

VILLAGE OF CANASTOTA
SPECIAL HEARING
MINUTES
August 17, 2020

Mayor DeShaw opened the hearing at 6:37 p.m.

PRESENT: Mayor Carla DeShaw; Deputy Mayor Bill Haddad, Trustees Jeffrey Carpenter and Village Administrator Jenn Farwell; Village Attorney John Langey, Attorney Sebastian Piedmont; Laura Miller appeared via Webex with and on behalf of Property Owner Jeffrey L. Miller, Sr.

ABSENT: Trustees Bill McDade and Rosanne Warner.

Attorney Langey explained that this is a hearing held pursuant to Village of Canastota Code, Chapter 73. Once the Village determines a property to be an unsafe structure, there is a process that needs to be followed. The Village hired engineer, Group 1 Design, to inspect the structure and the engineer submitted a report determining the structure to be unsafe. Written notice of the Hearing was properly served upon the property owner, Jeffrey L. Miller, Sr., scheduling the hearing for August 17, 2020. Proof of service has been provided and sufficient time was given to the property owner to appear and respond. Mayor DeShaw asked the property owner and his wife, Laura Miller, if they had anything to say tonight. Mrs. Miller stated that she thought that she was getting a notice for code violations for not mowing the property. Mrs. Miller was advised that those notices were not the subject of tonight's hearing and Attorney Langey again explained the process to Mrs. Miller. Mrs. Miller talked about the notices that she received regarding lawn mowing and explained that she was told not to go onto the property so she cannot mow the lawn. Attorney Langey stated that those notices were regarding property maintenance issues and that this hearing is about the safety of the property as a result of the fire.

Mrs. Miller stated that she and her husband were not fixing the property and they would like to give it back to the Village. She does not have a lawyer and she wants to know what happens if they don't fix it. Attorney Langey stated that the Board would likely find that the property is in an unsafe condition and the building would need to be removed and disposed of properly. If the homeowner does not do this, the Village will do it and charge the homeowner for all of the associated costs. These costs, if unpaid, would be added to the tax bill for the property. Mrs. Miller advised that she got estimates and tried to do the work, but everything she tried she was stopped because it was considered hazardous waste and they cannot afford to do that. Mrs. Miller does not want the property and wants to know what will happen. Attorney Langey explained that if the cost of removing and disposing of the structure is not paid, the property will have a tax lien put on it and then possibly sold at auction by the County. Mrs. Miller asked what happens if the property sells for less than what is owed to clean it up. Attorney Langey stated that that will be up to the Village. Mrs. Miller advised that she cannot afford the cost of cleaning it up. Mayor DeShaw asked Mrs. Miller if she had insurance on the property. Mrs. Miller stated that she only had insurance in 2003 when she bought the property and that the insurance was not for the clean up of the property. Attorney Langey asked the property owner if they received any money from the insurance company as a result of the fire. Mrs. Miller stated that the money was not for the fire damage.

Village of Canastota
Special Hearing
August 17, 2020
Page 2 of 2

Attorney Langey explained to the Board what they can do at this point as a result of the information that was received from the property owner, which was that he does not have any money to clean up the property. Attorney Langey is recommending that the Village move forward with the resolution. Mrs. Miller stated that she would waive the 30-day to clean up the property before the Village does the work. Attorney Langey does not recommend that the Village waive the 30-day period. Mrs. Miller advised that they still have insurance on the property for liability in the event that someone gets hurt there. The Board discussed the amount of time to be given to the property owner to clean up the property and reviewed the resolution prepared by Attorney Langey.

Motion by Trustee Haddad, seconded by Trustee Carpenter to accept the attached Village of Canastota - Resolution, Order and Findings of Fact and Decision of the Board of Trustees in the Matter of 229 South Canal Street, Canastota, New York. Passed 3 to 0.

Motion by Trustee Carpenter, seconded by Trustee Haddad, to close the hearing at 6:57 p.m. Passed 3 to 0.

Respectfully submitted,

Catherine E. Williams
Clerk/Treasurer