe, to which Mr. Lorino replied he did. At this time, Mrs. Price interjected why didn’t you close the door – you left the door open. Mr. Bavoso continued that Mr. Lorino determined the building to be a health risk to the public as well as neighbors; Mr. Lorino stated that is correct. Mr. Bavoso asked Mr. Lorino what recommendations he made to the Town Board. Mr. Lorino stated that his recommendations were stated in his report, were that the municipal code has ways of dealing with this and he recommended repairing it in accordance with Chapter 74 of the Towns municipal code, which is the chapter on unsafe structures. Mr. Bavoso asked if that section of the Town Code also allowed for the demolition or removal of the structure? Mr. Lorino replied yes and also repairs. Mr. Bavoso asked if Mr. Lorino still stands by this report to which he replied, yes, I do. Mr. Bavoso asked if there was anything Mr. Lorino would like to add to this report. Mr. Lorino replied yes, there is. I think that something in the code book, in the New York State Code Book I stated Section 108 which were the emergency measures that were followed. I think the conditions and more reasons for the condemnation are better defined in Chapter 107, more specifically 107.1.3 of unsafe structures and equipment of the property maintenance code. That section is structures unfit for human occupancy. Mr. Bavoso continued that Mr. Lorino stated he inspected the property back in 2008, were there any violations noted at that time for this property? Mr. Lorino replied yes, the previous inspection that was done in 2008, and at the request of Mrs. Price, she was very adamant about wanting to come into compliance with anything that was wrong, but was unsure of exactly what was wrong and requested a list of the violations, so at that inspection, there were I believe, eleven violations that were listed in that report and I believe a compliance order to remedy the problems was set with a thirty (30) day limit and I had a voluntary compliance conversation with Mrs. Price. Mr. Bavoso asked if in the report filed in 2008, was section 107.1.3 of the Property Maintenance Code cited at that time? Mr. Lorino replied that he believed that it was. Mr. Bavoso asked, if to Mr. Lorino’s knowledge, were any of those violations corrected? Mr. Lorino responded that the only violation that had been corrected was that the lawn had been cut. Councilman Raponi asked Mr. Lorino if when the Sheriff’s Deputy entered the house, did he put on a different uniform or different clothing to do his investigation? Mr. Lorino responded that is correct. He continued that he was able to FOIL the Sheriff’s report as well as the animal protection agency’s report from Liberty, they both mention protective gear and I believe the animal control person indicates that she was unable to enter the house and that she had disposed of any clothing that she wore after entering the house, she didn’t bother to even wash it, she just threw it out. The Sheriff’s Deputy was unable to enter the house until he received a haz-mat suit, which is a full body cover and a respirator.

At this time, Mr. Bavoso thanked Mr. Lorino and focused his attention on Mr. Burger.

Mr. Bavoso asked Mr. Burger to state his name and title. Arnold H. Burger, I am the Dog Control Officer for the Town of Forestburgh. Mr. Bavoso asked if Mr. Burger was appointed by the Town Board to which he replied, yes, he was. Mr. Bavoso then asked if Mr. Burger had inspected the property located at 198 Dill Road in the Town of

Forestburgh. Mr. Burger stated that he did not inspect the inside of the structure, only the outside of the structure due to the bio-hazard that is contained within the structure. Mr. Bavoso asked when Mr. Burger did this external inspection? Mr. Burger stated he received a call from the Sheriff's Department to assist the deputy over there with a case, just in case there were animals over there that may have to be removed. It was my understanding from him that his investigation, he had found out from the neighbors that they had removed seventeen puppies from that location either that morning or the night before. Mr. Bavoso asked what Mr. Burger observed at that location when he arrived at the premises. Mr. Burger stated that the Sheriff's Deputy was in the process of trying to contact the animal control that works with the Sheriff's Department for the pickup of the puppies, we also did a physical inspection around the house at which time we saw maggots coming up from the ground by the front porch. The Deputy removed some of the dirt and we saw that a dead dog was buried there. Also we found a ladder on the premise and we used the ladder to look in the windows to see what we could see in there, because the stench was all the way out to the road. At the one corner at the back of the house, we observed a humungous amount of fly infestation, upon going up the ladder and looking in with a flashlight, we found that, that room was partially filled with dog feces. That is just around the house and stuff that was out there, an old tools, regular garbage and stuff like that. Mr. Bavoso continued that Mr. Burger had stated that he did not enter the premises and that there was a stench. What prevented you from entering the premises for the purpose of the inspection? Mr. Burger responded that he did not have a bio-hazard suit to enter the premise. Mr. Bavoso asked what was Mr. Burger's determination from his external inspection of the premises and the grounds. Mr. Burger stated from the outside of the structure, the stench was quite heavy of ammonia due to the feces and urine from the animals that were contained within. Mr. Bavoso asked Mr. Burger what made you determine that you would need some sort of bio-hazard or haz-mat suit or something like that to enter the structure. Mr. Burger replied just from the aroma that was in the air, the heavy ammonia smell. If you went to the front door, you couldn't enter without a respirator or some sort of mask over your face. Mr. Bavoso asked if, in Mr. Burger's opinion the building was unsafe for human habitation. Mr. Burger stated that he could not make that determination, but at that time you were not able to enter the premise due to what was observed. Mr. Bavoso continued by asking Mr. Burger if he filed a report with the Town of Forestburgh. Mr. Burger replied no, because the County took over everything that was there. Anything related to the animals, the Sheriff's Department was handling that along with the Cruelty/Animal Control from Liberty, whoever that woman was. Mr. Bavoso stated that based upon the report that you have given us tonight and your observations of the property, is there anything you would add to your report since that time? Mr. Burger continued by stating that during that time, the Sheriff's Deputy came out with a dead cat, which I took to the vet in Monticello for an autopsy, upon the autopsy of that animal, the vet's conclusion was that the animal died of malnutrition. Mr. Bavoso asked if there was anything else that Mr. Burger would like to add to his report or add at this time. Mr. Burger replied, well, as for a human occupying the structure, the removal of the dead animal or animals, we don't know, because the one animal was buried right next to the foundation. Mr. Bavoso asked, if in his opinion as Animal Control Officer, could the level of animal waste that you found on the property cause some sort of health risk to the neighbors, to which Mr. Burger replied most definitely

At this time, Mr. Bavoso asked if any of the Board members had any further questions, to which all declined.

At this time, Supervisor Galligan introduced the owner of the property, Janet Price and her sister/representative Mary Dollard. The Supervisor asked if either had any questions for Mr. Lorino or Mr. Burger.

Mrs. Dollard asked Mr. Burger why the Liberty Officer, Joanne Gerow would handle this and not you. Mr. Burger replied that the case came under the Sheriff's Department. Mrs. Dollard stated that "You are the Officer for Forestburgh". Mr. Burger replied "Yes, but she handles the cruelty cases for the Sheriff's Department. The Deputy at that time deemed the case to be one of animal cruelty and it turned over to the County, which relieved me from pursuing what I would have pursued. Mrs. Dollard further asked why did you take the cat to the vet and not her? Mr. Burger replied because we were working together with the Sheriff's Department to expedite the information that we could get together to resolve the issue at that location. Mrs. Dollard continued by asking who told you to take the animal? Joanne Gerow or the Sheriff's Deputy? Mr. Burger responded the Sheriff's Deputy asked me to take the animal to the vet, Dr. Stein, in Monticello for an autopsy to determine the death of the animal. Mrs. Dollard then asked if Mr. Burger had ever had a problem at this address with Mrs. Price? Mr. Burger replied that he has had numerous problems over the past four years. Mrs. Dollard then asked if there was a time that you couldn't go back there and weren't allowed to go back there? Mr. Burger responded no.

At this time Mrs. Price stated that those were not her cats. Her cats were removed in March, so any cats that were found were not hers.

Mrs. Dollard then asked Mr. Lorino, "You stated that dead animals were found in the house. How many dead animals did you find?" Mr. Lorino responded that two dead animals were found, one inside and one outside. There was a dog buried outside by the front door. Janet Price stated that the dog couldn't be buried any deeper, it was winter and the ground was frozen.

At this time, Mr. Burger asked if he could make a statement based upon the statement just made by Mrs. Price. Mr. Burger stated that she just said the dog was buried in the winter, that would have been totally impossible, because the way the animal was decomposing, it had been buried about a week at most, and the photographs will show that. I just want to clarify that.

Mr. Lorino at this time stated that he would like to respond to Mrs. Price's question about not shutting the door. When I arrived the Sheriff was in an investigation of an abandoned house and the door was ajar and left open. Mrs. Price stated no it was not. We were there the night before. And there are things missing from the house. At this time Mr. Burger stated that he arrived before Mr. Lorino and the door was open when he arrived.

Supervisor Galligan at this time stated that he was under the impression that a representative of the bank would be in attendance tonight. Is there a representative here? Scott Russell, Esq. introduced himself as being here as a representative for Stephen Baum's Office who is representing Wells Fargo.

At this time the floor was open for any other persons wishing to speak.

Tom Eshelman – Why is the Sheriff's Department not represented here tonight, since they are a major portion of this investigation? Attorney Bavoso stated that the reason why is that the Sheriff's Department is involved with the criminal aspect of it, the prosecution for the animal cruelty. We have the reports of what was found and they have been given to the Town and will be part of the record. However, the purpose of this particular public hearing is to determine whether or not this property constitutes a dangerous or unsafe property, not whether or not there is animal cruelty going on at the premises. So, for the Town Boards own purposes it's simply a matter of taking a look at the property itself based on the town's officers to determine the status of the property. Supervisor Galligan added that the Town is not involved in any other case.

Charlie Beamer – Who owns the property now? Does Janet still own it or does the bank? Mr. Russell stated that the bank has not taken title and that he is here for informational purposes only. Mr. Beamer stated that he had a few more questions. He just doesn't understand what anybody is going to do if it's in foreclosure, and if Janet still owns the house, legally, you can't do anything when something is in a foreclosure. Just tell us what you are going to do with the house. Supervisor Galligan stated if there is no plan to repair it, our option is to tear it down. We haven't heard of a plan to repair it yet. Mr. Beamer continued that I know what everybody is saying about the dogs, etc., I see it all the time, I get to smell it and the smell is bad. I have my grandchildren living at my house now and if you're going to tear this house down, let's say you do tear it down, how are you going to tear it down and make it safe while they are tearing it down so that the ammonia smell and all of the other stuff doesn't drift over to my place which is only a couple of hundred feet away from Janet's. Supervisor Galligan replied that when we have it torn down, the specifications will state whatever they have to do to meet the environmental concerns, rules and regulations. Attorney Bavoso stated that would be correct. Generally speaking, in the towns we represent that have gone through with things like this, it gets put out to contract by the building department in which case the terms of the contract would have to be appropriate to the actual demolition of the building, the removal of the structure and the cleanup of the property. Mr. Beamer continued that what you are telling me is that you are going to have an EPA inspector there, Attorney Bavoso stated perhaps a DEC officer there if necessary, if required. Mr. Beamer replied, let me tell you this, if you decide that you are going to tear that house down, I'm going to tell you right now, you better have somebody there watching it. Because I am not going to stand there and watch you take and tear the house down with no protection for anybody in the neighborhood. Supervisor Galligan stated you are correct and it is a very good point. Mr. Beamer stated that you are not going to do that as long as I live there. And the second thing is that if it does go through foreclosure, and Janet loses the house, then who is going to pay for the destruction? Is the Town going to pay for that out of my tax dollars? Supervisor Galligan explained to Mr. Beamer that the Town has it torn down and pays the contractor; the cost is then added to the property owner's tax bill. Mr. Beamer asked if the bank foreclosed on Janet, why wouldn't the bank pay for it? Supervisor Galligan replied that they may, I don't know what options they have. Attorney Bavoso stated that the County ultimately would reimburse the town – Mr. Beamer

stated that is still my taxes. Supervisor Galligan continued that if the taxes are paid, no problem. If the taxes aren't paid, then the County takes over the property and sells it. Mr. Beamer asked if there is any way that Janet can do whatever she has to do to maintain the house. Supervisor Galligan replied that tonight, if there is some plan to correct the deficiencies, the Town Board would and is open to suggestions and a time frame to get it done. I have not heard any tonight, is that part of your plan?

Mary Dollard asked if the Town had a ballpark estimate of the cost of demolition. Supervisor Galligan replied no. Mrs. Dollard continued generally speaking is this done on houses that are unfit or unsafe. Supervisor Galligan replied that it has not been done since he's been here and he is not a contractor, so he couldn't give an estimate. Mrs. Price added that the cat house that is still there and the barn that was supposed to be knocked down or whatever. Mrs. Dollard continued that she is guessing, but has no idea, maybe thirty thousand dollars to take it down. Twenty, forty, whatever - that would be divided up amongst all the taxpayers of the Town of Forestburgh? Supervisor Galligan responded that again, the Town would have to pay for it. We would hire the contractor, then we would put a lien on it or add it to the tax bill. Janet would get the tax bill unless it went to the bank, depending upon what the arrangements are. The tax bill would state that the taxes on the property for year whatever are "x" amount of dollars and then it would show an additional amount for whatever the amount was to remove the house. Mrs. Dollard interrupted and asked for it to be made more clear for her. Let me see if I understand this, you would bill Janet. Supervisor Galligan replied through the taxes, correct. Mrs. Dollard asked how do you think she would pay for that? Supervisor Galligan continued that if she didn't pay it, eventually the taxes would get paid. The bank may decide to pay them, I can't answer for them, just like any piece of property, if the taxes aren't paid, the county takes it for unpaid taxes. Then they sell the property. Mrs. Dollard stated they sell the property, but where is the cost of the demolition? Councilman Sipos explained that the fee is attached to that piece of property. It works like this, XYZ Company comes in, they win the bid, and the bid \$25,000 to tear down and remove the house in the appropriate manner, the current owner at that particular time, whether it's Janet or the bank takes title, the amount gets attached to the tax bill. The Town pays for the demolition and at a later date, the County reimburses the money, as Supervisor Galligan has stated. Then if the taxes were still not paid after two years, the County would then take the property and sell it at auction. Town Clerk/Tax Collector Joanne Nagoda added unless there is a tax escrow set up with the bank.

Charlie Beamer stated that just because of all the things that I heard here today and what I observe myself, I know what the condition around the house is, I don't know about the inside and I could care less, but what I really care about is how if everybody feels that Janet's house is so unsafe, and such a hazard to the public as far as health and everything else is concerned, how long is this process going to take if that is what has to be done? I want to know how long I am going to have to sit there and worry about whether or not my grandchildren are going to run across the street and get into something. Supervisor Galligan replied that it depends, if they come up with a plan to try to repair it, our building inspector and engineers would have to find out how reasonable that plan is and get a time frame to do it. If you don't have a plan to repair it, and we have to do what we have to do, things will move much quicker, at the next Town Board meeting, we make a decision and authorize our attorney to draw up the specs to have it removed and put out for bid. You have to allow a few weeks for someone to get a bid submitted, it's fairly quick for government business, it would move along quickly. Depending upon what the specs were.

Jo-Ann Monroe – If it's in such bad shape that it's being condemned, then how can they ever bring it back to a normal livable state? Supervisor Galligan replied that is why they would have to come up with a plan that is suitable to our engineers. What did the cat that you found dead look like? What color was he? Mr. Burger responded that the cat was an orange color, maybe with white stripes. Mr. Lorino stated that we have photographs of it if you would like to see it. Mrs. Monroe continued, and Mrs. Price thinks that somebody found a dead cat and brought it into her house? Supervisor Galligan stated it could have climbed in and we are not here to discuss that.

Supervisor Galligan then asked Mrs. Price if she had a plan to rehabilitate the house. Mary Dollard replied that we are here and we have waited eight weeks. Supervisor Galligan replied that we don't give you a plan, you have to hire an engineer. Mrs. Dollard continued that we have waited eight weeks to find out what you and your board would demand/request that she do to gain entry back into the house. Supervisor Galligan replied make it livable and get a CO. Mrs. Price stated that is what we have been trying to do since the beginning. Mrs. Dollard stated that Mr. Lorino probably has the information. Supervisor Galligan stated that Mr. Lorino can't tell you what to do. Mrs. Dollard stated that she meant he can give her the codes that are violated and that need to be corrected. She continued by asking the Board what they want the homeowner to do to gain re-entry to the house. Again Supervisor Galligan

stated that you would have to hire an engineer to tell you what needs to be done to the house. Mrs. Dollard then asked if the Town has an engineer, to which Supervisor Galligan replied yes, our engineer is Joe Gottlieb. Mr. Lorino stated that Mrs. Dollard and Mrs. Price would have to hire an independent licensed engineer. Mrs. Dollard that asked if we could go back to the bio-hazard, unsafe, unsanitary, insanitary conditions of inhalation. That would probably have to be addressed first, right? Every engineer I have called doesn't do that type of inspection anymore. I called Glen Smith and Pat called back and said that they were licensed and certified to do that but they are not doing that anymore because of liability. She referred us to a home inspection person by the name of Carnell. So we have been waiting to speak to him until we could find out if you would recognize/accept him and his work or not. Do they have to be licensed, insured, certified? Attorney Bavoso replied yes, they would have to be licensed, insured and certified. Mrs. Dollard asked if we have a list of whose work we would recognize and where would we find them? Supervisor Galligan replied no we don't have a list and you would have to find them. Mrs. Dollard replied no, it's up to you to tell us who you would accept. Again, Supervisor Galligan stated that our engineer could tell you what the violations are, but he's not going to tell you how to fix them. Councilman Raponi suggested hiring an engineer to do a full inspection, but first you have to make the house able to be entered and it has to be cleaned up. Mrs. Dollard stated that Mrs. Price has offered to clean it, but Mr. Lorino said that she can't enter it and that it's unsafe. Mr. Lorino replied that is correct. Mrs. Dollard asked how do we satisfy that unsafe? Supervisor Galligan replied there are people you can hire that clean things like that up. Mrs. Dollard asked will you recognize their work? Attorney Bavoso replied as long as they have the proper insurance and licenses, I don't see why not.

Charlie Beamer – I don't care what Janet does with that house. But if you are going to have someone there cleaning it, you better have someone there from the EPA or someplace to check the air quality. You cannot do that kind of clean up, they will never do it, the State won't allow you to do it without someone checking.

Mrs. Price asked if they could start cleaning and renovating. Attorney Bavoso stated no, the Board has to make their determination how they want to proceed from here. There are any number of options, they can agree to some sort of an arrangement where the owner would come up with a plan, right now the order is for the Town to remove the structure. They can decide to move forward with that order if they desire. It depends upon the final determination of the Town Board based upon what happens here tonight.

Mrs. Dollard stated that let the record show that there is no way we can pay for the demolition. You can't get blood from a stone. Supervisor Galligan then asked if Mrs. Dollard was stating that there is a good chance the repairs won't get made due to finances. Mrs. Dollard replied, no, repairs can be made, Santa Claus will pay for the repairs because you would still have a house, but to demolish the house, Santa Clause isn't paying for that. So, I guess I want to know what is step one? Supervisor Galligan replied that step one would be that within a very short period of time you will have to come up with a detailed plan and process how this is going to happen. Councilman Sipos added a detailed plan that will outline the types of repairs to be made, what is needed to make those repairs including how you will handle the environmental issues, as Mr. Beamer has brought to our attention, all of those things will have to be incorporated in that plan. That DOES cost a significant amount of money. You are talking about the floor, sheetrock, studs, inspections, the insulation within the home and probably a multitude of other items that haven't yet been uncovered. Until you can get into the structure to find out exactly what needs to be done, that is where the home inspector will come in and give you a detailed analysis, which would cost "x" amount of dollars to do. We don't do that. Mrs. Dollard asked who would authorize the home inspector to enter. Supervisor Galligan stated that he believed the house is locked up by the bank now, is that correct? Attorney Russell stated that he did not have any knowledge if it was or not. Mr. Lorino stated that the code books lays it out under emergency measures it states "it shall be unlawful for any person to enter such structure that has been condemned except for the purpose of securing the structure, making the required repairs, or removing the hazardous conditions or demolishing the same. You are allowed by code to enter the structure for those reasons only. Mrs. Dollard asked who would authorize those persons to enter, you? Attorney Bavoso stated it would be best if they coordinated that with the building department or the town engineer's office to make sure they were aware of it, then they could be there on the scene as well just to make sure everything was safe. Somebody needs to be able to enter the house to guide you in evaluating what needs to be fixed and how, and how it's supposed to be cleaned, and according to the code book they are allowed because that is the process to be followed stated Mr. Lorino. He continued that it has to be done by a qualified engineer on how the repairs are supposed to be done. You can't go in there with a bucket of water and a sudsy mop, there are extensive details to what needs to be done and a lot of that is up for evaluation. Councilman Galligan stated that he has a question for Attorney Russell who is here representing the bank, how close to foreclosure are we, are we spinning our wheels? Attorney Russell replied that he didn't really didn't know, they

wanted him here to gather information. Councilman Raponi added how do we know what's going to happen, if you don't know what's going to happen. Mrs. Price stated that they are working with Wells Fargo and have been for three years. Supervisor Galligan stated that is between you and them.

Richard Shaw – Is there a time frame that we are looking at here? Is this going to drag out for another three years? Supervisor Galligan replied no, let's say, two weeks – can you get a detailed report by a certified engineer or certified for clean up, Mrs. Dollard interrupted and asked if you put bids out, how long would that take? Supervisor Galligan said hypothetically let's say you said you didn't care, I would say we could have a contractor there in thirty days. Attorney Bavoso stated it would be a few weeks to get it out for bid and get the responses back, a week or so to finish the contracts. Mrs. Dollard stated that for all interested parties, neighbors, within thirty days you could have a bid accepted and yet you only give Janet two weeks. Supervisor Galligan explained it is different, one we would have to advertise for bids, all you have to do is get an engineer to go in there and do a report. Not to do it, just to get a report stating what needs to be done and how to do it. Mrs. Dollard stated you want to hear back in two weeks. Councilman Sipos stated we haven't set any time frames yet and we need to know what your intentions are. Are they, "A" to have it repaired and if so, how are you going to do it? Or "B" if the house is to be removed and trucked out, these determinations have to be made. Our next board meeting is next Thursday. I don't know if the board wishes to entertain any type of time period tonight or try to find out exactly where you folks are at, so we have an avenue to pursue. Mrs. Dollard stated that they have been waiting eight weeks to find out what the steps are otherwise we would have been shopping around for an engineer or home inspector. We don't know what you want done or what your demands would be. That is the first step, correct? Start with an engineer or home inspector. Mr. Lorino stated that an engineer is the best bet because they will know what needs to be done, but more importantly HOW it is to be done. Mrs. Dollard asked if the first step would be to get rid of all of the feces. Supervisor Galligan stated you need to come up with a plan and I am sure cleaning it up is the first step. Mr. Lorino added that the engineer will determine how that should be done.

JoAnn Monroe asked if someone was really going to go in there? Mr. Lorino stated it will be a bio-hazard situation. That stuff just can't be thrown into the dump, there is probably a similar process to the removal of asbestos. Supervisor Galligan added that is what the engineer will tell us, exactly what has to be in place to do it correctly. Mr. Lorino continued that after the clean up and it is determined what repairs are needed, that is when you will apply for a building permit based upon the work that the engineer has outlined, and there will be a time frame that the work must be completed by. Attorney Bavoso stated that the Town Board would set the time limit and just to be clear, if in fact everything they are talking about right now, would be if the Town Board determines that they are going to give you time to set up a plan and do the repairs. If the Town Board determines to confirm the present order, then the Town Board would move forward with the demolition order. Mr. Lorino added that after you obtain a report from an engineer, it should be given to a qualified builder to get a monetary amount of what it will take to make the repairs. I am pretty sure it's going to be a pretty high number.

Richard Shaw – Have you ever seen a case where they go in and determine that nothing can be done and it should just be torn down? Mr. Lorino stated that he has. I am in construction and we have had places that have burned that have been repaired. They go in an gut everything and then there is a special sealer that is sprayed on all of the beams and joists that seals everything, so there is no smell and then it gets put back together. The house would basically become a shell, if that is what the engineer deems should be done.

Councilman Sipos stated that our first concern is the health, safety and welfare of the residents of the neighborhood and those who will be working on the house, as was brought up by Mr. Beamer. Mr. Lorino added that we also have to be concerned for those who will occupy the residence later, will it be safe again and what measures have to be done to make it safe.

Supervisor Galligan stated that we meet a week from tomorrow night. I am sure that an engineer could not get in there and give you a report in a week. The board has to make a decision to move along and what kind of time frame. I don't know what the board thinks, do they want to know that you have an engineer on board at least, by our next meeting so that we can do something at the next meeting. Councilman Creegan suggested calling the health department and the county and see what help they may be. They may be able to recommend someone that does this professionally. Mrs. Dollard asked who should they contact to let the board know they have hired people. Supervisor Galligan stated they could send a letter, have their attorney send a letter, call the Town Hall, come to the Town Hall. Then we will issue the time frames, like we want a written report in ten days and plans must be received within "x"

days, this is not going to drag out for years, we will try to get this done in a couple of months. By our next meeting we need to know that you have some sort of a firm commitment from an engineer that he has agreed to x, y and z. If you could get him to come to the meeting great, then we could give him some sort of a time frame and work with him on getting this moving.

Mr. Burger stated that he has a question, when you are referring to the property are you referring to the structure or the entire property? There was discussion about the entire property and the structure and how there are concerns and violations on all. Mr. Burger added that you have the issue of the buried dog outside by the foundation but it's not in the structure. Plus you have the old pool in the back. Mr. Burger asked for clarification between property and structure. It was decided they are referring to the entire premises. Mr. Lorino stated that the property maintenance code addresses both the structure and the surrounding property.

Supervisor Galligan asked Mrs. Dollard if by next week they could hire an engineer and provide proof of his credentials that he can do it by our meeting next week. Attorney Bavoso stated as long as he is fully licensed and certified and insured and if he does everything up to code. Mr. Lorino added that the building department requires stamped and sealed plans by an engineer. Supervisor Galligan stated this is also different due to the environmental issues. Our engineer will eventually do some checking and inspecting. Mr. Lorino added that the engineers may refuse to enter due to the hazard that already exists, you may have to contact some sort of a professional service, maybe recommended by the Board of Health to determine how this should be cleaned properly before the engineer would even go in and inspect it. Step one get an engineer, step two, if he won't touch it, get it cleaned professionally, according to the EPA regulations. Councilman Sipos added the sooner the better. Supervisor Galligan stated that by next week we want documentation that you have engaged certified persons to do a cleanup and an engineer to do an evaluation. Mrs. Price asked if she should remove her stuff from the residence first. Supervisor Galligan replied that she should speak to the people you hire. Councilman Galligan added that the board would fully understand also if you found this to not be financially possible to handle, just tell them. You may determine that the cost involved is not feasible.

Jo Ann Monroe asked if the Department of Health has been there and is aware of the situation that exists? Supervisor Galligan stated not that he was aware, Attorney Bavoso stated that he did not know either, but he knows that the county is aware of it in some capacity due to the fact that the Sheriff's Department was there for their investigation, so the county should have some degree of notice of what's going on, on the property and also, as required by the local ordinance, we were required to file a report with the county regarding this particular property which acts as kind of a notice of pendency on the property. So anytime anyone wanted to do anything on this property, like try to transfer it or something, it will pop up in their computers saying there is this type of a proceeding against this property.

Charlie Beamer – Let me tell you this, if one of us goes to the county and tells them that we want air quality checks around premises, I am not going to pursue that, but if I do, I guarantee you, they will put that house in plastic. I don't want to do that because it's expensive, but somebody should get whatever it is from the Sheriff's Department or the health department, if they did all of these tests, why can't we see what the air quality is. Everybody says there is ammonia in there, I smell it too. It's across the street, I smell it, I also smell the other stuff, but is the air that I am breathing, where I live, safe to breathe? That is what I am after. If they did an air quality test, why doesn't the town have a copy of this? Attorney Bavoso stated that no one said they did an air quality test, it is unknown to the town if anyone has. Mr. Beamer asked why not? It is the same as it was three weeks ago when they shut Janet down. Supervisor Galligan and Councilman Galligan stated we could see what the procedure is and do it. Mr. Beamer continued that if they say it's so bad, and now you have me worried about it, so why don't we request an air quality test. I don't care what it's like on the inside, I care about the outside that affects me and my family. Supervisor Galligan stated he would contact the county health department tomorrow and get some answers. Mr. Lorino stated that if he were an engineer and he was hired, he wouldn't go in it until it was cleaned.

Mrs. Dollard stated there are more comments, Jo Ann Monroe told me that she has a cat running around her neighborhood starving to death and nobody would feed it. Would that be your job to do (directed at Mr. Burger)? Mr. Burger replied no, cats are feral animals they are not covered under Article Seven, which is dog control.

Spencer Monroe – I saw cats living in that house after they left. I saw several cats and you could see them sitting in the windows. Since they moved out of there, cats came to our house. We didn't know what to do with it, the poor

thing was starving to death. It was a black and white cat with a funny gait to it. It's like it's front legs were stiff, it kind of hopped when it ran, so I know it was the same cat. Mrs. Price interrupted that five years ago, her cat ran away. It was not her cat. Mr. Monroe continued that they caught the cat and to it to the humane society and paid twenty dollars so it wouldn't get put down, a week goes by and now there is another one. Black and white, same looking cat and now I have to do something with this one. Mrs. Price continued to state it was not her cat. Mrs. Monroe stated that when they were catching this cat that they took to the humane society, the cat scratched her. Two weeks later she ended up in the hospital with cellulites receiving an IV every twelve hours for four days. I wanted to call my doctor and find out if it could have been from the cat. Mrs. Price stated that she had a black and white cat five years ago, this is ridiculous already. The cat ran away, he did sit in the window. My cats usually don't go out. This cat got out when I left the door open to let the dog out, so he got out. That is not my cat. I have three cats at my house. I am being accused of having twelve cats, you people must be looking in the window or something. They are not my cats. Know what you know before you open your mouth.

At this time Supervisor Galligan asked if there were anymore comments, if not he would entertain a motion for adjournment.

ADJOURNMENT – MOTION by Councilman Galligan to adjourn at 8:05 p.m.

Respectfully submitted,

Joanne K. Nagoda, RMC
Town Clerk