



**Date:** October 18, 2023

**Roll Call:** Timothy Spingler, Deputy Police Chief, (James Slayton, Police Chief Absent)  
Mark Fritz, Fire Chief  
Jeff Dygert, City Manager

**Minutes:** No corrections at this time.

**Motion to approve September 20, 2023, Nuisance Abatement Committee Minutes:** Mark Fritz, Fire Chief, seconded by Timothy Spingler, Deputy Police Chief. All approved.

If you have an item you would like to speak about related to a particular address you will have an opportunity to do so by coming up to the podium. The Committee adopted the City Council Rules of Public Speaking which has a limit of 3 minutes on a topic.

**Administrative Due Process:** None at this time

**Complaints:**

1. **5 Lawton Ave.:** Patricia Paskowski, 5 Lawton Ave. Apt. 4 and Kimberly Joyner, 5 Lawton Ave. Apt 5. Kimberly explained she has had a great experience with Brett Tracy. Anything that is broke he is there immediately. She has no complaints at all, he is the best landlord she has had. Patricia spoke and said her too and he is very awesome.

Chris Cannoney, 5 Lawton Ave., Apt. 2. The issue with the apartment is a misunderstanding between two tenants who have lived there and a neighbor. Most of the tenants have been harassed because some of the people who complained about them have been drunk. Chris has called the police a few times because of people whom he had over and robbed him so he called for a legal shield. Did not mean to cause any worry and he lives simply with his dog. A person came up to him to say some slanderous things and he told her he doesn't do these things and asked her to leave. His police calls were just for safety shield for himself.

Brett Tracy, 5 Lawton Ave., Apt. 3. He purchased this property back in June 2022. He managed this property for about a year prior to that. This property was known as a drug house and the police were familiar with this property. There was drug crime, prostitution, and prostitution of children in and out of the basement, a large amount of debris, illegal construction of sheds and work being done without permits. When Brett took it over he provided remedy to those issues and removed all the drug crime from all five apartments.

During the process, he communicated with neighbors to make them aware of what was going on and did a full renovation in all five apartments. Mr. Tracy initially rented all five out and the neighbors who are complaining today encouraged him to move in from his single-family home. Mr. Tracy explained these neighbors have harassed him and the tenants. It began by saying his tenants were bothering them but when he installed cameras he found out it was quite the opposite. 5 Lawton Ave. has 5 apartments and has 6 people in total that live there. When police arrive he usually makes himself present.

Terry Elliot, 7 Lawton Ave. Terry did not submit the application for the nuisance. Since Mr. Tracy moved into the property there has been a variety of instances for the past year and a half that they have been dealing with like code violations, police calls for several issues (not by them), noise on the front porch, and illegal burning in the back yard. Their lives have changed since they lived there for the past 23 years. They have done a lot of work on their house and changed it from a duplex to a single family to help improve the neighborhood. Police were there last night at 10:00 p.m. with a disturbance out front and have had issues with several dogs. There are 3 pit bulls on their property that often get into confrontations, and they also have German shepherds. The last tenants were just horrible with parties in the backyard. There is junk piled all around the house, abandoned vehicles that have been there for at least a year, the lawn was mowed maybe twice this year, and a fence was put up with a permit but has nails sticking through it. They came back from a trip and at 2:00 a.m. at least 6 juveniles were hanging out on the front porch swearing.

The Auburn Police Department has had 61 calls in the past 18 months which range from neighbors, suspicious persons, and incidents and investigations.

The Auburn Fire Department and EMS have been there 6 times in 2023. Three were for open burning, one illegal in nature and the other two were approved for recreational ordinance. Other calls were from overdoses, diabetic issues and injuries from domestics.

The City Manager explained some of the code enforcement issues with the property are for abandoned vehicles and a fence in August 2023, general maintenance and upkeep at the property with trash, junk and debris. This is not a hearing but it is something we have heard from neighbors through formal complaints as well as phone-in complaints with activity at this address. Will continue to communicate with the owner, especially with property maintenance issues. This is on the agenda until April 2024. We will monitor through April 2024

2. **46 Orchard St.:** The Auburn Police Department has been there 38 times in the last 20 months for suspicious incidents, and unwanted guests.

The Auburn Fire Department has been there 10 times in 2023 mostly for medical calls and a smoke investigation that ultimately was fireworks.

The City Manager shared that Code Enforcement is waiting for a Certificate of Occupancy. This property has some exterior maintenance issues, trash, debris in the yard and some interior safety issues that date back to over a year ago and remain unaddressed. The City will reach out to the owner again to make sure they are aware of the complaint. Every

owner is made aware this process is happening before we proceed This is on the list until April 2024.

3. **59 Orchard St.:** David Contigulia, Esq. office is located at 100 Genesee St. Mr. Contigulia is the lawyer for the owner and the landlord which is the Keyser Irrevocable Trust. The landlord is aware of the issues and problems. They have undertaken the first step of eviction proceedings on the tenants as they are aware of numerous police calls regarding the conduct of tenants and the guests of tenants. The landlord is also aware of open code violations but is not able to get access to repair those due to the objection of the tenants. Because of the length of occupancy of the tenants they are in the process of serving a 90-day notice for eviction. So if all goes according to plan, it will be in Auburn City Court in January 2024. They are requesting the property to not be declared a nuisance because the landlord is attempting to do whatever they can under the circumstances.

The Auburn Police Department has had 19 complaints for suspicious persons, incidents or investigations and noise complaints in the last 12 months.

The Auburn Fire Department and EMS have been there twice one for domestic with injuries and one for an EMS call in the last 12 months.

The Code Enforcement violations are the accumulation of materials, the exterior of the structure and a significant number of interior violations that date back to 2020. To the City's knowledge, these remain unresolved due to the inability to access the building. The Committee is appreciative that the property owner is taking steps to remedy this and it is currently on the list until April of 2024 and will revisit this on a monthly basis and communicate with the property owner to help facilitate the improvements of the property.

#### 4. **5 Church St.:**

Kathy Edmonds, 7104 Mutton Hill Road. Ms. Edmonds has an apartment on the corner of James St. and Church St. and has owned it for over 30 years. She has had tenants in there the entire time she has owned it. If there is a problem she takes care of it. The problem is on the side of the driveway on Church St. She has had people coming up to the balcony and climbing up the siding. She has a high fence and trash is coming over the fence and dogs defecating everywhere and when you say something they want to beat you up. It has been this way for a long time and doesn't understand the conduct. When she had a problem with a tenant, which she did, and people were coming over from this unit they were climbing up the siding and balcony, so she got rid of the tenants. She does not allow people like that to rent from her and she will leave it empty before she rents it.

Alder Agee Jr. lives at 2 Church St. and has lived there for the past five years. Since he has lived there he has tried to clean the neighborhood up because of the drug problems. Some neighbors have gotten together to clean the neighborhood up. Number 5 is a dump and terrorizes people and they shouldn't even be in the house. He is finding roaches from #5 because of them bringing things there, setting them outside on the lawn and spraying them. Mr. Agee sits on his porch and has to kill roaches and has to put poison around his house. When he asked the property manager to clean it up they got into a scrap. Since then he has

been called names. He lives clean, is retired and worked all his life and doesn't want it destroyed by filth and garbage.

Kim Telvock, 9 Church St. Ms. Telvock's house is now next door to #5 because #7 was taken down. When they took #7 down this left her vulnerable to cockroaches and she had to call an exterminator. When codes shut down the two apartments for infestation, Mr. Tracy hired young men who removed the windows out of the front of the house and with no bags or anything threw stuff out the windows. A pile of garbage was lying in front of the building and the cockroaches were on the road, sidewalks and porches. The neighbors were killing the cockroaches that were coming out of these items. When the neighbors complained about it they were told to "shut the F\*\*\* up and go back in and mind your own business" Ms. Telvock explained it is their business. She has lived there for the past four years and has owned her home for a year. Everyone gets along except this one particular building. There is constant garbage, the dogs are defecating all over and no one seems to care. When you bring it up to Mr. Tracy, you end up in an argument. She doesn't want to argue she is just explaining what is happening at the residence. She was a landlord for 28 years and never had problems like this. It is disgusting that he allows this garbage to just lie around. He thinks this is okay to send these cockroaches through the neighborhood then the neighbors have to call an exterminator. Ms. Telvock asked, "What kind of respect is that and would you want to live in this neighborhood?" This is the only property the neighbors have an issue with. They have fought through drug dealers and overdoses, then it was the prostitutes, and now have Mr. Tracy renting to tenants that have these cockroaches. Mr. Tracy doesn't care and claims he had an exterminator come in. The exterminator was only in there for 5 minutes. Ms. Telvock wants to live in peace and visit with other neighbors.

Anna Boydinali, Owasco, NY. She owns a house across the street from 5 Church St. When they first bought the house there was a lot of garbage outside but after the fire, they saw that the apartments were condemned which they thought meant no one would be living there. Then people started hanging out at the house even with the pink signs on the door that no one was supposed to be living there. In the last few months there have been random people hanging out at this house and because the signs were down she asked Codes about roach infestation and she was told this is something Codes does not deal with. If the landlord gets in trouble for infestation then the neighbors have to deal with it. She asked if this could be explained to them. They are worried the roaches will get into their houses and this house has a huge infestation. They should call an exterminator and people should not live in this.

Janice Agee, 2 Church St. There was an incident on Monday evening that she had to call the police on at 5 Church St. because they were being threatened. She found a cockroach inside her doorway so they asked for them to exterminate at their house because they didn't want cockroaches. She has lived at this address for 5 years with an excellent landlord and she was 102 when she passed. She has never had a roach problem or bug problem. The property has drugs, kids hanging out at all times during the night, being called names, getting told they should be hung up like they did back in the slavery time, and being called porch monkeys because we are black. It is not the racial issue it's the housing issue, we

don't want bugs. We can't have our kids outside because of the people hanging around there. Last year a 2-year-old was stuck by a needle and had to be tested for HIV positive because of the drugs. If he wants people to live there, have them live there clean and safe.

Frances Cruz, 5 Church St. Apt 1, has lived there since December 2022. She has heard many horror stories from the neighbors. They have told her about the drugs and overdoses. Since she has been there Mr. Tracy got rid of the upstairs tenants and they have not had a lot of issues with the drama. People that live there now are cordial with each other and she is not aware of anyone in their group throwing garbage over the fence. If this was happening it would be coming from her apartment because she lives next to the fence. Her husband can't go out because he is in a wheelchair and she has custody of two young children 5 and 7. She was told the intention was to shut them down and leave them homeless. She has had no issues with Brett Tracy. He is one of the best landlords she has ever had. As far as the people that live there, there are no issues and they get along. There is no partying or anything, some people like music. All of the issues were inherited by Brett Tracy and since she has lived there he has had done improvements, he can't do everything in a day.

Abigail Tegee, 5 Church St. Apt. 2 Brett Tracy is a wonderful landlord and there is not a huge roach problem anymore. They continue to spray to keep them away. She gets along with all the neighbors at 5 Church St. No one is throwing trash over the fence and she has no complaints.

Brett Tracy, 5 Lawton Ave. Mr. Tracy took over this property last year in September or October. This was a known drug house for decades and the roach problem is another issue that has been going on for decades. He has paid thousands of dollars to professional licensed exterminators. The drug and prostitution are not occurring and the biggest complaint is that something is going on from the front porch which is not the case. These complaints stem from the first tenant that he placed there and was willing to live there while he evicted two drug dealers. She was not the most desirable person and called the fire department every time she sneezed. When she left, she left all her belongings. When he took the property over he called a dumpster company and multiple neighbors called the police and contractor to make sure he could not have the dumpster there. They tried to have it impounded by the city police. So when he cleaned out the apartment after this tenant left he had to bring the trash to the front yard and bag it. He removed it, brought it to a dumpster off-site and told the neighbors. When they approached him he said he would have it done in two days. He remained calm over the interactions and looked forward to more calm interactions with people.

Terry Elliot, 7 Lawton Ave. Two of the tenants who lived at Lawton Ave that were part of the complaints now live at 5 Church St.

Chris, 5 Lawton Ave. Mr. Tracy is always on his phone and always moving around helping me. He has some medical issues and Mr. Tracy has helped him when he has had issues with his medications and has been a nice landlord. He has seen him coming home at 4 a.m.

from helping people during the night. He has seen him deal with people yelling in his face and punched in his face. He feels because he is so young he gets a lot of flack.

The Auburn Police Department had 76 calls in the past 24 months, 60 neighbors suspicious incidents and investigations, 8 noise complaints, unwanted guests and fights.

Auburn Fire Department and EMS have been to this address 30 times in 2023 most of them for EMS calls. There were a few carbon monoxide calls and gas leaks.

The Code Enforcement violations seem to be a common theme in trash, junk and debris, broken windows and some issues with a chimney. This is a common and significant issue related to neighbor interactions and quality of life in the neighborhood. We have written complaints about this property and numerous complaints by phone related to this property. This property needs a deeper dive into the source of the calls for police service, what is going on and how things have changed over the months.

5. **67 South St.:** Brian Wheat, 67 South St. Someone has made a complaint regarding his surveillance system. This is a high-profile address and high-profile entertainer. There are mentally unstable people staying in the house in front of him and prostitution going on at the Day's Inn. He has people coming in and out of his property to take pictures of the house, knocking on his door asking for his autograph and stealing packages from his porch. When this happened he was doing work on the carriage house and was during the business hours of the day so when his workers would walk by the cameras it would say you are being monitored. There is not an on-and-off switch and he does not plan to remove the security system, especially on his property with his career he feels he needs to have a security system. It wasn't going off during the night it was in the afternoon. Not anything different than trucks or sirens going down the street or the people in the Kings and Queens making noise and making lude acts in the windows. Let him know what he should do to help.

The Auburn Police Department had 5 complaints in the last two months 3 noise and alarm complaints and 2 investigations regarding the noise and alarms.

The Auburn Fire Department and EMS had 2 calls for service in the past year was for a gas leak and another for an open burning smoke complaint that was taking place at 71 South St.

No code complaints regarding this address. This is an isolated issue around the activation of a security system. The police department has had some interaction with the property owner and the police department will work with the owner on a resolution.

6. **4 VanPatten St.:** Betty Hunter, 6549 Mullen Dr. Her grandson lives in the house. He had more people move in and they were squatters. They are disrespectful and when she tells them to leave they tell her it is their house. They have broken doors, and windows and have done a lot of destruction inside the house. They have had the police called on them numerous times. Some of the police say they can't board the house once code enforcement claims it is unfit. There has been prostitution, drugs, overdoses and some police say we have to let them live there. They say they are fixing it up and they are not they are just

doing more destruction. They go back and forth to the house across the street. They are disrespectful and they tell her to get out of her own house.

The City Manager is having Corporation Counsel reach out to Betty Hunter to help her out.

Natalie Richardson, 6 VanPatten St. Ms. Richardson lives next door to this property and this is her second appearance at 6 VanPatten St. This residence has continued with drug use, sales, prostitution and packages going in and out. She has provided pictures to the Committee. There have been several arrests of different people. There was a young girl on an electric pole doing bad things, and another person was rolling around in the street so she called the police department. The drugs, drug sales and prostitution have not changed since the last time she was at the meeting, it has actually gotten worse. She was going to the police department because the people next door were saying they are going to kill the bitch and she feels it is towards her and is scared. People were there last night and she didn't call the police because she was scared. The fights were ridiculous and showed pictures of the items that were being thrown out of the house and also the condition of the home. They are just noncompliant even with the signs up. They were supposed to clean up the property but they were partying last night. They were there again this morning because they woke her up at 5:30 a.m. They were doing their drug sale around 6:00 a.m. knowing the police department had a shift change. She is scared to live there because they never threatened her the last time but she can hear them outside threatening and they threatened her neighbor as well telling him they were going to beat him up and kill him.

Charlene Powers, 30 VanPatten St. Ms. Powers coincides with what Natalie has said. She has banned her daughter from walking down the street because she has been offered drugs. She has an autistic son and she can't walk her son down the street because she is afraid if he hears things he might strike out. Other neighborhood children are not allowed to go by there or play like they used to because of this property. She has had people from this address go into her backyard insisting to mow her lawn and use her lawn mower and when she asks them to leave they tell her they can go anywhere they want on this street. Her heart goes out to the owners. She has been called a fat whore because she is walking to the gas station. She loved her neighborhood when she moved there. This shouldn't be allowed.

Jackie Reilly, Elizabeth St. Mrs. Reilly's mother-in-law lives across the street at 3 VanPatten St. and her husband grew up there. Her mother-in-law has owned the house for 50 years. Mrs. Reilly and her family drive by regularly to check on them because her mother-in-law is terrified of the house across the street. If Ms. Hunter is allowed to board up her doors and windows and she gets the materials she will send her guys there to board the house up.

Brett Tracy, 5 Lawton Ave. Mr. Tracy complained about this address at a different meeting and since then he has met Ms. Hunter and Mr. Murphy. While at the property the squatters came back and refused to leave.

Richie Kim, 29 VanPatten St. He can attest to other people regarding 4 VanPatten St. He is very familiar with criminal activity from where he comes from. From his personal

standpoint, things at 4 VanPatten are being taken up to a new level. Speaking with a neighbor regarding another property around the corner it took 2 years and a murder before the city would come and condemn the property. Mr. Kim moved here to get away from big city problems but it seems like problems are everywhere. His taxes were just reassessed and just went up and happy to pay school taxes because he contributed to the community if he paid taxes he would expect what would be considered a state override of local ordinances and create programs to help the community.

Scott Murphy, 6551 Mullen Dr. owner of 4 VanPatten. He has been dealing with this for the past two weeks. The cops called city codes and they shut this property down and gave them 7 days to get their stuff out. They keep breaking in and the APD said they can go in the house between 7 a.m. -10 p.m. They are not the property owners and not doing work on the house. Cops are called back again and they are all dopped up and APD doesn't do anything. The only one that should be there was his son. It was a brand-new house and within the last two years, they have destroyed it. City Code said they have to let them in to do the work and they sent Mr. Murphy a letter saying he has to do the work or they will fine him. Mr. Murphy said if he does the work they continue to go into the property and destroy it. Neighbors took pictures of the people breaking down the door. Code enforcement said lock it down and secure it. The next day they came back and broke off the locks and kicked the doors in again.

The Auburn Police Department has had 70 calls in the last 18 months for unwanted guests, 13 for noise and unwanted guests, fights and 29 for neighbors for suspicious incidents and suspicious investigations.

The Auburn Fire Department and EMS responded 3 times for an overdose, fire and multiple people sought to be unconscious in a vehicle and were ultimately sleeping.

The City Manager explains this property has been on the list for quite some time. From the very beginning, the owner of this property has been cooperative. There was a brief period of time where there was some improvement in the property and the situation but it was not a lasting situation. The owners of the property are here and we want to coordinate with the owners.

The City Manager would like to Codes, Fire Department and Police to coordinate with the owners. A meeting will be set up with the owners of 4 VanPatten St.

### **Hearings:**

None.

### **Other Business:**

We have had several properties over the last few months that we have agreed to keep an eye on for the next six months. We do not need to discuss each one but we do have an update on some of these.



1. **44 Wallace Ave.:** Majid Hasen, owns 44 Wallace Ave. He has two apartments there and one side is condemned and is boarded up. The only thing that is not boarded up is the front door so the tenant can get her belongings before he boards up the front door and changes the locks.

Corporation Counsel explained there was a hearing that was scheduled last month. The hearing was held last month and the ruling from the committee the Certificate of Occupancy would be suspended for up to 6 months commencing tomorrow.

Mr. Hasen claims he never received a notice to appear. He has been notified of this meeting and he also brought one of the tenants that live there to speak on the property.

The City Manager explained Mr. Hasen failed to show up for the hearing and there had been multiple calls for this residence. Mr. Hasen has not responded to the city legally in writing or personal service. We have had great interaction in the past and not sure what happened with this property. The property at 44 Wallace Ave. is a nuisance, is a problem in the neighborhood. It has been declared a nuisance so on October 19<sup>th</sup> all the legal remedies that we can apply to this property will be applied. There have been multiple attempts to serve Mr. Hasen. Mr. Hasen has been referred to the Corporation Counsel office or obtain an attorney. The City has gone through the legal process and the property has been deemed a nuisance and has been shut down. We will get the proof to Mr. Hasen proving the notice that was trying to be served.

Name?? he lives at 44 Wallace Ave. Apt. 1. He used to work at Chapel House and people come to his house. He works and his wife works. The people next door lived in the basement and were kicked out and boarded up. When the police comes he was always compliant.

Corporation Counsel said the committee made their findings.

2. **110 Owasco St.:** Donna Williams 108 Owasco St. Since she has moved in she has dealt with harassment and feces in her driveway. They are drug dealers. When school started they had students going to the house. The house is now condemned but there is no power or water. They told the owners to board it up and they would get the help of the police. They stole the electricity from NYSEG and they pulled the panel off the house. How is it uninhabitable and they are able to stay with no electricity or water? These are people who have a long history of criminal burglary, controlled substances and robbed her house before she moved in. The owners and the neighbors want a straight answer.

The Auburn Police Department had 6 calls for service in the past month for property checks and trespassing.

The Auburn Fire Department and EMS have been there once this year in August for an EMS call.

The City Manager shared some ongoing code issues related to raw sewage. Some departments have been in contact with the owners and they are going through the process of moving forward with an eviction.

Corporation Counsel spoke with the owner's lawyer yesterday and they have a court case and are proceeding with the eviction process because they do recognize the issue at this address.

City Manager would like to do the same thing as 4 VanPatten and plan a meeting with the owner so we are all on the same page.

3. **108 Ross Pl. (property is owned by 202-206 Genesee St.):** The Auburn Police Department has had 3 calls for service in the past month, juvenile, a standby and a domestic.

The Fire Department and EMS have not been to this address since the last meeting.

The City Manager explained there are several code enforcement issues related to this address. The owners have been communicating with code enforcement and the Corporation Counsel office regarding the occupants of this property and their behavior.

Corporation Counsel explained there is no confirmation of eviction yet but the Property owners are in contact with us.

This is on the list through December 2023.

4. **9-11 Case Ave:** The Auburn Police Department, Auburn Fire Department and EMS have had no calls for service. This is a zoning issue and an animal complaint that we continue to work through. The Corporation Counsel Office is in communication with neighboring property owners. We will continue to see what we can do to work through the process and see what options we can come up with to address 9 Case Ave.
5. **11-13 Lafayette Pl.:** The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This is a code enforcement issue and is a work in progress. On the list through December 2023. No follow-up from the owner's attorney and the court appearance was adjourned by their attorney and the owner is working with codes.
6. **20-22 Foote St.:** The Auburn Police Department had three calls for service for unwanted guests, domestic and check the welfare. Auburn Fire Department and EMS had no calls for service. Some

The City Manager explained there are still outstanding code enforcement issues and it sounds like the police activity has slowed down. Aside from written complaints, we received phone complaints which have slowed down. This may not be fully resolved but has improved. Follow up with code enforcement to see where the issues stand.

7. **11 Madison Ave.:** The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. There are outstanding code enforcement items and looks like work is being done to reoccupy the 2<sup>nd</sup> floor apartment. Will monitor through December 2023.
8. **33 Columbus St.:** The Auburn Police Department had three calls for service. AFD and EMS no calls for service. This property and 104 Grant Ave. are Smoke Shops that Corporation Counsel is dealing with.
9. **104 Grant Ave.:** The Auburn Police Department had one call for service for a burglary. The Auburn Fire Department and EMS had no calls for service.
10. **255 Grant Ave.:** The Auburn Police Department had five calls in the last month for a mental, a couple check the welfare and a robbery. The Auburn Fire Department and EMS were there for a fire inspection on the 10<sup>th</sup> of October. The inspection by the Fire Inspector has been found to be in compliance. Codes have closed any violations and are compliant.
11. **9 E. Genesee St.:** The Auburn Police Department, Auburn Fire Department and EMS have no calls for service. There are outstanding code violations and a question of whether or not the apartments are being illegally occupied. Also, any pending issues with the Office of Cannabis issues which is at the state level.
12. **39 Cayuga St.:** The Auburn Police Department, Auburn Fire Department and EMS had one call for service medical in nature. Code Enforcement has condemned one apartment and an ongoing dispute with zoning. We will monitor through December 2023.
13. **45 Columbus St.:** The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. There was a court hearing on this property and a plan was put together. Communication with the property owner is ongoing.

**Motion to adjourn the meeting:** Timothy Spingler, Deputy Chief, seconded by Mark Fritz, Fire Chief. All approved.

**Adjourned:** 10:38 a.m.

**The next Meeting will be held on November 15, 2023, at 9:00 a.m.**