



Date: December 20, 2023

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

Minutes: No corrections at this time.

Motion to approve November 15, 2023, Nuisance Abatement Committee Minutes: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

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. 192 State St., 194 State and 45 Perrine St.:

John Lombardo Perrine St.

- Swifty's has had bands for a number of years and neighbors are getting fed up.
- The noise from the three properties makes windows vibrate.
- Belveder's amps make his picture window vibrate and this has been going on for several years.
- He wrote a letter of complaint and Heidi Nightingale suggested putting in a nuisance complaint.
- Britches opened and they have a state-of-the-art sound system and it goes until 2:00 a.m.
- He has to put a pillow on his windows to stop the vibrations.
- Would like some type of satisfaction.

Lucian Lombardo, 61 Perrine St.

- Part of the city code says the sound shouldn't be heard from more than 15 ft.
- This has been a nuisance in the neighborhood for a while and filed the complaint.

APD:

- All three of the property reports come back to after hours bar complaints.
- Not too many noise complaints called in.
- Most are unknown trouble, fight calls and the officers will put the address down they are in front of.
- 32 calls at Britches, 12 at Swifty's and 10-12 at Belleveder's.
- They do ABC checks to be sure they are compliant.
- Officers are working with establishments at night time and can work with the establishments.

AFD and EMS:

- Area of Britches had 7 calls this year for medical calls.
- Area of Belleveder's 4 calls, 2 EMS calls, one for a fire inspection and one canceled in route.
- Area of Swifty's 2 reports for fire inspections.

City Manager:

- Those in the area of concern, we have received other written complaints regarding parking.
- The City did provide written notice to the businesses regarding the complaint and one business returned a letter.
- We will continue to communicate with business owners and provide some oversight from the police department to help guide them through conducting business in a way that is compliant to give some peace in the neighborhood.
- APD has not met with the establishments but will sit down with them to let them know about the complaints.

Corporation Counsel:

- The State Liquor Authority requires licensees to maintain a certain degree of control over the premises which include the exterior of the businesses. Mr. Lombardo may want to reach out to the State Liquor Authority who might have some information to share.

2. 8 Delevan St.:**Desmond Gary, 42 Lincoln St.**

- He is the new property manager and nothing has changed since last month's meeting.
- Still plan to do a full remodel there.
- Codes does have his information on record.

Brett Tracy, 5 Lawton Ave.

- Desmond is taking over and he is helping him to transition.
- A full remodel is in process.
- It's a single-family residence and will stay that way.

APD: 12 calls since the beginning of the year. A couple of trespasses and a few in November for property check and trespass.

AFD: 2 calls, one for illegal burning and a mental health situation that was canceled by police. The Fire Chief, drives by daily and some boards have been removed he believes for rehabilitation but does not know about occupancy.

City Manager:

- This is on the agenda through June 2024.

3. 11 Burt Ave.:

APD:

- This has come on their radar for a number of calls, people coming in and out of the residences.
- Has started to become a nuisance.
- Apt 1 is where APD has been going and may turn around with tenant moving out.

AFD: One call for medical.

City Manager: Codes condemned front apt on December 11th and tenants moved to another residence. Will monitor through June 2024.

4. 131 Osborne St. and 89 Elizabeth:

Jake Shaw, Property Manager

- Tenant is being evicted but paying rent so has to go through an eviction of 60 days.
- Court date is January 5, 2024 and this complaint helps his case and will give paperwork to his lawyers.
- Tenants are hoarders and put stuff out all the time and there is suspicious drug activity.

City Manager: If there is anything we can do to help your case reach out to codes, the police department or the Corporation Counsel.

Corporation Counsel: The Nuisance Chapter does allow landlords who are evicting for a cause to request records. The attorney can reach out to Corporation Counsel's Office for this information.

Brett Tracy, 5 Lawton Ave.:

- 89 Elizabeth St. has been in the apartment and the property manager is correct. Brett explained he was invited into the apartment and they have an apartment that is full of stolen merchandise.

APD: Quite a few calls for 89 Elizabeth and on call for service at 131 Osborne St.

AFD: 2020 there was a structure fire. 89 Elizabeth they have been there three times. Last time was in August for medical calls.

City Manager: There is a court date of January 5th and the property manager was present to address the issues. Will monitor through June 2024 unless it clarifies itself after the court date.

Hearings:

1. 5 Lawton Ave.:

- Corporation Counsel suggested that due to a pending criminal case, it is best to hold off on the hearing until after the court date and remove it from the hearing list.
- If something arises it can be put back on.

City Manager: Will remove from the hearing list and will continue to monitor on the agenda under Other Business.

Brett Tracy, 5 Lawton Ave.

- Claims he has received no notice of the hearing today.
- Tries to enjoy the property but a number of problem neighbors have made false claims.
- The Court date for criminal activity is December 22nd.
- He feels the person who put in the complaint has weaponized the committee against him.

Terry Elliot, 7 Lawton Ave.

- Disappointed there is not a hearing. The criminal matter is separate then the complaints.
- Several neighbors are reluctant to come to the meeting to speak.
- Several items on the list that are remaining are:
 - Abandoned vehicles and tires
 - Illegal burning.
 - The air conditioner that fell out of the window remains in the side yard as well as mattresses that have been there for months.
 - Tried to put a fence up to not have to look at the stuff.
 - The tenant activity since the criminal activity has gone down but nothing else has changed.

Tracy Baker: 12 Lawton Ave.

- Lived there 29 years.
- She is a neighbor that has been reluctant to come forward because of retaliation.
- Has had several conversations with Mr. Tracy.
- Mr. Tracy took her through his property and told her what he planned to do and she encouraged him.
- Mr. Tracy asked her to write a letter on his behalf and she would not because of his selection of tenants.
- Not able to sit on her front porch because of dog fights, language and harassment.
- This is borderline hate crime and it is constant.

APD: December one complaint.

AFD And EMS: No calls since last month.

City Manager: This will stay on the agenda under Other Business to monitor police activity and will follow up with codes on where the complaints are at.

2. 4 VanPatten St.:

Corporation Counsel:

- The code enforcement office has declared this property a nuisance
- Emergency health and safety actions for the public by boarding the property.
- Meetings were held with owners and there has been significant violence and crime.
- Closing of the property in recognition of boarding and sealing of the property and will be closed for one year.
- The owners of real property have not followed through on some of the things they said they would do.
- This has been in front of the committee for the past year.
- Testimony has been delivered by neighbors and the fact that the building has closed would make it reasonable.
- Property manager has received legal notice since and met with staff so the committee took administrative notice with police and criminal complaints

APD: Agrees with Corp Counsel. APD continues to go there and boards are being removed.

AFD And EMS: One call for the violence and will agree with the action to move forward.

Motion to close 4 VanPatten St. for 12 months: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief. All Approved.

3. 138 Cottage St.:

- No representation for 138 Cottage St.
- Sent out the proper notices for the hearing and would recommend since Mr. Suarez is not here that this hearing be adjourned to January 2024 hearing.
- Corporation Counsel office will reach out to Mr. Suarez to check his mail.
- APD: agreed
- AFD and EMS: agreed
- Will adjourn this hearing until January 17, 2023.

City Manager: Explained the owner of this property has a habit of not showing up. If he doesn't show up for the next meeting he will be looking for advisement.

Corporation Counsel: Will give Mr. Suarez a warning letter that if you are not in attendance the proceeding will take place in your absence.

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. 5 Madison Ave.:

- APD had 7 calls in November and December between neighbors.
- AFD had no incidents since last meeting.
- City Manager understands more police activity between neighbors and will keep on the list through May 2024

2. 9-11 Case Ave.:

- APD and AFD had no calls for service.
- Corporation Counsel has had extensive dialogue with the complainant and we understand the concern but we have exhausted the remedies with this committee.
- This is on the list through December 2023.

Motion to remove 9-11 Case Ave. from the list but continue dialogue with the complainant.: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

3. 20-22 Foote St.:

- APD three calls for service for domestic related and a standby in the last 30 days.
- AFD had no calls for service.
- No recent communications with neighbors who complained.
- One of the tenants vacated the premises in the last month.
- There is a handful of code violations and Code Enforcement will follow up on violations.

Motion to remove 20-22 Foote St. from list: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

4. 11-13 Lafayette Pl.:

- APD and AFD had no calls for service.
- Several court appearances on this, adjourned twice and property owner is represented by legal counsel.
- Fully condemned and working through court.

Motion to keep on the list through April 2024: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief

5. 46 Orchard St.:

- APD officers attempting warrant arrest and one being successful.
- AFD had no calls for service.
- The property owner of this property has a pending court appearance for all his properties.
- Will monitor through April 2024.

6. 59 Orchard St.:

- APD and AFD had no calls for service.
- This appears to be a tenant and the eviction has been implemented in October 2023.
- Previous APD report showed a significant amount of activity and there are some code violations
- Will monitor through April 2024

7. 11 Madison Ave.:

- APD and AFD no calls for service.
- Codes released the condemnation of second floor, building is occupied and is currently up for sale.

Motion to remove 11 Madison Ave. from the list: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

8. 108 Ross Pl.: APD responded in November for the eviction process.

- AFD And EMS had no calls. Code Enforcement still has violations and is under renovation.
- All properties have been vacated.

Motion to remove 108 Ross Pl. from the list: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

9. 33 Columbus St.: This is a Smoke Shop

- Corporation Counsel advised to allow for Corporation Counsel and APD to explore a new way to deal with these shops.
- The Attorney General is pushing a new way to handle these shops enforcing the sections of the cannabis law.
- APD had no calls for service
- APD has been attending training
- AFD one call in front of this address but not related to the shop.

Motion to remove 33 Columbus St. from the list: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

10. 104 Grant Ave.: This will be handled the same as 33 Columbus St.

Motion to remove 104 Grant Ave. from the list: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

11. 255 Grant Ave.:

- APD had seven calls for welfare checks and mental cases.
- AFD and EMS had two calls for service since last month.
- Code Enforcement violations has been taken care of and the Certificate of Occupancy have been issued.

Motion to remove 255 Grant Ave. from the list: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

12. 9 E. Genesee St.:

- APD, AFD and EMS had no calls for service.
- Court is set for January 2024 for Codes
- This is a subject property to case of first instance of Cannabis law. This is the property I'm Stuck was operated out of and the Assistant Attorney General explained the owner of 9 E. Genesee St. did evict the owner of the business.
- Code enforcement issues in the apartments above.
- The owner is nonresponsive and we will monitor through April 2024 so we can get the issues cleaned up.

13. 39 Cayuga St.:

- APD one unwanted complaint in November.
- AFD And EMS had no calls for service.
- Codes did shut down one apartment and the business that operated there under inappropriate zoning has moved to a different location.

Motion to remove 39 Cayuga St. from the list: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

14. 45 Columbus St.:

- APD had no calls.
- AFD one call for service. Fire outside the building with wood burning with oil.
- The Complaint is regarding extensive repairs.
- The owner advised the court he would work with Code Enforcement.
- This did not come with a schedule for clean-up
- Will keep on the list until June 2024 to hopefully get work done.

15. 44 Wallace Ave.:

- APD calls are officer initiated by property checks. Chief drives by and it is still boarded up and closed.
- AFD no calls for service chief drive by to keep an eye on it.
- November 3rd property was shut down and was not shut down appropriately so codes went in and shut it down.

Motion to keep on the list until June 2024: James Slayton, Police Chief, seconded by Mark Fritz, Fire Chief.

16. 110 Owasco St.:

Donna Williams 108 Owasco St.:

- It has become a fire hazard because they are putting in a furnace and worries it will catch on fire and will catch her house on fire.
- Transients coming in and putting in a furnace.

- There is no water or utilities.
- The police and codes were there and pulled people out that don't belong there.
- Requesting the City to do something with the property.

APD:

- The property is condemned and continue with property checks.
- Made three arrests for people in the home.

AFD: had no calls for service.

Code Enforcement:

- Utilities and water are shut off.
- Property is condemned.
- Transients coming and going.
- Installed an illegal wood stove in the back, make shift apartment
- Plumbing down the side of the property.
- Ongoing phone calls and issues.
- Code Enforcement gets called constantly with police to help remedy issues.
- The heating unit looks like it is being installed and not being used yet but this is only what has been from the outside.

Corporation Counsel:

- Assistant Corporation Counsel has been in contact with the Code Enforcement office and if codes believe there is a health and safety issue for the neighborhood specifically with the illegal installation of a woodburning stove.
- The Code Enforcement has issued an order that the building be vacated and take any emergency measures to take vacations.
- The owner of the real property is not interested in maintaining the property up to the requirements of the code.
- This is a fire and safety hazard and the Code Office does feel there is a safety issue an Emergency action according to the property maintenance code.
- This action will be similar to the action of 4 VanPatten which is an emergency action according to the property maintenance code.
- City of Auburn is forced to follow a uniform code.
- Two different individuals are claiming ownership of the property.

City Manager:

- Will monitor through June 2024.
- APD and AFD with Fire Inspection is willing to assist in closing of the property.

17. 5 Church St.:

APD: One juvenile complaint in December.

AFD and EMS: One EMS call and one citizen assist call.

City Manager: Still getting complaints for infestations. Will keep an eye on this through Code Enforcement.

18. 19 West St.: APD, AFD and EMS had no calls for service. This is a code enforcement issue.

19. 124 Wall St.:

- **APD,** two calls for service for a larceny and trespass.
- Fire and EMS no calls for service.
- **City Manager:** There was a court date and the owner of property did not show. Will follow up with codes and motivate owner to clean up property.

Clarify Burt Ave will be monitored through June 2024 not June 2023.

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

Adjourned: 10:17 am

The next Meeting will be held on January 17, 2024, at 9:00 a.m.