

PRESENT: Mayor Malchoff Davis, Trustee Debbie Kite, Trustee Joe Domachowske, Trustee Norm Youmans, Trustee Joseph Carr, Clyde Lewis, Tom Mirizio, Lance Vella, John Illingworth-Code Enforcement Officer, Paul Baxter-Tug Hill Commission and several representative supporting snowmobiling in the local area.

CALLED TO ORDER: by Mayor Davis at 7:00 pm with the Pledge of Allegiance.

OPEN PUBLIC HEARING: Mayor opened Public Hearing to discuss the vacant house at 31 Clay Street Cleveland, NY. Several notices were sent - the latest being a Notice of Hearing sent by regular and certified mail. After 3 delivery attempts, the post office returned the unaccepted certified mail to the Village. Mayor asked if anyone in the room was the owner of said property, Frederick Smith II. No one replied. Code Enforcement Officer John Illingworth stated that he had examined the property today and the condition has not changed other than a couple of windows boarded up. It is still his opinion that the structure needs to be demolished as previously approved by the Board.

Board and Public Comments: Mayor Davis asked if there were any comments or any reason not to proceed. No comments. All agreed to proceed with the next step necessary for demolition.

CLOSE PUBLIC HEARING: Mayor closed Public Hearing, and OPENED Work Meeting.

RESOLUTION: WHEREAS, John Illingworth, Code Enforcement Officer of the Village of Cleveland has filed an Order to Remedy Violation dated March 3, 2009 with the Village Board of the Village of Cleveland alleging that Frederick Smith II of 13277 Wright Road, Red Creek, New York 13143, is the owner of properties located at 31 Clay Street, Village of Cleveland, County of Oswego, State of New York, also known as Tax Map No. 313.03-02-03 and the Village Board of the Village of Cleveland, after having reviewed said Order to Remedy, having scheduled an Administrative Hearing to occur on June 23, 2009, at 7:00 p.m.; and

WHEREAS, a Notice of Hearing was served by Certified Mail and Regular Mail, upon the Frederick Smith II, 10 or more days prior to the Administrative Hearing, a copy of the Notice of Hearing, Affidavit of Mailing and unclaimed Certified Mail Envelope having been filed with the Village Board of the Village of Cleveland; and

WHEREAS, an Administrative Hearing having duly been held on June 23, 2009 and John Illingworth, Code Enforcement Officer for the Village of Cleveland, having appeared on behalf of the Village of Cleveland, and Frederick Smith II having failed to appear; and

WHEREAS, the Village Board of the Village of Cleveland having held an Administrative Hearing at the aforesaid date and time, John Illingworth, Code Enforcement Officer, having testified at the aforesaid hearing, and having presented photographs of the alleged violations of Local Law No. 2 of 2005; and

WHEREAS, the Village Board of the Village of Cleveland, after reviewing said items and after hearing testimony from the aforesaid individuals in regards to the alleged violations of Local Law No. 2 of 2005 pertaining to the properties located at 31 Clay Street known as Tax Parcel No. 313.03-02-03 in the Village of Cleveland and owned by Frederick Smith, and after duly deliberated upon same, having determined said violations to be unsafe and a public nuisance pursuant to Local Law No. 2 of 2005.

NOW, THEREFORE, upon motion made by Mayor Davis and seconded by Trustee Domachowske, BE IT RESOLVED as follows:

1. That the Village Board of the Village of Cleveland hereby declares that Frederick Smith II did violate Local Law No. 2 of 2005 of the Village of Cleveland in that he permitted unsafe and unsecure buildings to exist on the premises located on 31 Clay Street, also known as Tax Parcel No. 313.03-02-03 in the Village of Cleveland and owned by Frederick Smith II thereby creating a public nuisance dangerous to life, health, safety and welfare.

2. Frederick Smith II has hereby directed to remove the violation found on the subject premises and to bring the property into compliance with Local Law No. 2 of 2005 on or before July 14, 2009.

3. In the event that Frederick Smith II fails to correct the alleged violation and bring the subject premises into compliance with Local Law No. 2 of 2005 on or before July 14, 2009 the Village of Cleveland, its agents or employees, are authorized to conduct the necessary remediation work and remove the alleged violation found on the subject premises, and the cost of such removal shall be assessed against the land located at 31 Clay Street, Village of Cleveland, known as Tax Parcel No. 313.03-02-03 and shall be levied and

collected in the same manner as provided in Village Law for the collection of a special ad valorem levy.

4. That Phyllis Sweeten, Village Clerk of the Village of Cleveland is hereby directed to notify Frederick Smith II, in writing, of the Village Board’s decision and said Notice to be served in accordance with the requirements of Local Law No. 2 of 2005.

MOTION UNANIMOUSLY ADOPTED.

Malchoff Davis, Mayor	AYE
Joseph Domachowske, Trustee	AYE
Norman Youmans, Trustee	AYE
Deborah Kite, Trustee	AYE
Joseph Carr, Trustee	AYE

APPROVAL OF MINUTES: Mayor Davis made motion to approve minutes for 5/20/09 Work Meeting, second by Trustee Carr, all in favor. Mayor made motion to approve minutes for 6/2/09 Board Meeting second by Trustee Carr, Davis-yes, Carr-yes, Youmans-yes, Kite-yes, Domachowske – recused, was absent, motion carried.

ADDITIONS TO ABSTRACT: Mayor made motion to approve the additions to Abstract # 1 Vouchers # 49-54, second by Trustee Youmans, all in favor.

HAZARD MITIGATION: Trustee Kite will be representing the Village regarding Oswego County Hazard Mitigation.

ATV’s, Dirt Bikes: Several members of Local Snowmobile Clubs and County Snowmobile Representatives and business owners were in attendance to voice their opinion regarding the Villages concerns with ATV’s, dirt bikes and snowmobiles being operated on the Village roads. The Mayor read minutes from June 2, 2009 meeting making it clear that ATV’s and Dirt Bikes are a danger when driven on the roads and many are being driven by underage, unlicensed operators. ATV’s and Dirt Bikes are not permitted on roads by State Law. The Board has no intention of developing a law that is already in place. It just needs to be enforced. The Board has a responsibility for all residents. The Village will work with the State Police to identify those who are offending the law.

Those attending, representing snowmobile clubs, spoke to the board voicing their opinion on snowmobiles only. They recommended designating a road for local access to clubs, restaurants and stores. The Board stated the issues were mostly with the ATV’s and dirt bikes. Mark Kirkhoff, president of the Vanderbilt Snowmobile Club agreed to meet with the Board to discuss further.

IMPORTANT DATES:

- Next regular Board Meeting July 7, 2009 at 7:30 at the Village Hall.

MEETING ADJOURNED: Mayor Davis made motion to adjourn, second by Trustee Kite, all in favor.

Recorded and Submitted by Phyllis Sweeten, Clerk-Treasurer on 7/3/09