



VILLAGE OF BARKER WORK SESSION MINUTES

January 6, 2025

6:00pm

8708 Main Street, Barker

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

In **Attendance:** Attorney Daniel Seaman, Jennifer Mason, Mark Dudkowski, Robert Wendler

At **6:00pm** meeting was called to order by Mayor Corwin-Bradley by administering the Pledge of Allegiance.

PUBLIC HEARING-Local Law #1-2025-Property Maintenance Law of the Village of Barker

At **6:01pm** a motion to open the public hearing for the proposed local law titled, *Property Maintenance Law of the Village of Barker* was made by Deputy Mayor Davis and was seconded by Trustee DiTommaso.

The previous was ADOPTED. AYES-5-Corwin-Bradley, Davis, Detschner, DiTommaso, Hirschman NAYS-0/None Motion Carried.

The proposed local law would separate the unsafe structures/buildings from the property maintenance from the current code which was adopted in 1971 and combines both aspects. By separating the laws the Village Board is giving due process and consideration to property owners who receive violations while also providing a process in which to remedy the situation. Currently the property Maintenance Law requires a violation sent to the property owner and if left without remedy they are sent an appearance ticket to court. The aim of this revised law is to address accumulated junk/debris and long grass.

PUBLIC HEARING COMMENTS:

Mark Dudkowski: questioned why two laws were being adopted.

The public hearing was closed at **6:04pm**.

Proposed Property Maintenance Law of the Village of Barker

§ 93-1. Findings and determination.

The Village Board of the Village of Barker hereby finds that the outdoor storage, accumulation, deposit or placement of abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property threatens the health, safety and welfare of the Village residents. Outdoor storage, accumulation, deposit or placement of such items and uncontrolled weeds and vegetation creates a significant fire hazard, endangers the environment and groundwater, leads to infestation by insects, vermin or rodents, depreciates property values, and has a deteriorating and blighting effect upon the neighborhood and community.

B. The Village Board hereby determines that the outdoor storage, accumulation, deposit or placement of abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste and uncontrolled weeds and vegetation upon private property constitutes a public nuisance.

§ 93-2. Definitions.

A. As used herein, the following terms shall have the following definitions:

CODE ENFORCEMENT OFFICER – The Building Inspector or Code Enforcement Officer or their deputies or staff, or any other person having Code Enforcement authority in the Village of Barker.

DEBRIS – Includes all materials resulting from the construction, excavation, renovation, equipping, remodeling, repair or demolition of structures, property or roads as well as materials consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm-related cleanup. Such materials include but are not limited to bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, nonasbestos insulation, roofing shingles, asphaltic pavement, glass, window frames, electrical wiring and components, plastics, carpeting, foam padding, linoleum, metals, or any combination thereof which are incidental to construction, excavation, renovation, equipping, remodeling, repair or demolition.

GARBAGE – Includes all putrescible animal and vegetable waste resulting from processing, marketing and preparation of food items, including the container in which packaged.

MOTOR VEHICLE – Includes all vehicles as defined by New York State Vehicle and Traffic Law § 125. The term “motor vehicle” as used in this chapter shall also include all-terrain vehicles as defined by New York State Vehicle and Traffic Law § 2281 and snowmobiles as defined by New York State Vehicle and Traffic Law § 2221 and shall further include any vehicle intended for operation on land by means other than muscle power.

OUTDOORS – Includes anything not housed in a fully enclosed building.

OCCUPANT – Any person residing in or occupying the premises as identified on the current assessment role.

OWNER – The owner as identified on the current assessment roll, or the managing representative of the owner.

RUBBISH – Includes all nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper and paper products, rags, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, metals, plastics, tires, bedding, cloth, crockery, furniture, appliances and similar items.

SOLID WASTE – Includes all putrescible and nonputrescible materials and substances having served their original intended use or being spent, useless, worthless or in excess to the owner, including but not limited to household and commercial garbage, industrial waste, rubbish, debris, garbage, litter and ashes.

WEEDS OR VEGETATION – All brush, grass, weeds or other vegetation, which exceed the height of twelve (12) inches, on a premises which is improved by a residential, commercial, industrial building.

B. All other terms as used in this chapter shall have their common or ordinary meaning.

§ 93-3. Outdoor deposit or storage of waste.

A. No person, as owner, occupant, lessee or agent, or in any capacity, shall store, deposit, place, maintain, or cause or permit to be stored, deposited, placed or maintained outdoors any abandoned, junked, discarded, wholly or partially dismantled, unlicensed or unregistered motor vehicle or any solid waste, rubbish, or debris or weeds and vegetation as defined herein upon any private property within the Village.

B. This section shall not apply to:

(1) Any solid waste, rubbish or debris temporarily stored or placed in a container for collection or disposal.

(2) The maintenance of a mulch pile used for on-premises gardening or landscaping confined to an area to the rear of a residence and not exceeding 50 square feet.

(3) The temporary storage on a premises of a single motor vehicle meeting New York State inspection requirements which is unlicensed or unregistered but which is not dismantled, abandoned, junked or discarded. This exception shall only apply where the vehicle is stored on a stone or paved surface not closer to the street than the front facade of the building.

(4) The maintenance of any motor vehicle on a duly licensed automobile repair or sales business lot, properly zoned, while said vehicle is being repaired or sold, provided that this exception shall not permit storage of vehicles which will not pass a New York State vehicle inspection on any premises for a period in excess of 30 days.

(5) The maintenance or storage of farm equipment or materials used in a farming or agricultural operation or weeds or vegetation on farms on a premises in actual use for agricultural purposes.

(6) The maintenance or storage of operable farm equipment, business equipment or construction equipment for sale or in connection with a legally operating business.

(7) Vegetation consisting of maintained gardens and landscaping where actual care and maintenance is taking place on a regular basis.

C. For purposes of this chapter, every owner and occupant shall be strictly liable and fully responsible and shall be deemed to have permitted any condition on the premises they own or occupy.

§ 93-4. Inspection and report.

Whenever it shall appear that the provisions of this chapter are violated, the Code Enforcement Officer is authorized to make an inspection of the property involved and prepare a written report of the conditions found, which report shall be filed with the Village Board.

§ 93-5. Notice of violation.

A. If conditions existing on the inspected property violate the provisions of this chapter, the Code Enforcement Officer is authorized to serve or cause to be served a written notice of such violation, either personally or by certified mail, upon the owner or owner's agent as well as upon the lessee or occupant of said premises. Failure to serve either an owner or an occupant or lessee shall not prevent enforcement against any party served.

B. Said notice shall contain substantially the following: the name of the owner, lessee or occupant of the premises, if known; the address or location of the premises; the identification of the premises as the same appears on the current assessment roll; a statement of the conditions on the property deemed upon inspection to be in violation of

this chapter; a demand that the motor vehicle, solid waste, rubbish, or debris, weeds or vegetation determined to be in violation of this chapter be removed from the property on or before 10 days after the service or mailing of such notice; and a statement that a failure or refusal to comply with the provisions of this chapter and the notice given pursuant thereto within the time specified may result in the Code Enforcement Officer,

or any authorized officer, agent or employee of the Village entering upon the property and removing such motor vehicle, solid waste, rubbish or debris, weeds or vegetation, and causing the same to be disposed of or otherwise destroyed and that the cost and expense of such removal and disposal or destruction and an enforcement fee in the amount of Five Hundred (\$500.00) Dollars shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

C. Said notice shall also contain the date, time and location at which the Village Board will conduct a hearing to determine whether the conditions upon the subject property constitute a public nuisance. Said notice shall state that the property owner, his/her agent, lessee or occupant is entitled to be heard at such hearing. The date of such hearing must be at least 10 days after service or mailing of the notice of violation.

D. Nothing contained in § 93-4, 93-5, 93-6, 93-7 or 93-8 of this chapter shall require any report or notice as a prerequisite to the filing of an information or the issuance of a summons or appearance ticket for, or any prosecution of, a violation of any of the provisions of this chapter, or taking any civil action.

§ 93-6. Second inspection and report.

On or before the date of the hearing and prior to commencement of the hearing, the Code Enforcement Officer or other duly authorized officer or employee shall conduct a second inspection of the property and file a written report of the conditions deemed in violation of this chapter found thereon with the Village Board. Such inspection shall be conducted as close to the date of the hearing as practicable.

§ 93-7. Determination of public nuisance; removal by Village.

At the close of the hearing, the Village Board may determine that the conditions upon the subject property which violate this chapter constitute a public nuisance. Upon a determination by the Village Board that conditions upon the property constitute a public nuisance, the Code Enforcement Officer is empowered to authorize and direct officers, agents or employees of the Village to enter onto the property and remove any vehicle, solid waste, rubbish or debris, weeds or vegetation deposited, placed or maintained in violation of this chapter and dispose of or otherwise destroy the same. Any costs and expenses incurred by the Village and an enforcement fee in the amount of Five Hundred (\$500.00) Dollars when acting pursuant to this chapter to abate a public nuisance shall be assessed against the property involved and shall constitute a lien thereon to be collected as provided by law.

§ 93-8. Emergency actions.

A. Nothing in this chapter shall prohibit the Village from entering onto private property to remove any solid waste, motor vehicle, appliance, rubbish or debris, weeds or vegetation whenever there exists an imminent threat to the life or safety of persons. Municipal authority pursuant to this section may only be exercised where there is an immediate necessity to protect life and safety. Any municipal action taken pursuant to this section must be reasonably calculated to alleviate or prevent the crisis condition.

B. A property owner shall be given notice and an opportunity to be heard prior to any costs and expenses incurred pursuant to this section being placed on the property's tax bill.

§ 93-9. Penalties for offenses; enforcement.

In addition to the remedies set forth in Sections 93-4 through 93-8:

A. A violation of § 93-3 of this chapter is a violation punishable by a fine of up to \$250 and/or imprisonment for up to 15 days. Each additional week of continuous violation of the terms of this chapter constitutes a separate violation.

B. The Village may seek injunctive relief in a court of competent jurisdiction and shall be entitled to a judgment for any expenses incurred, including attorney fees.

C. All remedies set forth in this chapter are alternative and cumulative, and the Village may enforce this chapter utilizing any remedy or combination thereof.

§ 93-10. Conflicts with other laws.

When the provisions of this chapter conflict with the provisions of any other local law or ordinance of the Village of Barker, the provisions of this chapter shall prevail.

§ 93-11. This Local Law is adopted pursuant to provisions of General Municipal Law Section 10(1) (i)(ii)(a) and New York State Constitution Article ix§2(c)(10).

§ 93-12. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

PUBLIC HEARING- Local Law #2-2025-Unsafe Buildings Law

At 6:04pm a motion to open the public hearing for the proposed local law titled, *Unsafe Buildings Law* was made by Trustee Hirschman was seconded by Trustee Detschner.

The previous was ADOPTED. AYES-5-Corwin-Bradley,Davis,Detschner,DiTommaso,Hirschman NAYS-0/None Motion Carried.

The proposed local law would separate the unsafe structures/buildings from the property maintenance from the current code which was adopted in 1972 and combines both aspects. By separating the laws, the Village Board is giving due process and consideration to property owners who receive violations while also providing a process in which to remedy the situation. The unsafe buildings law would give the Village Board teeth to move forward to remedy a structure in an emergency, as well. The proposed law would address unsafe buildings by an inspection by the building inspector/code enforcement officer. After the inspection a report will be written to share the findings of the inspection with the owner and the Village Board. After the report is submitted a hearing with the Village Board will be scheduled to address findings and recommendations for remediation. The property owner may waive their rights to a hearing with the Village Board. After the hearing the Village Board will make a decision to proceed.

PUBLIC HEARING COMMENTS:

Mark Dudkowski: Stated, the Village Board needs to be able to step in to remedy unsafe structures in emergency situations. It's unfortunate about his neighbors at 1707 East Avenue, but that situation has left his home with damage and living next to a large pile of debris from the fire.

Robert Wendler: Inquired about how the new law is different than the current law. Mr. Wendler also inquired about the qualifications of the building inspector and if an engineer would be used to determine if a building is unsafe. Attorney Seaman stated that building inspectors are qualified to do an inspection and provide a report to remedy, in certain cases is a structure is questionable as to the safety an engineer maybe consulted.

The public hearing was closed at 6:17pm.

Proposed Unsafe Buildings Law

Section 91-1 Findings and Purpose.

Unsafe buildings pose a threat to life and property in the Village of Barker. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secure at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this Local Law to provide for safety, health protection and general welfare of persons and property in the Village of Barker by requiring that such unsafe buildings be repaired or demolished and removed.

Section 91-2 Title.

This chapter shall be known as the "Unsafe Buildings Law" of the Village of Barker.

Section 91-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING

Any building, structure or portion thereof used for residential, business industrial or storage, or any vacant building.

BUILDING INSPECTOR

The Building Inspector of the Village of Barker or such other person appointed by the Village Board to enforce the provisions of this chapter.

Section 91-4 Investigation and report.

The Building Inspector may cause or make an inspection of a building when the Building Inspector determines, in his/her own opinion, or receives information that a building:

- (1) Is or may become dangerous or unsafe to the general public;
- (2) Is open at the doorways and windows, making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers;
- (3) Is or may become a place of rodent infestation;
- (4) Presents any other danger to the health, safety, morals and general welfare of the public; or
- (5) Is unfit for the purposes for which it may lawfully be used.

If the Building Inspector determines that further action is warranted, he shall report in writing to the Village Board of the Village of Barker his/her findings and recommendations in regard to its repair or demolition and removal.

Section 91-5 Order to repair or demolish.

The Village Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

Section 91-6 Contents of notice.

The notice shall contain the following:

- A. A description of the premises;
- B. A statement of the particulars in which the building is unsafe or dangerous;
- C. An order outlining the manner in which the building is to be made safe

and secure, or demolished and removed;
A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be extended;

A date, time and place for a hearing before the Village Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice;

A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Village Board is authorized to provide for securing the building or its demolition and removal, to assess all expenses thereof against the land on which it is located, and to institute a special proceeding to collect the costs of securing or demolition, including legal expenses; and

A statement that maintenance of a building in a dilapidated or unsafe condition constitutes a violation punishable by fine and/or imprisonment.

Section 91-7. Service of notice.

The said notice shall be served by:

Personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such unsafe building as shown by the records of the Village Clerk or of the County Clerk or, if no such person can reasonably be found, by mailing such owner by registered mail a copy of such notice directed to his/her last known address as shown by the above records;

Personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and

C. Securely affixing a copy of such notice upon the unsafe building.

Section 91-8 Notice to be filed with County Clerk.

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Niagara.

Section 91-9 Refusal to comply.

In the event of the refusal or neglect of the person so notified to comply with said order of the Village Board or failure to appear at the hearing, after the hearing, the Village Board shall provide for the demolition and removal of such building or structure either by Village employees or by contract.

Section 91-10 Assessment of Expenses.

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:

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.

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.

Be collected as restitution pursuant to 67-12.

Be collected as a judgement.

Section 91-11 Emergency cases.

Where it reasonably appears that there is present a clear and imminent danger to life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Village Board may by resolution authorize the Building Inspector to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in section 67-10 hereof.

Section 91-12 Penalties for offenses.

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. This section shall not apply to persons who are notified solely because they are tenants or occupants, except that it shall apply to tenants occupying said building pursuant to a lease exceeding one year in duration.

Section 91-13 This Local Law is adopted pursuant to provisions of General Municipal Law Section 10(1) (i)(ii)(a) and New York State Constitution Article ix§2(c)(10).

Section 91-14 Effective Date.

This Local Law shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York.

Resolution # 1-2025- Declaring the 2013 Chevrolet Silverado 3500 Dump Truck Surplus Property

WHEREAS, the Village of Barker bid and purchased a 2024 Chevrolet Silverado 3500 Dump truck with 9ft V-plow to replace the 2013 Chevrolet Silverado 3500 Dump Truck with 9ft plow; and

WHEREAS, The Village of Barker only has a need for one small dump truck in its fleet;

NOW THERE FORE BE IT RESOLVED, that said equipment is hereby declared surplus equipment/property; and

BE IT FURTHER RESOLVED, that the Village of Barker Board of Trustees authorizes the 2013 Chevrolet Silverado 3500 Dump truck to be placed up for auction.

A **motion to ADOPT Resolution #1-2025** was made by Deputy Mayor Davis and was seconded by Trustee Detschner.

The previous was ADOPTED. AYES-5-Corwin-Bradley,Davis,Detchner,DiTommaso,Hirschman NAYS-0/None Motion Carried.

Public Comment was offered by:

Mark Dudkowski: Stated he understood property maintenance won't happen overnight, but is there any way to get financial assistance from Niagara County, NYS or other funding to remove the debris from the fire at 1707 East Avenue. The car is still across the sidewalk that Mr. Dudkowski spoke about at the December 19th meeting. He would like it moved.

Robert Wendler: Inquired if the proposed local laws would be voted at this meeting.

A **motion to ADOPT Local Law #1-2025 Property Maintenance Law of the Village of Barker** was made by Deputy Mayor Davis and was seconded by Trustee DiTommaso.

Roll Call Vote: Mayor Corwin-Bradley: AYE
Deputy Mayor Davis: AYE
Trustee Detschner: AYE
Trustee DiTommaso: AYE
Trustee Hirschman: AYE

The previous was ADOPTED Local Law #1-2025 Property Maintenance Law of the Village of Barker.

A **motion to ADOPT Local Law #2-2025 Unsafe Buildings** was made by Trustee DiTommaso and seconded by Trustee Detschner.

Roll Call Vote: Mayor Corwin-Bradley: AYE
Deputy Mayor Davis: AYE
Trustee Detschner: AYE
Trustee DiTommaso: AYE
Trustee Hirschman: AYE

The previous was ADOPTED Local Law #1-2025 Property Maintenance Law of the Village of Barker.

No **Board Comment** was offered.

A **motion to enter executive session was made at 6:42pm** to consult with the Attorney, inviting Attorney Seaman and Clerk-Treasurer Detschner was made by Deputy Mayor Davis and was seconded by Trustee Hirschman.

The previous was ADOPTED. AYES-5-Corwin-Bradley,Davis,Detchner,DiTommaso,Hirschman NAYS-0/None Motion Carried.

Attendance in Executive Session: All 5 Board members, Attorney Dan Seman and Clerk-Treasurer Amanda Detschner

At 6:56pm Jennifer Mason was asked to join the executive session.

A **motion to adjourn from executive session was made at 7:06pm** from Trustee DiTommaso and seconded by Deputy Mayor Davis.

The previous was ADOPTED. AYES-5-Corwin-Bradley,Davis,Detchner,DiTommaso,Hirschman NAYS-0/None Motion Carried.

A motion for **adjournment was made at 7:08pm** by Deputy Mayor Davis and seconded by Trustee DiTommaso.

The previous was ADOPTED. AYES-5-Corwin-Bradley,Davis,Detchner,DiTommaso,Hirschman NAYS-0/None Motion Carried.

Next Monthly Board Meeting, Monday, January 13, 2025, 2024 at 7:00pm @ Village Hall Meeting Room, 8708 Main Street

Respectfully Submitted,

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