

VILLAGE OF BARKER BOARD OF TRUSTEES
SPECIAL MEETING MINUTES



Code Enforcement Violation Hearing
February 24, 2025 6:00PM

Mayor Seanna Corwin-Bradley
Deputy Mayor Aaron Davis
Trustee Val Ditommaso
Trustee Melanie Hirschman
Trustee Alexzander Detschner

Hearing was called to order at 6:00pm.

A voice recording will be taken as the official record of the happening of this hearing.

Present: Harold & Lynette Hawley, Dave Hawley, All five members of the Board of Trustees, Code Enforcement Officer Mark Remington and Clerk-Treasurer Amanda Detschner.

Clerk-Treasurer Detschner administered the Oath to Witness: CEO Mark Remington
CEO Mark Remington accepted the sworn oath.

CEO Mark Remington states details of the property inspection report for 1707 East Avenue, Barker to establish the findings and establish the facts of the hearing.

Pursuant to the Village of Barker Code Chapter 91 and 93 I have inspected the property listed below, and report as follows:

PROPERTY ADDRESS: 1707 East Avenue, Barker, NY 14012

SBL #: 18.10-1-39.1

PROPERTY OWNER: Harold & Lynette Hawley

DATE OF INSPECTION: January 23, 2025

INSPECTED BY: Mark D. Remington, Code Enforcement Officer

VIOLATIONS FOUND:

Unsafe building conditions due to structure fire on December 1, 2024, including garage and shed. As well as illegal parking across sidewalk access and debris strewn around the entire lot including but not limited to an excavator, plane parts, lawn mowers, household contents and other materials.

SECTION OF CODE VIOLATED ARE:

91-4 (A) 1-5 and 93 (3)

DESCRIPTION OF VIOLATION:

Unsafe Building Conditions: The structural integrity of the debris of the home from the fire.

The garage has bowing of a wall due to lack of structural integrity from being built off the residence which is unsafe and dangerous to public safety, as set forth below.

Unmaintained Property: debris accumulation including unregistered vehicles/equipment, airplane, 2 boats, large TV, lawn mowers, backhoe and many other materials, including household contents and debris and as set forth below.

INSPECTION DETAILS:

OBSERVATIONS:

On January 23, 2025, I Mark Remington, CEO Officer of the Village of Barker inspected said premises at 11:52am. A pile of debris from a structure fire that occurred on December 1, 2024 is still present at the premises. The debris is extremely close to the neighboring property at 1709 East Avenue and presents a threat to public safety because the pile of debris is wide open. The garage that was attached to the home is structurally unsafe because the wall is bowing out due to lack of structural integrity from the loss of the attached home. The garage has broken windows and open doors that allowed me to witness that the garage has contents. A blue Toyota Prius (plate #KBF 6862) is parked across the sidewalk on East Avenue north of the garage and debris pile. As the pictures indicate, the parcel contains many unregistered/unlicensed vehicles and various pieces of equipment such as 2 boats, a backhoe, grey Honda sedan (silver), an airplane, several lawnmowers. In addition to the equipment/vehicles other forms of rubbish were present around the entire parcel, such as large TV, wood scraps and other forms of debris. The burned out building is fully dilapidated and is unsafe to the general public with dangling debris and the entire house in a fully burned out condition. This is dangerous to passers by and constitutes a danger to persons especially children who may find it an attraction for exploration, with danger of injury, as well is to potential scavengers. The garage has contents and is open to them. Further, rodents will eventually infest the site. The entire structure, including the garage needs to be removed and the site made safe.

As of today, February 24, 2025, the property is still in the same condition as it was observed and reported in the property inspection report dated January 23, 2025, except for the Blue Prius has been removed from obstructing the sidewalk is no longer in violation.

Entered into Evidence by CEO Mark Remington

- A) Property Inspection Report, 1707 East Avenue
- B) Notice of Violation, 1707 East Avenue
- C) Affidavit of notice and property inspection report being served through a process server on February 14, 2025 and sent via certified mail to Harold Hawley due to no answer when attempted to be served in person (Signed Certified Mail February 18, 2025)

Remarks from Harold and Lynette Hawley

Harold Hawley stated that this has been one of the worst winters that he can remember, therefore its prevented them from salvaging items that hold sentimental value so that clean up can begin. Lynette Hawley stated they would like to do the demolition slowly and thoughtfully as to salvage as many items as possible, they don't want to just allow someone to come in and demolish the property without them being able to look through things. Harold and Lynette both expressed opposition to the statement that the garage wall is not sound and question CEO Mark Remington as to his qualifications to determine such. Harold Hawley stated he's an engineer and is qualified to make that determination. Harold and Lynette both stated multiple times that they will be cleaning up the property and debris as soon as they can get their excavator repaired and the weather breaks to cooperate with the removal. Lynette stated she tried to find a company shortly after the fire that would demolish the property, but then the weather took a harsh turn and hasn't let up since. The Hawley's stated they could put up a caution tape perimeter as a precaution and would only rent fencing to surround the debris they absolutely have to. Harold and Lynette also asked the Board of Trustees to give them another 30 days added to the Village Law for unsafe buildings that states the remediation must being within 30 days of the date of being served the CEO notice of hearing (March 14, 2025) and must commence by 60 days from the date of being served the notice (April 14, 2025). The Boad was unsure about deviating from the Village Law and asked Clerk-Treasurer Detschner to call the Village Attorney Dan Seaman for an answer. Attorney Seaman advised that the Board of Trustees will take the request into consideration but are not promising that an extension will be granted.

The hearing was closed at 6:17pm by Mayor Corwin-Bradley.

Resolution # 8-2025

Village of Barker Board of Trustee Findings from CEO Hearing, 1707 East Avenue, Barker, NY 14012

WHEREAS, it is the opinion of the Village of Barker Board of Trustees, New York, that the buildings or structures upon the premises located at 1707 East Avenue, Barker, NY has become in such a state of disrepair, damaged and dilapidation as to be a menace to public health, safety and general welfare of the inhabitants of the community;

WHEREAS, that it is in the public interest to require the removal thereof, according by codified local law #1-2025 Unsafe Buildings-Chapter 91by reason of the condition set forth in Village of Barker Local Law.

WHEREAS, a property inspection report filed with the Board of Trustees on February 10, 2025 by Code Enforcement Officer Mark Remington was accepted and a hearing set for February 24, 2025 at 6:00pm in the Village Hall meeting room as set forth in exhibit A, B & C.

NOW THEREFORE BE IT RESOLVED, By the Village of Barker Board of Trustees, that

Section 1: That the buildings or structures set forth in Exhibit A,B & C are declared to be in such state of disrepair, damage and dilapidation as to constitute an unsafe building within the purview of LL#1-2025 Chapter 91, as well as being a public nuisance prejudicial to the public health, safety and general welfare. That such unsafe buildings or structures set forth, if any, cannot reasonably be repaired so that they will no longer exist in violation of the terms of the ordinance by order of demolition.

Section 2: The Owners in charge of said premises be Harold and Lynette Hawley are ordered and required to remove such dangerous building or structure within a reasonable time thereafter not to exceed thirty (30) days from the receipt of the Notice of Violation being served, which was February 14, 2025 and fully commence within sixty (60) days from the date of being served. All expenses incurred by the Village in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, and all reasonable and necessary legal expenses incidental thereto, shall:

- A. Be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Section 5-518 of the Village Law.
- B. Be collected by commencement of a special proceeding against the owner of said unsafe or dangerous building or structure pursuant to General Municipal Law section 78-b.
- C. Be collected as restitution pursuant to 67-12.
- D. Be collected as a judgement.

Section 3: In addition to the civil remedies provided for herein, any person refusing or neglecting to comply with the order of the Village Board, as set forth in Section 67-6, after service of the notice as set forth in Sections 67-7 and 67-8, shall be guilty of a violation and shall, upon conviction thereof, be subject to a fine of not more than \$250.00 and/or to imprisonment of not more than 15 days, and each week of refusal or neglect to comply shall constitute a separate offense.

A motion to ADOPT Resolution #8-2025 was made by Trustee Detschner and was seconded by Trustee Hirschman. AYES-5-Corwin-Bradley,Davis,Detschner,DiTommaso,Hlrshchman NAYS-0/None Motion Carried. Resolution Passed.

A motion to adjourn the special meeting/CEO hearing was made at 6:23pm by Deputy Mayor Davis and was seconded by Trustee Detschner.

AYES-5-Corwin-Bradley,Davis,Detschner,DiTommaso,Hlrshchman NAYS-0/None Motion Carried.

Respectfully Submitted,
Amanda M. Detschner, CMC/RMC/CMFO
Clerk-Treasurer