



Date: March 15, 2023

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

Minutes: No corrections

Motion to approve the minutes for February 2023: Mark Fritz, Fire Chief, seconded by James Slayton, 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.

Complaints:

1. 33 Jefferson St.:

Beverly Champagne 31 Jefferson St.

Ms. Champagne explained how there have been police, fire and sewer problems with this property. The traffic from this property has been coming through her driveway or blocking her driveway. Tenants are doing drugs and women going into the property. It has come to Ms. Champagne's attention that a 14-year-old girl has been raped there, whose mother was looking for her and that's where she found her. They are cooking in a frying pan in the basement and now the window is blocked off so you can't see in. It is good the window is blocked now because all sorts of animals were going in there. The language that is being used in the driveway and the people that are showing up at all hours of the night starting around 2:00 a.m. are banging on the door very loudly. There is a number of people that are in the apartment with only one bathroom so people use the bathroom outside before entering the property. The sewer was plugged up and filled the basement so the house was condemned. The upstairs tenants are who she is complaining about, not the ones downstairs. They have blow-up beds in the cellar and needles on the property. The woman downstairs found two needles that were left in her baby's stroller and the child was almost put in the stroller with them. The garbage is never taken out and the snow is never shoveled.

Bonnie Clancy, 17 School St.

Beverly Champagne is her mother and her neighbors have called Ms. Clancy numerous times to check on her parents because of situations outside during all hours of the night. When her parents go to bed at night they can see out their window the sexual acts that are going on in the basement next door. The amount of traffic during the day leaves no place to park and there are drug deals going on and the people don't even care. Ms. Clancy's 8-year-old granddaughter goes to Ms. Champagne's house after school and has shown Ms. Clancy the needles she finds. The property is full of garbage and a hose was pumping raw sewage out of the basement into Ms. Champagne's driveway and pooling at the end of her driveway. Codes were called and they condemned the property and people are still there during the day. It is out of control next door.

Justin Huffman, Huffman Law Firm, Attorney for Petro Rentals Inc., owners of 33 Jefferson St.

This property has had many code issues that were rectified several months ago. The property was vacant at that time and once the code issues were rectified, they relet the property to new tenants. The upstairs tenants ended up being problematic, so the emergency eviction has already been filed with a court date of April 4th. They are looking to evict the tenant at this time. City Manager requested this information to be sent to Corporation Counsel.

Auburn Police Department

They are familiar with the property and some of the things that were discussed today. They have been there for unwanted guests, suspicious incidents, drug complaints, stabbing and gunshot wound complaints. They did execute a search warrant on the 24th of February and this is still ongoing. The Auburn Police Department is familiar with what has been going on. It has been an issue for the department with the number of people going in and out of this residence.

Auburn Fire Department

The Fire Department has been there multiple times for some of the same reasons as the Auburn Police Department; like medical calls, stabbing and gunshot emergencies as well as twice for the water/sewer in the basement.

Brian Hicks, Code Enforcement Officer

Codes did condemn 33 Jefferson St. a few months ago but since then it has been rectified. At the time both apartments were condemned, but both have been released. There was a plug in the outside lateral but was taken care of by HELCO. At this time there is nothing else and their Certificate of Occupancy is due this year.

City Manager, Jeff Dygert

The City Manager feels there is a significant issue going on and would usually schedule this for a hearing but it looks like the property owner is taking appropriate steps so we can just monitor this.

Corporation Counsel, Nate Garland

Mr. Garland agrees with the recommendations. Ms. Champagne indicated that the upper tenant is a problem and the lower tenant is not a problem, so Mr. Garland is requesting Mr. Huffman to keep us up to date on the eviction process. The initial appearance is April 4th so there should be something to report by the April meeting.

33 Jefferson St. will be monitored through September 2023.

2. **33 Columbus St.:** This is a local smoke shop and Corporation Counsel explained that the Health Department has been conducting regularly scheduled inspections of the smoke shops and businesses that sell tobacco to see if they are in compliance with state and county law. The Cayuga County Health Department has sent documentation for the Smoke Shop at 33 Columbus and 104 Grant Ave. documenting that they are not operating in full compliance with state and county requirements. This is now defined as a nuisance for our Nuisance Chapter, practicing without a license. This will be scheduled for a hearing and will monitor through September 2023.

Auburn Police Department assisted Cayuga County Health Department (CCHD) with one of the checks for one of the substances they were selling and the next day there was a burglary at this establishment.

Auburn Fire Department has had no calls for service.

City Manager explained we have discussed the impact of Smoke Shops on neighborhoods for some time now. One of the hearings on March 15, 2023, is the Smoke Shop on Franklin St. which was a source of neighborhood complaints and we have made some updates to the Nuisance Codes. This will be put on for a hearing but a certain amount of notice has to be given to the property owner. Notice to the property owner will go out in a timely manner for the next meeting on April 19th.

Motion to approve a Hearing for 33 Columbus St. for the Nuisance Abatement Committee for April 19, 2023. James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief. All approved.

3. **104 Grant Ave.:** Corporation Counsel explained this is the same concern as 33 Columbus St.

Auburn Police Department assisted Cayuga County Health Department (CCHD) at the Smoke Shop for products that they were selling without a license. APD had a total of four calls this year for this address.

Auburn Fire Department and EMS had no calls for service.

City Manager requests a hearing to be held on April 19, 2023 for 104 Grant Ave.

Motion to approve a Hearing for 104 Grant Ave. for the Nuisance Abatement Committee for April 19, 2023. James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief. All approved.

Hearings:

If there are individuals in Chambers that would like to speak to an address please address the podium and state your name and address.

1. **11 Madison Ave.:** This hearing has been rescheduled due to the Counsel representing 11 Madison having a scheduling conflict and it will be moved to April 19, 2023. Corporation Counsel mentioned that Mr. Giancona's Office did reach out to explain an eviction proceeding is pending at this time.

Nick Humphrey, 7 Madison Ave.

He would like to thank Auburn Police Department and Auburn Fire Department for the work they have done. They had drug addicts coming in and out at all hours of the night, as well as accosting the citizens, and has had to defend himself as well. The neighborhood had been filled with drug dealers and prostitution. His wife would not even let her kids go outside.

Auburn Police Department, Auburn Fire Department and EMS had no further information.

This will stay on the agenda for a hearing on April 19th to be sure things are moving in the right direction.

2. **67 Franklin St.:** Corporation Counsel gave an update that the property owner and the business owner reached an agreement that at the end of February they would vacate. There was some indication that this did not occur and we reached out to the property owner and he indicated that the vacancy had occurred. After the call, the activity at the former store had deceased. Corporation Counsel requests to keep this on for a hearing but likely events will overtake the hearing and it will not be necessary.

Auburn Police Department let the committee know on the date they were supposed to leave the premise they did not, but since then activity has stopped and doors are locked. There

are still items in the building and he is not sure what their future plans are. There has been no activity and they have not been open.

Auburn Fire Department and EMS had no calls for service.

This will stay on the agenda as a hearing for the April 19th meeting.

3. **27-29 Madison Ave.:** City Manager and his family live on the same street and he has been advised to recuse himself and he will have Jennifer Haines sit in who steps in frequently in his absence.

Jennifer Haines, Director of Planning and Economic Development explained that all the items on this agenda that will be discussed will not engage in dialogue with the members of the committee and the audience unless we need to clarify any information presented. See attached how this hearing will be handled.

Nate Garland, Corporation Counsel for the City of Auburn.

This matter is regarding 27- 29 Madison Ave. which is a house behind a house.

1. **27 Madison Ave.:** is the lesser of the two threats to the neighborhood. There have been numerous police investigations within the last six months.
2. **29 Madison Ave.:** The essence of a public nuisance is owning a piece of property and using it in a way that affects the rights of others to have quiet enjoyment of their own property. It is an area of law that is difficult to see where ones right to use their own property to the fullest extent ends and the right of a neighbor to have their own property and use that in a peaceful and quiet way begins. We are right on this margin. Mr. Garland indicated the proof he can provide with the police investigations with the residence of 29 Madison Ave. and testimony from neighbors today and previous meetings will make it clear if there is a nuisance.

Brett Tracy, 5 Lawton Ave.

The document that was served was for 27 Madison Ave., 29 Madison Ave. was not in the paperwork. The owner is not ready to speak about 29 until he is notified about it

Corporation Counsel did explain since Mr. Tracy is a registered agent and had appeared for this matter where the hearing was set for 29 Madison Ave., he could reserve the right of an objection or allow him to continue.

Mr. Tracy continued with distributing notes on 27 Madison. (see attached)

Corporation Counsel asked the committee to reserve judgment on any decision until Mr. Tracy can submit a similar document for 29 Madison Ave.

Mr. Tracy continued on with 29 Madison Ave. This was purchased at the same time as 27 Madison Ave. A light renovation has been done and made it code-compliant with the help of the tenants. The tenants were prior clients of the seller and Mr. Tracy is familiar with them. Mr. Tracy made a complaint to City Hall years ago about them but now the tenant is working and keeping a decent home. One persistent issue that keeps repeating, is that she is a single mother with 8 kids and is working. She has a 17-year-old that is doing illegal drugs but for some reason, the police will not remove this person. On the 6th a judge was involved and the 17-year-old went to county jail after finding illegal drugs.

Corporation Counsel requested Mr. Tracy to submit any material in regard to this property.

Corporation Counsel cited Section 213.4 of the Nuisance Chapter. There are two kinds of proof that will show that the general reputation and the habitants of the building have shown to be negative in the extreme regarding Tabatha Hagar and her two sons, one adult, Dominic Huntington, and a 17-year-old juvenile. Mr. Garland is filing a police report investigation that has been undertaken by the Auburn Police Department to make this part of the record. In your deliberations, review thoroughly, it has been redacted to keep confidential any required details relative to the tender years of the juvenile, and will get a copy to Mr. Tracy. This report will show Tabatha Hagar has had over 80 interactions with the Auburn Police Department in the last five years and it does not include anything noted where she was a victim. Dominic Huntington is 20 years old and has had over 17 interactions with Auburn Police Department and the 17-year-old juvenile has had over 70 interactions with Auburn Police Department since 2020. This is enough to prove that the property owners are aware of how the property is being used. It also proves a prima facie case which means it would have to be rebutted by evidence to the contrary that a nuisance has taken place. Directing to section 213.3 Public Nuisance. Previous appearances of neighbors regarding this property:

1. Dawn Aubin, 19 Madison Ave. spoke this winter. Ms. Aubin has lived on the street for 40 years and never has had to lock her front porch but she does now because people are looking for unlocked doors and searching for items like money or cigarettes and not knowing where the house they are living in is. The property was thought to be condemned and doesn't understand how people can move in and would like that looked into. The police can tell us how many times they are there and at times there are up to three of them. They can't even talk to their neighbors or walk to their houses because the dogs taunt them and they have to be muzzled. Ms. Aubin had to hide behind a vehicle until the people went into the house so she can make it back to her house. Tenants do what they want when they want all day and all night. The property manager had a young person with him who shared they should all get good locks and cameras.
2. 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 sold it to slumlords who did minimal work for them and had tenants move in that disrespected the neighborhood. Recently, it was just sold again and the front house was condemned. They performed minimal work without permits and were given a COO. They only fined the owner. If you don't do it

the right legal way you should not receive a COO. Since they moved into the house the police have been called several times. Mr. Besner has put up a stockade fence for privacy and has received a picture of a dog hooked up to the fence and the dog could tear it apart. He would like the committee to help the neighborhood by making the houses disappear by tearing the houses down or finding a new owner to fix them up.

3. Jackie Reilly, 31 Elizabeth St. property owner on the other side of 27-29 Madison Ave. Ms. Reilly explained this property has been an issue for over 10 years. The chimney is falling down on the back house and she is not sure if this property is even condemned. Ms. Reilly is changing the fence out because of the issues with the neighbors and is concerned about theft.

Corporation Counsel opened the podium to anyone who would like to speak.

Bernice Muldrow, 25 Madison Ave.

Ms. Muldrow prepared a letter regarding 29 Madison Ave. and Mr. Tracy handed her a letter regarding 27 Madison Ave. and she would like to address a few things that pertain to it. On December 1st her car was parked out in front of her home and the tenants of 27 Madison Ave. were drunk and struck her vehicle and totaled the front end. The police were called regarding the accident and the new tenants at 29 started arguing with the tenants at 27 tenants. Mr. Tracy did show up when the police were called for the accident. Her husband, Brian Muldrow and another neighbor Anthony pulled Mr. Tracy aside and explained they are concerned about the new tenants and Brett asked us to be patient with them and see how they are going to be. The real problem is the tenants in 27 let him relocate them and see how it goes.

On January 31st Rapid Clutter Removal came to 29 Madison Ave. to pick up a full dumpster that was there for three weeks. Ms. Muldrow was patient while they were lightly remodeling. The tenants at 29 Madison Ave. used that for their daily trash removal. Her husband asked Mr. Tracy to pick up the debris pile from the remodel that sat in the back of 29 Madison Ave. Her kitchen window view is the backyard of 29. On December 31st Rapid Clutter Remove came to pick up the dumpster and came back with a new dumpster. The first dumpster did not block her access to her backyard however the position of the second one did. She talked with Mr. Tracy regarding this and it did not go well. Ms. Muldrow called the police because they were dropping it in front of the gate in the backyard. Police were calling codes and she just requested the dumpster to be moved forward. The driver just said he is just going to leave since the police are calling codes to work it out.

Ms. Muldrow submitted a letter with pictures. (see attached) Ms. Muldrow explained her front yard is accessible at all hours of the night and she has cameras. As Ms. Aubin spoke about at the last meeting we are a tight-knit community on this street and it's terrible they had to invest in cameras in the past few months. Being a mother, she feels for the tenant at 29 having eight children and a couple of them being on drugs, and being destructive in the home. It is not right how absent the owner has been. As a representative who speaks for the owner this should not be tolerated by any tenant. No other owners should have to deal with these types of problems.

Brian Muldrow, 25 Madison Ave.

His wife did an excellent job explaining the torture they have been dealing with. Part of the problem lies with the property manager. The property manager immediately talked about the fines and levies on this property. As his wife stated that a door is up against a broken window which is an easy fix. The dumpster that was out there for many weeks was not for renovation it was from garbage and clutter. If the tenant that was in 27 Madison Ave. was an issue, then why is he able to move them to another property? This is the market he is in and the torture they are dealing with and this is only putting them into another part of the city. Mr. Muldrow shared with the women that were in the room from 33 Jefferson St. that he believes these same people are visiting 33 Jefferson St. Mr. Muldrow met the mother from 29 Madison Ave. and had a conversation with her and she shared she requested to move to a location with off-street parking because of her disabilities. Mr. Muldrow asked Mr. Tracy, "what is the recourse for monopolizing the driveway?". The tenant uses the driveway as well as others and he is concerned about his children enjoying his backyard. Mr. Tracy threatening his wife is very territorial when only 30 yards away from his house. This is the torture that Mr. Tracy is doing and Mr. Muldrow believes his reasoning is a tactic to bring back the tenants to 27 Madison Ave. They are pretty much living at 27 Madison Ave. The door is kicked in and people are coming and going and Mr. Tracy knows this and is no hero.

Thomas Gilfus, 18 Madison Ave.

The Muldrow's have summed up this mess. The police are at this house probably 20-25 times with the young man. They throw trash on the street and he cleans it up because he likes to live in a nice neighborhood. 27 Madison has been a problem for a long time and finally, they left and hopefully, no one will move in. Mr. Gilfus looked at these houses when they were for sale and they were condemned so he is not sure how codes allowed them to be lived in. There is black mold and the stuff that was in the house was disgusting.

Anthony Gasparro, 23 Madison Ave.

Mr. Gasparro lived there his entire life, 53 years. He considers the neighbors around him family and takes pride in his neighborhood. He has helped keep 29 Madison Ave. up by cutting grass, cleaning up trash, taking the trash out and cleaning the porch up. He is sad his neighbors are looking to move because of getting woken up at 2:00 in the morning. They have cameras at every angle of their houses and investing in more cameras to cover more property. Property Management doesn't do anything with the grass, snow or trash removal. He calls codes several times a day because the doors were kicked in and they were bringing propane tanks in there at night. It is very sad to see the neighborhood go downhill. During the middle of the night, you hear them yelling they are going to shoot us, going to kill us and he has an ankle bracelet on and that isn't going to stop him. We were warned by a friend of the property manager at the beginning that we better have our doors locked and cameras on because we haven't seen anything yet. He has had many opportunities to leave Madison Ave. and he isn't going to leave and these people are not going to run him out of his house or his neighbors. His home has been in the family since 1921. He requested the committee to help them.

Nick Humphrey, 7 Madison Ave.

The house is nothing but a nuisance. He called the police on one of the tenants because the tenant was yelling and screaming and he had to chase them out. He can't let his kids outside because of their behavior and has protection at his house from these people. He appreciates everything we are trying to do.

Corporation Counsel shared that the property owner's representative at this time has the chance for rebuttal, call witnesses and enter documents into evidence. Mr. Tracy responded with the following rebuttals.

1. Regarding the dumpster issue, the company delivers and picks up when it works in their schedule and Mr. Tracy tried to work with Ms. Muldrow on the placement of the dumpster. The trash was from being accumulated for years and some of it was garbage.
2. Hand truck on the front porch is related to a breaking of an entry and they were told not to touch it.
3. The number of people that reside at the house, there are 8 children with their mother and they have four bedrooms that are a good size.
4. The one person that has an ankle monitor is not allowed to leave the residence.
5. Relocated the resident at 27 Madison Ave. because it would have been faster than going through court.
6. The 80 interactions with Tabatha over 5 years. She is employed now and seems to be better.

The handout for 29 Madison will be handed in by the end of the week.

Corporation Counsel, explained a decision will be made within the next week for 27-29 Madison Ave. There will not be a public meeting for the decision.

Corporation Counsel would like to direct the committee to our Nuisance Chapter that a violation does not require a criminal prosecution or conviction but only a preponderance of the evidence that the prohibited conduct is occurring or has occurred. Prohibited conduct may include but is not limited to police reports and increased volume of traffic associated with the property. The documents submitted today regarding the criminal histories of the residents of 29 Madison and the testimony that the committee heard today are sufficient evidence in that regard and prove by a preponderance that the prohibited conduct is occurring. The general reputation of the residents of 29 Madison is sufficient to make a prima facie case of nuisance, once made prima facie case must be rebutted or the case is proven. The property owner did not sufficiently rebut the prima facie case. Previous and contemporaneous testimony from the neighbors for the adverse effect of the property only has the bolstering of the prima facie case of nuisance. With the caveat that Mr. Tracy will have the ability by the end of this week to submit anything further on 29 that the Committee finds this a public nuisance within the City's Nuisance Chapter and avail itself to any all remedies therein.

Mr. Tracy spoke explaining his plan was to talk to the mother regarding the 17-year-old and that he is not allowed back until he seeks drug treatment. Mr. Tracy is not sure what else he can do besides evict her. Mr. Garland, Corporation Counsel has suggested making

an appointment with his office to discuss this further and all documents will be available for Mr. Tracy to pick them up today.

Jenny Haines explained that we will follow Corporation Counsel's advice and wait to receive Mr. Tracy's summary by March 17th. The committee then can meet and make a written decision by March 24th barring unforeseen circumstances or further information we need to process.

Once the decision has been made it will be served to the owner of the real property. To address the issue that the property manager did not receive the communication it is understood a form for address change was submitted on March 6th. This communication was sent prior to that date to the previous address of 42 Lincoln St. We were following the information we had on record. We will make sure that all communication will be sent to 144 Genesee St. Suite 102-228.

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. **44 Wallace Ave:** Auburn Police Department had two calls for service, one was for an arrest warrant and codes stated it was condemned. Apartment 2 is condemned and were not aware of this at this time. We will have Code Enforcement follow up on this. Mr. Hasen is the owner and has not communicated with Corporation Counsel. Brian Hicks has had communication with Mr. Hasen and an appointment was made for Tuesday and he did not show. A CO inspection is set and one apartment is occupied. Apartment 2 was occupied but they were supposed to evacuate. Auburn Fire Department and EMS had no calls for service.
2. **64 Grant Ave.:** Auburn Police Department, Auburn Fire Department and EMS had no calls for service. There is a new owner and there are no additional complaints. This will be on the agenda through the fall.
3. **9-11 Case Ave:** Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This is an ongoing issue with animals and we are continuing discussions with groups regarding this and making some progress. This is on the agenda until June 2023.
4. **12 Seminary St. Rear:** Auburn Police Department, Auburn Fire Department and EMS had no calls for service. Homeless people are living there and this is going through tax foreclosure with no further issues happening at this property.
5. **61 Cayuga St.:** Auburn Police Department, Auburn Fire Department and EMS had no calls for service. The issue has been remedied and occupants have moved along and cleaning has been done. This will be removed after March 2023.

Motion to approve to remove 61 Cayuga St. from the agenda: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

6. **35 Mary St.:** Auburn Police Department, Auburn Fire Department and EMS had no calls for service and no additional complaints. The tenant had moved out and code enforcement will follow up. This will be on the agenda through May 2023.
7. **4 Van Patten St.:** Auburn Police Department had two complaints, noise and a suspicious person in February. Auburn Fire Department and EMS had no calls for service. No complaints recently but there was a problem tenant that is no longer there so this is a Code Enforcement issue. Will be on the agenda through May 2023.
8. **34 Franklin St.:** Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This is a bankruptcy issue and the movement of the bankruptcy proceedings has sought an adjournment of these matters based on the owner's incarceration at Cayuga County Jail. We have not seen any decision from the Trustee and Mr. Heffernan has asked for more time. The bankruptcy proceeding is the only thing standing between the City and the owner. Brian Hicks and Jenny Haines have had previous conversations with the City Manager regarding the property with concerns about the maintenance and with the proceedings we are still able to enforce the code by maintaining the property and billing the property owner. The bankruptcy trustee is interested in the assets and requires the assets to be maintained. The trustee is not happy with the way the properties have been maintained based on the history of the properties. Our Streamline provides notice to the property owners but we can provide appropriate notice since we do know his address and we can remind him of his property maintenance.
9. **255 Grant Ave.:** Auburn Police Department has had 11 calls for services since the last meeting for a variety of different calls. Anticipating an uptick with more rooms getting filled and more people getting placed there. Auburn Fire Department and EMS had no calls for service. The Certificate of Occupancy was issued with a few exterior violations pending. The property owner lets this property out to individuals with no place to go and that is occurring. It is better that the vulnerable populations are in one place and not in the neighborhoods as long as the property maintains to be clean. We have received no complaints from local businesses or neighbors.
10. **10 Morris St.:** Auburn Police Department, Auburn Fire Department and EMS had no calls for service. The owner is maintaining ownership and has no further complaints.
11. **25 Lafayette Pl.:** Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This is another Heffernan property that falls into the same category as 35 Franklin St.
12. **9 E. Genesee St.:** Auburn Police Department, Auburn Fire Department and EMS had no calls for service. We are in communication with the operator of the business in the past as well as the Office of Cannabis Management to navigate the issues there and still working through this process.

13. 87-89 Frances St.: Auburn Police Department, Auburn Fire Department and EMS had no calls for service. We have no continued complaints and remains a code enforcement issue. This property is going through the bankruptcy process.

14. 39 Cayuga St.: Auburn Police Department, Auburn Fire Department and EMS had no calls for services. This is a code enforcement and zoning issue that tends to be more apparent to the neighbors during the nicer weather.

15. 45 Columbus St.: Auburn Police Department had one call for service. Auburn Fire Department and EMS had no calls for service. There has been dialogue with Code Enforcement and the owner regarding the outside of the property. Will stay on the agenda through March 2023. The owner was looking for more time for the nicer weather, so we will keep this property on the agenda through June 2023.

16. 16 Franklin St.: Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This property has a new owner and no new complaints since. Will be removed from agenda March 2023.

Motion to remove 16 Franklin St. from the agenda: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

17. 106 Park Place Apt. #13: Auburn Police Department, Auburn Fire Department and EMS had no calls for service. This was an animal issue that was in the courts. The animal control officer did issue a citation and it is in court.

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

Adjourned: 10:57

Next Meeting will be held on April 19, 2023 at 9:00 a.m.

HEARING PROCEDURE

Opening Statements

- City
- Property Owner

City Case-in Chief

- Enter Documents into Evidence
- Neighbor Testimony

Property Owner Rebuttal

- May Call Witnesses and Enter Documents into Evidence

Summation

- City
- Property Owner

Decision

- May **Either**
 - Executive session to deleberaite or
 - Reserve Judgment until date certian

Challenges at 27 Madison Ave PRIOR TO New Ownership

- Bad tenant was NOT PAYING for a period of YEARS.
- Police, Fire, and EMS calls were moderately higher than the four properties nearest.
- Tenant causing damages through low quality repairs to extend their free stay as long as possible.
- Poor General Conditions otherwise also.
- Old management and ownership was NON-RESPONSIVE and has a record of this type of low quality outcome.
- MANY Neighbor complaints to new Property Manager about PHYSICAL CONDITIONS about the Home, PERSONAL ISSUES and DOMESTIC ISSUES between tenant and neighbors.
- UNPAID City, County, School Taxes, and UNPAID Water Rents
- Bedbug infestation had been festering untreated for an extended time.

Challenges at 27 Madison Ave SINCE New Ownership

- Trouble tenants that wereresponsible for the 100% of the police calls in the past 6 months have relocated to Osborne St. as of December 7th as seen in the Timeline below
- Police, Fire, and EMS calls have greatly reduced to just about ZERO since the tenants moved. To this date, the property remains vacant and boarded up as shown in the picture.
- Management now completes competent repairs through our own technicians or local contractors.
- General Conditions improved with building being secured and vacant, yard and grounds cleaned with a "Junk Removal Contractor" after a neighbor prevented ingress and egress to the property for a dumpster to be delivered multiple times, by physically standing in the way and calling police.
- New management and ownership is RESPONSIVE and has a record of correcting challenging properties with a quality outcome; making them and the tenants conform. (Although typically the challenges are significantly larger.) 29 Madison is a great example of this. Even with poor conditions we completed an interior renovation that allowed for local family to safely move in AFTER Code Enforcement performed a new Certificate of Occupancy. Often Management is present when of if police are called to maintain order and keep tabs.
- Paid City, County, School Taxes, and UNPAID Water Rents
- Bedbug infestation has been professionally exterminated and will continue to see periodic treatment prior to new tenants receiving keys.

OTHER NOTABLE ISSUES

1. Months after closing, The City has presented unpaid fines from two owners prior demanding payment. (Should have happened at time of closing so the correct person could be made responsible)
2. NYSEG, upon repeated, clear requests failed to transfer utilities and Neighbor called Code instantly when NYSEG terminated service.
 - a. City has claimed that a pressure test must be done prior to service being reinstated even though the code states that is only after 6 months of vacancy.
 - b. Code Representative left notes in computer with NYSEG that "Owner is attempting to move people in without doing the proper work". This patently false. Running water, heat and lights make doing professional renovations significantly easier once necessary permits are pulled.

TIMELINE

- July 12th- Home purchase completed
- July 15th- Introductions and Fact Finding performed by New Local Management
- July 29th- Follow up
- August 5th- Follow up ending in non-payment; referral made to Cayuga Seneca Action
- August 15th- numerous reminders to tenant to reach out for assistance
- September 2nd- Follow up ending in non-payment
- September 21st- FIRST CALL BACK FROM CAYUGA SENECA ACTION, states funding was approved
- Sep. 26- Dec. 2- repeated calls about why approved funding hasn't been released. Had to wait for NYS to appropriate funds from what I was told.
- December 5th- went to NYSEG to request change in utility service from tenant to landlord.
- December 7th- Using a Letter of Guarantee only we moved the tenant to a different Home, fully funded for one month to initiate a new lease.
- Dec. 12th, 15th- went to NYSEG to request change in utility service from tenant to landlord which was scheduled but not performed.
- December 16th-
 - NYSEG shut utilities off when they finally reached the Home instead of transferring it by accident. There is no utility service to the building as to this date
 - Neighbor reported to code that NYSEG had been there and Code Condemned for lack of utilities only.
- Dec. 19th, 22nd- NYSEG requested to turn on utilities, after an exorbitant amount of time spent, Code Enforcement was requesting a pressure test (not required by local law) prior to new service being turned on.
- December 24th- sent a technician out to drain water lines for winterization since utility turn on was prevented.
- December 27th- received LOTS of calls for a massive water leak that affected more than one home due to winterization tech making a costly mistake for the owner.
 - Spent all day (roughly 7 hours) seeing to it and making arrangements to have the problem corrected with every licensed plumber claiming to be too busy or not capable.
 - This was done under threat that the water to my client's other Home (29) would need to be condemned because there is only one valve (meter box) to control both homes.

CONCLUSION

It is the position of ownership and management that 27 Madison Ave (which is vacant) will be brought fully up to Code with proper permits and qualified work being performed prior to occupancy as we would any other home.

It is our belief that the positive and welcoming progress to the neighborhood is being made with a property that has been neglected for years with responsible ownership and competent local property manager



Response to the outcome of the Meeting of the Nuisance Board on 03/15/23

Challenges at 29 Madison Ave PRIOR TO New Ownership

- Property was vacant and condemned with many open violations.
- Police, Fire, and EMS calls were moderately higher than the four properties nearest.
- Poor General Conditions otherwise also.
- Old management and ownership was NON-RESPONSIVE and has a record of this type of low quality outcome.
- Many neighbor complaints to new Property Manager about physical conditions about the Home, and history of low quality tenants (historically)
- UNPAID City, County, School Taxes, and UNPAID Water Rents.

Challenges at 29 Madison Ave SINCE New Ownership

- Property is Code Compliant due to management and local family performing “sweat equity”.
- Police, Fire, and EMS calls should reduce due to corrective action taken by management (Violation of Lease Clause 14, for possible non-compliance with Municipal Code 213 of City Law).
- Management now completes competent repairs through our own technicians or local contractors.
- General Conditions improved with building being occupied, yard and grounds cleaned with a “Junk Removal Contractor” after a neighbor prevented ingress and egress to the property for a dumpster to be delivered multiple times, by physically standing in the way and calling police.
- New management and ownership is RESPONSIVE and has a record of correcting challenging properties with a quality outcome; making them and the tenants conform. (Although typically the challenges are significantly larger.) Often Management is present if police are called to maintain order and keep tabs. We are pretty sure most other managers are not that proactive.
- Paid City, County, School Taxes, and UNPAID Water Rents.

Response to the Abstract from the Police Department

A number of individuals listed in the abstract are NOT residents on any property owned by Advent. Those individuals are enumerated below.

- Kevin Huntington Sr. DOB 06/03/82
- Dallas Wheat DOB 07/06/92
- Roosevelt Coleman DOB 03/27/76
- Katherine Delarm DOB 07/27/98

Reace (17) has court date on 03/21/23 for violation of probation since he was removed from the home on 03/06/23. Tabitha has clearly communicated that she does not want Reace to return to her home, and she went as far as to attempt to terminate her rights as a parent to protect her younger children from him. After his incarceration, Reace has been informed by the Property Manager he will not be allowed back to the home until he has completed a 90 day rehab program. He has been made aware that if he returns to the residence, without complying, we will move forward with an eviction on the entire family. His Mother's position has been to have him housed at a residential facility until he is 18, or 21 if

possible depending on what the court and his workers allow for. However due to new facts about an incident occurring on 02/11/23, there likely will not a path for him to live with his siblings at all and an order of protection is being sought after for his younger siblings.

Timeline

- July 12th- Home purchase completed
- July-November- Family put in sweat equity with management to complete a remodel through the entire building and make it code compliant.
 - NEW CERTIFICATE OF OCCUPANCY obtained.
 - ELECTRICAL SAFETY INSPECTION performed and passed.
 - GAS LINE PRESSURE TEST performed and passed
- December 1st- New Tenant moved in.
- Jan 5th- March 6th- 13 Calls for service were made, all relating to her 17 year old son (Reace) and his company, and their collective drug crime and use.
- March 17th- management has posted a notice to tenant (see attachement), stating that activity at the residence has brought the parcel into possible violation of Section 213 of Municipal Code and that course of action places the leasehold stake of the tenant(s) at jeopardy. Tenants are aware this is a violation of Clause 14 of their lease as cited below.
 - Violating Laws and Causing Disturbances: "Tenant(s)" and company will not use "The Premises" or adjacent areas in such a way as to:
 1. Violate a law or ordinance, including laws prohibiting the use, possession, or sale/gift/trade of drugs;
 2. Commit waste (severe property damage) or
 3. Create a nuisance by annoying, disturbing, inconveniencing, or interfering the quiet enjoyment and peace and quiet of any other neighbor or nearby resident.

Other Notable Issues

NYSEG, upon repeated, clear requests took months to turn on utility service.

1. City has claimed that a pressure test must be done prior to service being reinstated even though the code states that is only after 6 months of vacancy.
2. Code Representative left notes in computer with NYSEG that "Owner is attempting to move people in without doing the proper work". This patently false. Running water, heat and lights make doing professional renovations significantly easier once necessary permits are pulled. (No power between 07/12 and at least 09/20) which slowed progress and work.

Conclusion

It is the position of ownership and management that 29 Madison Ave will continue to improve in condition with proper permits and qualified work being performed as we would any other home.

With regards to the existing tenants in 29 Madison we have taken and will proceed with the following steps.

1. We have confirmed that Reace - the one and only source of all the criminal activities and reported police calls - have incarcerated in the Oneida County Jail as of 7th of March
2. The tenant was served a lease violation in writing (03/17/23).
3. Management will continuously monitor the home for unusual activities in the property and maintain ongoing communications to minimize any waste of police resources.
4. We will proceed with the eviction if the terms of the lease are not adhered to as prefaced in our lease violation notice served (03/17/23).

We believe with the removal of the 17 year old who was the root of the issues that the County will continue to act as a resource to Tabitha to help return her home to stability, with the plan for us to continue to monitor this very frequently in the coming month or two.

It is also worth noting that even with all of the additional people included in the report who do not live at the property, it does not appear that any neighbor has been the victim of any crime related to the individuals related to at 29 Madison Ave. While we view this use of resources may be considered to be wasteful by some, we believe that the tenant did everything within her power to report safety concerns to police, probation officers, and available resources to remove these people from her home. These issues are a challenge and sometimes the resolution does not prevent reoccurrence.

If the city finds that more aggressive action is necessary, **management and ownership are requesting an opportunity to comply prior to the City condemning a home** that we just obtained a Certificate of Occupancy for. If the board finds that it is entirely necessary for the owner to evict the tenant or relocate them, we ask to first be allowed the opportunity and time to do that and have Corporation Counsel carboned on all facts pertinent to that action.

It is our belief that the positive and welcoming progress to the neighborhood is being made with a property that has been neglected for years with responsible ownership and competent local property manager. Further capital improvements are planned, for the asset so long as it is within the owner's rights to rent it. The revenue will offset the expenses of the next phase of major capital improvements that will raise the assessable values for all neighboring properties.

We would like to thank the Auburn Police Department for their patience with these matters and we do recognise that it's a difficult job that doesn't always have perfect resolutions. We hope that we can be effective partners in producing safe decisions that protect the sanctity of neighborhoods.

Good morning, my name is Bernice Muldrow. I reside at 25 Madison Ave, and I am here this morning to talk about the properties at 27/ 29 Madison. These rental properties sit adjacent to my home where I have lived for 12 years, my husband his entire life prior to being married. These two rental properties have been and continue to be a problem for our entire street. The police presence at 27 Madison, that now sits condemned and the police presence at 29 Madison since the end of November 2022 until now, has been excessive.

Auburn Police Department, sometimes multiple times a day with multiple police cars.

State Police, Detectives, and Child Protective Services have also paid visits to these homes.

These properties have been unattended to, not only by the current owner but by previous owners as well.

The property at 29 Madison Ave is currently occupied by renters who have shown little to no care for this property as well. The trash is not put out weekly animals rip the bags open. The property is left with the debris everywhere for long periods of time until the owner/property manager is forced to take care of it by codes. Since being told to clean up the property by codes, trash is starting to accumulate again. There is a headboard in the front yard with a dolly holding it up to block a broken window. Trash and other items left on the front porch. The house also occupies 4 dogs and 1 cat. There is dog feces all over the back yard currently. A litter box was dumped on the side of the house with cat feces.

The lady who rents 29 currently, stated she was asked to move there by the property manager with the promise of 27 Madison being rented to some of the 9-11 people that currently live at 29

Madison. These people range in age from adult to small children. Her words "they are literally living on top of one another".

The fighting amongst themselves, fighting with the people who use to live at 27 Madison, fighting with their own mother who ended up leaving in an ambulance.

One of the daughters cut herself and threatened others. 911 was called. One of the boys has threatened to kill people out in the open in front of the house, says he has a gun and an oozy. Another has come to our houses knocking at 2am, this was reported by 2 people in the neighborhood to 911. Another recently was taken by ambulance for a possible OD.

They are constantly wondering on my property all hours of the night. Going out of their way to cause issues. One stated "I wonder if the neighbor will be mad if I throw this in her trash" After he did this, I asked him to take out whatever was put in my trash and to not come back on my property, I was called all kinds of names. I was also told by the boy calling me the names to have my husband come out so he could whoop his ass. I called 911 because I was getting nowhere. They have also asked neighbors for blow torches and propane tanks over the last couple of weeks.

The tenants are inconsiderate with playing loud music at all hours of the night.

These properties have greatly impacted the street of Madison Ave in a negative way.

The first weekend the tenants moved in 29 Madison, neighbors addressed concerns with the owner's representative, He stated be patient, give it some time.

Our patience are worn out, our complaints have gone unanswered and now we ask for your help.

🕒 Full history

ⓘ Event details

Fri, Mar 3 at 12:28:44 PM



History

Live









