



Date: January 18, 2023

Roll Call: James Slayton, Police Chief
Mark Fritz, Fire Chief
Jeff Dygert, City Manager

Minutes: No corrections

Motion to approve the minutes for December 2022: James Slayton, Police Chief, seconded by Mark Fritz, Fire 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.

Complaints:

- 1. 11 Madison Ave.:** Scott McPhinney, 29 Richardson Ave., Property Manager for 11 Madison Ave. The problems at 11 Madison Ave. in the last month have been taken care of and will not be coming back. Mr. McPhinney plans to take care of the property so neighbors can have a nice neighborhood.

Auburn Police Department requested McPhinney to stay for the remainder of the discussion for 11 Madison Ave. The Police Department has had domestic calls and several other calls but most recently on the 3rd of January a search warrant was executed and two tenants were arrested for several drug charges. One of the tenants was released at night because they were not bail eligible and only to start up shop again at the residence. A search warrant was executed again on January 13th arresting the second tenant again for multiple charges and the tenant is incarcerated pending action in the courtroom. After the tenants were arrested, issues continued specifically on January 14th, there was a burglary where people had been going in and helping themselves. The Police Department is still getting calls on this property even after the tenants have been locked up. This property has definitely become a nuisance to the Police Department and the neighborhood. Any course of action we can take immediately would be appreciated.

The City Manager clarifies for the record that an arrest was made at 11 Madison Ave. and it is not uncommon for the police department to make an arrest at any given address for actions taken at any other given address. Are the drug sales happening at this address or do the alleged crimes or perpetrators reside there? The Police Chief clarified that both things were happening. People were coming on a daily basis hourly to pick up drugs. Several drugs were found as well

as a loaded handgun at this address. We also have a list of vehicles coming and going at this address at all hours of the evening.

Auburn Fire Department responded once on the 14th for a medical call that was associated with the burglary. The Police Chief added that there was an overdose at that time and this was after the people were incarcerated.

City Manager explained we received the initial complaint on this property from neighbors and elected officials related to their observations based on the police reports that are distributed on a daily basis. It seems as though this property is a hot spot similar to some other addresses we have dealt with in the past. This is a process that takes time to get through and appreciates the police department's efforts on their end.

The Assistant Corporation Counsel recommends a hearing to be scheduled for the March meeting to give the owner who lives out of state sufficient notice. Assistant Corporation Counsel gave the property owner, Mr. McPhinney credit for showing up and addressing the issue. This issue has proven to be a difficult one for the entirety of these board members, the police department, the fire department and the codes department over the last several months. It would be best to bring in the owner of the property and the most appropriate time would be the March meeting. The legal notification will be sent out at the beginning of February.

Motion to approve a Hearing for 11 Madison Ave. for March 15, 2023: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief. All approved.

Hearings:

1. **67 Franklin St.:** The address will be pushed out to March 15, 2023, for a hearing. There is an agreement between the tenant retail operation who is represented by Steve Buschman and the owner of the real property who is an attorney and represents his own company. An agreement that was shared with the City states the tenant will be out of the property by the end of February. It is recommended by Assistant Corporation Counsel to allow the process to play out and will review it again at the March 15, 2023, meeting.

Other Business:

We have had a number of 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. **64 Grant Ave.:** Auburn Police Department had two calls for service in December and understands there is a new owner and the old tenant no longer lives there. The Auburn Fire Department and EMS have had no calls for service since the last meeting. City Manager explained the matter is being worked out with code enforcement related to some of the issues and there is a new owner.

2. **9-11 Case Ave.:** Karen Walter, 15 Case Ave. Since there is no resolution, she is now appealing to the board in order to enforce any violations of any preexisting conditions or nonconforming use that is in the ordinance. This address is an R1 and should come with certain restrictions and certain expectations that it is a residential area. Ms. Walters has noted in a previous exchange that other residents have made phone calls to the City Manager's Office and if this would push this along this would be terrific. Also, with the new ordinance regarding the number of animals that had been passed, it was to be effective immediately and there was nothing about exemptions or waivers for any preexisting conditions that were vocalized to the elected officials.

The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. The City Manager explained that this is a work in progress and we will continue to work through this between zoning and other avenues. It seems like it should be an easy issue but it is not and we will continue to work on it.

3. **12 Seminary St. Rear:** The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. The City has received a couple of complaints about this property. This is a vacant parcel that is visible from the arterial, gas station on the corner of North St. and the arterial. This has been a small homeless encampment and the city is pursuing the owner of this property who has not paid taxes for a period of time. There has been no communication with the owner and it seems they have lost interest in the property. The police department continues to deal with this property as well as social services. If we do acquire this property, we can take a different approach to it. It is on Corporation Counsel's timeline and commencing the process now to take the property.
4. **27-29 Madison Ave.:** Peter Besner, 31 Madison Ave. He bought his house in 1990 and the man that owned the house at 27-29 was retired and kept to himself. He passed away in 2000 and it sold to slumlords who did minimal work to them and had tenants move in that disrespected the neighborhoods. Recently it was just sold again and the front house was condemned, they performed work in the house that required permits and the city still gave them a certificate of occupancy and only fined the owner. If you don't do it the proper, legal way then you should not receive the certificate of occupancy. Since they moved into the house the police have been called several times. Mr. Besner put up a stockade fence for privacy and has received a picture of a dog hooked up to the fence and it could tear it apart. He would like the committee to help the neighborhood by making the houses disappear by tearing them down or finding an owner to fix them up.

Jackie Reilly, 31 Elizabeth St. The Reilly's own the property on the other side of 27-29. Ms. Reilly explained this property has been an issue for over 10 years. The chimney is falling down on the back of the house. She is not sure if this house is even condemned. Mrs. Reilly is changing the fence out because of the issues with the neighbors and there is a concern about theft.

The Auburn Police Department has had three calls of service at 29 and two calls for service at 27 for burglary and domestics. The Police Department is familiar with the domestic

individuals because they were at another residence in the city and frequented with the police department. The Police Chief has not seen any changes in what is going on at these residences and will keep a close eye on it. The residents have been dealing with a lot on Madison Ave. and it continues with the tenants.

EMS has had only one call for service at 29 Madison Ave and no calls for 27 Madison.

Assistant Corporation Counsel recommends scheduling these properties for a hearing so there is ample opportunity to bring this individual in to represent his client, Vestler Capital. They can explain the situation from their perspective and see what they are willing to do absent any action from this committee and if they are unwilling to take measures with what this committee thinks it's necessary to safeguard the neighborhood then this matter will be actionable. Recommending a March hearing.

The City Manager explains this address has a history of code violations and continues with code violations. At the last meeting, the property manager attended the meeting to address this board. Our concern is the owner of this property is out of town and owns several other properties in the city and it is important to establish a line of communication with property owners so this doesn't continue to be a problem.

Motion to approve a Hearing for 27-29 Madison Ave. for March 15, 2023: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief. All approved.

5. **61 Cayuga St.:** The Auburn Police Department, Fire Department and EMS had no calls for service. A neighbor that attended meetings explained the tenants moved on but there was trash left behind. Code Enforcement explained his computer system was down and could not see the update but the neighbor is very watchful and code enforcement will follow up later today when the computer is back up. We will monitor through March 2023.
6. **35 Mary St.:** The Auburn Police Department had two calls for service but nothing for the nuisance board. The Auburn Fire Department and EMS had no calls for service since the last meeting. This is more of a code enforcement issue and it looks like there has been some cleanup and work being done.

Corporation Counsel knows the neighbor next door is very observant and we have not heard anything from him lately. In December, he attended a meeting with the property manager who was pretty clear that the owners were engaged.

Code Enforcement explained this backs up to 52 Steel St. and people were driving through 52 Steel St. driveway and backyard to get to the back of 35 Mary St. but there have been no new vehicle tracks. This property has not been a problem but code enforcement is watching it and they are doing repairs and cleaning up the property.

7. **4 Van Patten St.:** The Auburn Police Department executed a search warrant on December 12th, and since then they only had one noise complaint. The Auburn Fire Department and EMS have not responded to this address since the last meeting. This was a mix of complaints from neighbors related to police activity as well as a handful of code enforcement complaints. There was a dilapidated camper but now just a frame and not as bothersome. Assistant Corporation Counsel reached out to the owner and was advised that one of the residents was her grandson and that there might be drug activity. It was suggested that not doing anything to change the patterns of behavior that her grandson was engaging in wasn't doing him any favors. The eviction was the proper way to protect her property and would end up helping her grandson. Assistant Corporation Counsel advised her to seek an attorney to start the eviction proceeding.

8. **34 Franklin St.:** The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. These were intended to be code enforcement issues and this property is going through bankruptcy proceedings along with other associated properties on the list.

Assistant Corporation Counsel explained there is no timeline for the bankruptcy. There has been contact with the bankruptcy attorney though.

9. **255 Grant Ave.:** The Auburn Police Department had eight calls for service in December, three were for a detail they were doing. As this motel continues to get tenants, we are seeing an uptick in activity by police with some of the same calls at this motel as before. The Police Chief would like to keep an eye on this property.

The Auburn Fire Department's call for service was to check the welfare with the police department. Fire Chief agrees with Police Chief to keep on the list with the rooms starting to fill, it is anticipated they will see an increase in calls.

The City Manager explains there is a temporary certificate of occupancy for the portion of the building and the agreement calls for the entire building to come up to compliance on a particular date in February and if this doesn't happen, we will need to revisit what our next steps will be. If they do come up to compliance in February, we will need to have a discussion because it seems to be the place where people go that are dealing with a variety of problems putting them in constant contact with the police department and EMS. We will need to look into working with the County Social Services and some other agencies because if not then we are probably pushing these issues out into the neighborhoods as well. We will have to include some of our city council, some of our colleagues and social services as well.

The Assistant Corporation Counsel explained there have been permits pulled and there are reinspection's scheduled for the two-story remainder of the property. Code Enforcement explained there is a February inspection set. It has been requested to meet with Mitul Patel who has a 9:00 meeting on Friday of this week. This invitation is open to all to participate and it is expected he will request an extension.

We will monitor through June 2023.

- 10. 10 Morris St.:** The Auburn Police Department had one call for service to check the welfare. The police department has received calls that there are people in the building. The Police Chief has been working with codes to find out the status of the apartment. The Auburn Fire Department had no calls for service. The City Manager has had this brought to his attention that there are people in the building that shouldn't be. Codes are following up on this and the owner is walking away from the property with a possible sale pending. Assistant Corporation Counsel explained the sale of this property is more theoretical than forthcoming. The property owner may walk away from the property at some point. The entries back in the property may be the property owner. We will have more leverage once the bank commences foreclosure action on the property. The owner indicated to Assistant Corporation Counsel, Code Enforcement and Judge Thurston he was walking away from the property back in the summer of 2022. We are not sure when the foreclosure process will happen but if it does this will give us the ability to litigate the matter with the bank. We are monitoring the pending foreclosures and we are looking out for this property but right now it is good that there are no tenants in the property because of the structural issues. It is not a situation where we can take action because this is not a nuisance but the way the property is being used is a public nuisance. We will monitor through June 2023.
- 11. 25 Lafayette Pl.:** The Auburn Police Department had one call in January and it was the power of attorney for the property owner that was in cleaning the house. This property is caught up in a bankruptcy proceeding along with 34 Franklin St. as well as others. We will monitor through February 2023. We will most likely push this out to a later date until there is something resolved in the bankruptcy proceedings.
- 12. 9 E. Genesee St.:** The Auburn Police Department had one call for service and there was someone doing work on one of the apartments. The Auburn Fire Department and EMS have no calls for service. The City Manager explained this is bringing up a discussion related to codes, zoning, and compliance with the Office of Cannabis. Assistant Corporation Counsel explained that the situation with the owner of the Weed Warehouse in Aurlieus has expanded his operations into the City of Auburn. It is the opinion of the Office of Cannabis Management that the individual is engaging in retail sales of cannabis and that those sales are unlicensed and untaxed which is a violation of the cannabis law we will use every legal remedy available to us to make sure that this activity doesn't take place. We will continue to monitor this.
- 13. 87-89 Frances St.:** The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This is a code enforcement issue and is ongoing. Brian Hicks, Code Enforcement gave an update on an inquiry from Wells Fargo and believes there will be a foreclosure coming soon and is in charge of the property. This is vacant and condemned. The trash has been cleaned up but still needs more cleaning up and if the bank doesn't do it then we will be back to clean it up.

Assistant Corporation Counsel explained that there was an elderly person in one of the residents that were reportedly being taken care of by an individual that was also living there that was not performing those duties appropriately and that led to some observable behavior that was unsettling.

City Manager explained that it was on the agenda due to a complaint from neighbors that were complaining about activities that were going on with the home not the condition of the home. We will have code enforcement monitor the property going forward.

Assistant Corporation Counsel explained once Wells Fargo files a foreclosure action we will have some ability to require them to do some property maintenance tasks.

- 14. 5 Madison Ave.:** The Auburn Police Department had two calls for service in December and believes the individual is seeking help from a service in the community. The Fire Department had an associated call in December relative to Chief Slayton's statement and no calls since the last meeting. This was a combination of code enforcement issues that have been ongoing but more importantly, it was related to the occupant of the house that is no longer there.

Motion to approve the removal of 5 Madison Ave. from the agenda: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief. All approved.

- 15. 39 Cayuga St.:** The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This was not related to a structure except for the allegation of a business that is being run out of a residential area. An investigation is ongoing and the allegations that were sent to us were that the owner of the real property is allowing an auto detailing operation to take place on the property and it is closed down during the winter months. Recommending to keep on the agenda through June 2023.

- 16. 11 Hoffmann St.:** The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This was on the agenda due to the actions of the tenant and now the tenant has vacated and will be removed this month.

Motion to approve the removal of 11 Hoffmann St. from the agenda: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief. All approved.

- 17. 21-23 Derby Ave.:** The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This complaint was initiated through a neighbor regarding the tenants at this address. The tenant has moved on and now there is a list of code enforcement issues.

Motion to approve the removal of 21-23 Derby Ave. from the agenda: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief. All approved.

- 18. 45 Columbus St.:** The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This is a code enforcement issue and has had a history of code enforcement issues. The code enforcement office reports that there is a dialog with the codes office to try and pull this property into compliance. We will monitor through March 2023.

- 19. 16 Franklin St.:** The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This is under new ownership and there is a noticeable difference and

is mostly a code enforcement issue. We have received no further reports from the neighbors.

20. 106 Park Place Apt. #13: The Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This was a neighbor complaint that was related to an animal that was ongoing and a court appearance based on the related complaints. Assistant Corporation Counsel updated the board that the matter is pending because the plaintiff of the matter did not appear. The city prosecutes dangerous dogs but not barking dogs. They are not subject to city action.

Assistant Corporation Counsel drafted an Ordinance that will add a definition to our Nuisance Chapter; if a business is required to have a license by state, federal or local government and operates that business without a said license in the City of Auburn that would be defined as a Nuisance with us as a subject matter for this Nuisance Committee. With the approval, it will be put in front of the City Council to give us an opportunity to address certain relatively new observable behavior with some of our businesses within the City of Auburn that is engaging.

The City Manager inquired about the other businesses like a barber shop that might not have a license to be a barber, and whether would this be covered under that and other items like a detailed repair shop.

Assistant Corporation Counsel explained it would. The county has heard from the tobacco retail license and has been in contact with the Health Department and they are very pleased to share any information regarding the ramifications of the county tobacco licenses they anticipate the next Board of Health hearing that they will be revoking two tobacco retail licenses for businesses within the City of Auburn.

Motion to approve the endorsement for the Ordinance that will be added to the Nuisance Chapter: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief. All approved.

Motion to adjourn the meeting: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief. All approved.

Adjourned: 11:02 a.m.

Next Meeting will be held on February 15, 2023 at 9:00 a.m.