

SPECIAL HEARING- TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

May 6, 2010

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A Special Hearing by the Town Board of the Town of Brighton was held Thursday, May 6, 2010 at 6:00 p.m. at the Brighton Town Garage, Paul Smiths, NY, with the following:

CALL TO ORDER:

Hearing was Called to Order by Supervisor John Quenell at 6:05 p.m.

ROLL CALL OF OFFICERS

PRESENT: Supervisor John Quenell, Council Members: Jeffrey Leavitt and Steve Tucker

ABSENT: Council Members Peter Shrope and Lydia Wright

OTHERS PRESENT: Elaine Sater - Town Clerk, Paul Blaine - Code Enforcement Office

RESIDENTS: There were two residents present

ABSENT: Francesco Bennici, property owner Tax Map Parcel ID Number 381.-1-15

NOTICE OF HEARING: Notice of this hearing was published in the Adirondack Daily Enterprise on April 29, 2010. Notices were posted in three local post offices and businesses in the Town and on the Town Clerk's Sign Board on April 23, 2010.

HEARING FOR VIOLATION OF LOCAL LAW #1 FOR THE YEAR 1981, "UNSAFE BUILDING LAW"

Notice of this hearing was received by Francesco Bennici on Wednesday, April 28, 2010 as evidenced by a sworn statement from Daniel Wills, Bailiff #700, in the Province of Quebec, Country of Canada, who delivered the following letter dated April 16, 2010 and signed by the Supervisor John Quenell:

"Mr. Francesco Bennici
11485 Blvd Langelier
Montreal, QC H1G 3L6

Dear Mr. Bennici:

With reference to property owned by you at 474 New York State Route 86 in the town of Brighton, Franklin County, New York, informally known as the "Over the Hill" property and identified on the Tax Map as Parcel #381.-1-15, Mr. Paul Blaine, the town's Code Enforcement Officer, has notified the town board by a letter dated March 8, 2010 as follows:

'The structure on this property has partially collapsed, has unsecured openings and has areas that cannot provide protection from the elements which is allowing further deterioration. The building's deteriorating structural condition and close proximity to Route 86 has created a dangerous condition for the general public.'

Mr. Blaine has communicated with you several times previously about this situation, most recently in a letter dated December 14, 2009 requesting remedial action within 30 days of that date. Since no action has been taken by you, the town of Brighton has determined that it will now proceed to enforce provisions of its Local Law No. 1 of 1981, copy enclosed. You are hereby ordered to demolish and remove the structure on said property, commencing within 30 days of the service of this notice and completing such demolition and removal within 60 days thereafter, unless for good cause shown such time shall be extended.

In the event that you do not comply with this order, the town is authorized and will proceed to demolish and remove said building, will assess all expenses thereof against the land on which it is located, and will institute a special proceeding to collect the cost of demolition and removal, including legal costs. The town estimates the assessed expense will be in the range of \$10,000 to \$30,000.

You are invited to attend a hearing on this matter at 6 p.m. on Thursday, May 6, 2010, to be held at the Brighton Town Garage, 17 County Route 31 in the town of Brighton, Franklin County, New York.

Sincerely yours, John Quenell, Supervisor"

Mr. Francesco Bennici did not appear at this hearing. Jeffrey Leavitt asked the Board to wait 10 to 15 minutes to give Mr. Bennici more time to arrive at the meeting since he was coming from Montreal, Quebec, Canada.

ADJOURNMENT

Motion to Adjourn at 6:29 p.m. made by Jeffrey Leavitt, second by Steve Tucker, Aye 3 (Leavitt, Quenell, Tucker), Nay 0, Absent 2 (Shrope, Wright)

Respectfully Submitted,

Elaine Sater, Brighton Town Clerk