

Village of Cleveland

Work Meeting

Sept. 22, 2009

PRESENT: Mayor Malchoff Davis, Trustee Norm Youmans, Trustee Joseph Carr, DPW Superintendent Doug Riggs, CEO John Illingworth, Clyde Lewis, Paul Baxter - Tug Hill Commission

ABSENT: Trustee Joe Domachowske, Trustee Debbie Kite

CALLED TO ORDER: by Mayor Davis at 7:15 pm with the Pledge of Allegiance.

OPEN PUBLIC HEARING: The Village Board for the Village of Cleveland will hold a Public Hearing on the 22nd day of September, 2009, at 7:00 p.m. at the Village Hall, 2 Clay Street, Cleveland, in regards to the unsafe structure at the premises located at 51 Bridge Street in the Village of Cleveland pursuant to the provisions of Local Law No. 2 of 2005.

Board and Public Comments: The Code Enforcement Officer recommended the structure be torn down. A letter was sent with Boards findings, there was no owner response. Ms. Nancy Neville, owner of the above property is not present at this public hearing. Mayor stated that due to the cost of the demolition of the property at 31 Clay Street the Village could not afford to tie up funds right now. The Board feels the property should at least be cleaned-up and secured by Village employees. The County informed Mayor that the property would not be going up for auction for 1-2 years.

CLOSE PUBLIC HEARING: Mayor closed Public Hearing, and OPENED Work Meeting, second by Trustee Carr, all in favor, motion carried.

RESOLUTION: Mayor Davis made motion to approve resolution as read:

WHEREAS, John J. Illingworth, Code Enforcement Officer of the Village of Cleveland has filed a Letter of Complaint dated June 25, 2009 with the Village Board of Trustees of the Village of Cleveland alleging that Nancy D. Neville of 51 Bridge Street, Cleveland, New York 13042, the owner of property located at 51 Bridge Street, Village of Cleveland, County of Oswego, State of New York, also known as Tax Map No. 313.13-05-05 and the Village Board of Trustees of the Village of Cleveland, after having reviewed said Letter of Complaint, having scheduled an Administrative Hearing to occur on September 22, 2009 at 7 p.m. or as soon thereafter as possible; and

WHEREAS, Phyllis Sweeten, Clerk/Treasurer of the Village of Cleveland, having served a Notice of Hearing, by Certified Mail and Regular Mail, upon Nancy D. Neville 10 or more days prior to the Administrative Hearing, a copy of the Notice of Hearing and Certified Mail Receipt having been filed with the Village Board of Trustees of the Village of Cleveland; and

WHEREAS, an Administrative Hearing having duly been held on September 22, 2009 and John J. Illingworth, Code Enforcement Officer for the Village of Cleveland, having appeared on behalf of the Village of Cleveland, and Nancy D. Neville having appeared/not appeared; and

WHEREAS, the Village Board of Trustees of the Village of Cleveland having held an Administrative Hearing at the aforesaid date and time, John J. Illingworth, Code Enforcement Officer, having testified at the aforesaid hearing, and having presented photographs of the alleged violation of the New York State Property Maintenance Law and the Village of Cleveland Local Law No. 2 of 2005; and

WHEREAS, the Village Board of Trustees of the Village of Cleveland, after reviewing said items and after hearing testimony from the aforesaid individuals in regards to the alleged violation of New York State Property Maintenance Law and Local Law No. 2 of 2005, pertaining to properties located at 51 Bridge Street known as Tax Parcel No. 313.13-05-05 in the Village of Cleveland and owned by Nancy D. Neville and after having duly deliberated upon same, having determined said violations to be unsafe and a public nuisance pursuant New York State Property Maintenance Law and the Village of Cleveland Local Law No. 2 of 2005.

NOW, THEREFORE, upon motion made by Mayor Malchoff Davis seconded by Trustee Joseph Carr, BE IT RESOLVED as follows:

1. That the Village Board of Trustees of the Village of Cleveland hereby declares that Nancy D. Neville did violate New York State Property Maintenance Law and Local Law No. 2 of 2005 of the Village of Cleveland in that she permitted an unsafe structure on the property, all at the premises located at 51 Bridge Street, also known as Tax Parcel No. 313.13-05-05 in the Village of Cleveland and owned by Nancy D. Neville thereby creating a public nuisance dangerous to life, health, safety and welfare.

2. Nancy D. Neville is hereby directed to secure the structure found on the subject premises by boarding up all doors and windows and to bring the property into compliance with New York State Property Maintenance Law and Local Law No. 2 of 2005 on or before October 13, 2009.

3. In the event that Nancy D. Neville fails to correct the alleged violation and bring the subject premises into compliance with New York State Property Maintenance Law and Local Law No. 2 of 2005 on or before October 13, 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 51 Bridge Street, Village of Cleveland, known as Tax Parcel No. 313.13-05-05 and shall be levied and collected in the same manner as provided in Article 5 of the Village Law.

4. That Phyllis Sweeten, Village Clerk of the Village of Cleveland, is hereby directed to notify Nancy D. Neville, in writing, of the Village Board of Trustee's decision and said Notice to be served in accordance with the requirements of Local Law No. 2 of the year 2005.

MOTION UNANIMOUSLY ADOPTED by those Trustees present.

MALCHOFF J. DAVIS, MAYOR	AYE
JOSEPH DOMACHOWSKE	Absent
DEBORAH KITE	Absent
NORMAN YOUMANS	AYE
JOSEPH CARR	AYE

APPROVAL OF MINUTES: Mayor Davis made motion to approve minutes with changes as corrected for 9/8/09 Board Meeting, second by Trustee Car, all in favor, motion carried.

ADDITIONS TO ABSTRACT: Mayor made motion to approve the additions to Abstract # 4 Vouchers # 213-220, second by Trustee Carr, all in favor, motion carried.

WORKSHOPS: ATV's and Snowmobiles: October 15, 2009 (Mayor Davis and Trustee Youmans may attend)
October 5, 2009 Training for Planning Board (Mayor will attend)
September 24, 2009 Planning board Basics (Mayor will attend)

WATER LEAK-WEST END OF VILLAGE:

Mayor Davis and Doug Riggs met with the Village Attorney –she advised that either a small water district be formed or to annex into the Village. The residents on the leaking private line hired Attorney Bill Buchan. The leak is very serious with an estimated loss of 7,000-10,000 gallons per day.

The residents first wanted a private line on private property. They are now considering both water and sewer on state right-of-way to extend to Flatt's residence. It's more difficult for individuals to obtain State operating permits necessary. Mayor Davis informed Mr. Buchan if nothing done soon... the water would need to be shut off by winter. More problems could arise by just repairing the main leak as it is serving as a pressure reducer.

WATER LEAK: Doug Riggs stated there is a water leak near App's, a 1" galvanized line on private property.

GRANT: Mayor Davis has been in contact with Bernie Thoma regarding possible grant opportunities. He recently helped Parish receive a \$685,000 grant for a sewer upgrade. Mr. Thoma helped the Village with a grant years ago.

WATER APPLICATION: Mr. James Faulls has applied for water/sewer installation for a garage he recently built on his property at 120 North Street, which is the only structure on property.

IMPORTANT DATES:

- Next regular Board Meeting October 13, 2009 at 7:30 at the Village Hall.

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

Recorded and Submitted by Phyllis Sweeten, Clerk-Treasurer on 9/28/09