



Date: August 18, 2021

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

Minutes: Motion to approve the July 21, 2021 minutes by Mark Fritz, Fire Chief, seconded by James Slayton, Police Chief. Motion Approved.

Final draft of the Rules and Procedures for Nuisance Abatement Committee were added to the agenda.

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

The City Manager shall assume the chair of the Presiding Officer upon his or her appointment. The Presiding Officer shall preserve strict order and decorum at all meetings of Committee. He or she shall vote on all questions, his or her name being called last in the voting order. In debate, he or she shall confine speakers to the question under discussion. When two (2) or more speakers arise at the same time, he or she shall name the one entitled to the floor. He or she shall decide all questions of order. Public to be Heard will not be an open discussion. If members of the public would like to be heard on a specific property that is on the agenda, they can let the chair know and come to the podium to speak for the allotted time of 3 minutes. If other properties are wished to be discussed they can fill out the Nuisance Complaint form that can be found in the City Manager's Office and on the City's website www.auburnny.gov and copies were provided at the meeting.

When the City receives a Nuisance Complaint about a property, the City will run reports with the Police Department, Fire Department and Code Enforcement to see what issues have been reported at this address for the past six months. Sometimes reports will be run on a neighboring property to be sure there is no confusion with other properties where other instances may be happening.

1. **36 & 38 Pleasant St.:** 36 Pleasant St. has two calls for service in the last six months and no calls for 38 Pleasant St. This appears to be a neighbor dispute and the inability to not get along and is not to a point where the committee has to act on it. With only two calls

of service in the last six months this does not rise to the level of continuous harm on someone else. APD had noise complaints on 06/04 and 06/06/2021 which is the only qualifying complaint. Auburn Fire Department had no calls at this address in last 6 months. A response will be sent to the complainant to acknowledge the complaint and what action the Committee has been taken. The Chiefs feel no action to be taken by this Committee or hearing to be conducted on 36 & 38 Pleasant St. properties. The City will make files on complaints so going forward if more complaints come up in the next six months we will have some type of baseline. A response in writing will be sent to the complainant and at this time the nuisance will not be taken any further.

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

2. **38 Hoffmann St.:** Time of receipt of complaint was June 28, 2021. We did a review of Code Enforcement, Fire Department, EMS responses and Police Department responses. Most of them are police matters which are mostly neighbor issues which have been given a resolution at this time. Code Enforcement report shows they are being addressed. The Code Enforcement Officer was at the property and some work has been done but more work needs to be completed. We do not have a reinspection date at this time. The complaint received is more neighbor disputes than code enforcement. There are some aspects of the rules the committee can take regarding code issues. APD reports show this seems to be with one neighbor and the complainant. The resolution can be with officers bringing discretion and advisement on how to handle situations and doesn't need the Nuisance Committee involved in it. No Fire or EMS incidents and agrees with APD, it seems to be a neighbor dispute. Notifying the owner of the complaint and will not take action. The complainant is to continue to call APD if they have a complaint.

Motion to approve: Mark Fritz, Fire Chief, seconded James Slayton, Police Chief. All approved.

3. **108 Osborne St.: Public to be Heard:** James Udall, 106 Osborne St. lives immediately northwest of 108 Osborne St. This property has a lease agreement with the owner of O'Toole's, Jack Voorhees. Mr. Udall sent an email that listed all the things going on. The lease agreement states that Mr. Voorhees is to maintain the property, but he does not. The parking lot is a source of mayhem, disorderly conduct and criminal behavior on a regular basis and his property suffers continuously. He has had fights in his front yard, bar patrons urinating on his property and the fence, broken bottles and beer cans. Mr. Udall has sent the Committee photos of how the property is not maintained. The bar owner negotiated the lease 26 years ago with no rate or rent increase for the use of the lot, which he has access to the property. The property is 5400 sq. ft., backs up to the outlet and has about 50 ft. of waterline. Mr. Voorhees pays \$16.67 a month for the use of the lot and does not understand what the public benefit is for \$16.67 a month? Has made multiple 911 calls and is starting to call the non-emergency number. The history of this lot dates prior to Mr. Udall's ownership and he is willing to go on record. 105 Osborne has been there for 8 years and has had multiple problems with bar patrons and mayhem that occurs around this lot. City Manager did confirm the Committee has received the emails this morning. The complaint form was received on July 1, 2021 and the background checks with Police, Fire and Codes were completed. This is unique since it

is City owned but doesn't make since to impose punitive action on ourselves but certainly some concerns have been raised and the complaint has caused us to look at the property and what is going on. The Committee will be looking into other actions to address the concerns of the property. A bars liquor license may be revoked if the bar does not maintain an orderly parking lot in front of their business. The State Liquor Authority regulates all sales of liquor retail in house within the state. As the property is currently owned by the City, the State Liquor Authority could have a much larger effect on the behavior that Mr. Udall is complaining about. Recommending that the complaint be forwarded to the State Liquor Authority for an investigation. APD agrees with Corporation Counsel and has reached out to the alcohol beverage and control board to find out about the parking lot across the street and made them aware of the complaints we have had. APD could write a term of business to see if we find it unruly if they don't control the patrons inside and outside of the establishment. There has been increased patrol and has been discussed with the midnight command staff. APD has at times sent cars out at time of closing. APD will continue to work with the bar owner as well as the property owner next to the lot. The property maintenance issues will be communicated with the bar owner and it has already been addressed. We will continue to communicate officially with the owners of 108 Osborne St. AFD has only had limited fire and EMS at this property. Only three calls since 2017 and call in the last 6 months that has nothing to do with the bar. Any offers to purchase or rent can go through the Corporation Counsel office and we will work with any members of the public who wishes to purchase city property. Any other questions can be directed to Jeff Dygert, City Manager.

Motion to approve: James Slayton, Police Chief, seconded Mark Fritz, Fire Chief. All approved.

4. **5 Bellvue Pl.:** Received complaint on June 30, 2021. This property is well known to police, fire and code enforcement that came to our attention prior to a neighborhood walk through that included all the departments. We have not received a complaint form from neighbors but we have received multiple emails from the neighbors concerned about the property. In this situation the owner put a complaint in against his own property. This may be a way to circumvent their legal opportunities to save themselves costs and aggravation but the Rules for the Committee state individuals that come in front of the board that have an unexercised legal cause of action should exercise the cause of action before coming in front of the board. A landlord with tenants that are causing problems through their behavior can evict those tenants through Auburn City Court. The eviction moratorium does not foreclose eviction actions based on behavior. The applicants need to explore that option before coming in front of our board and need to come back and let us know why they couldn't exercise that right before the Committee makes any decisions. APD can provide paperwork to the landlord. Upon request of a landlord who files an eviction action, the nuisance chapter requests the APD allows all reports to be released pursuant to that tenant being evicted like an arrest report and penal law noted in Nuisance Chapter. The AFD in the last 6 months have been there twice, once from an alleged injury for an assault and illegal outside fire that had to be extinguished. One complaint from the owner themselves is hard to act on a nuisance complaint when it is just the owner making the complaint. We have walked the area and know it is a problem but we

have not received other complaints. We are not positive if the owner has made other attempts but we will let the owner know he has an obligation to his neighbors for the property he owns with tenants. If it gets to the point that the Committee needs to take action, there could be some significant penalties because there are other opportunities for him to take himself.

Motion to approve: James Slayton, Police Chief, seconded Mark Fritz, Fire Chief. All approved.

5. **97 Steel St.:** No official notification on this. There is a Complaint Form that should be submitted but we have received many phone calls on this property and APD has followed up on it. We will communicate with the people that have shared their concerns with us that the Complaint Form needs to be filled out and go through the official process. The City will continue to keep an eye on this. This is a landlord owned property with email correspondence that came in stating a claim. This is actionable even though a Complaint Form has not been filed. APD has reports for calls of service in the general area but not directly for 97 Steel St. The calls for 97 Steel St. are not of nuisance but the general calls seem to be combined with that address. AFD has calls to this address for health related issues but nothing that arises as a neighborhood nuisance. The City will notify the owner of the property of the activities going on and the City will be watching over the property. A file will be created for this property and should be monitored. We will reach out to the residents that emailed the City to update them on the action taken. The letter to the property owner will have time frames to follow up on the complaints.

Motion to approve: James Slayton, Police Chief, seconded Mark Fritz, Fire Chief. All approved.

6. **27 Frazee St.:** No formal application sent in. **Public to be Heard:** Sandra DiMarco explained they did not fill out a form because of possible repercussions against them. Sandra explained they have off road vehicle exhaust fumes, kids taking out sewer grates, boom boxes with loud music, profanity, ATV's riding on Frazee St. and Myrtle Ave. A raid at the end of Frazee St. and there are other houses besides 27 Frazee St. that are a problem. The Committee explained the complaint process does have a place on the form to remain anonymous. APD has spoken with the resident and advised to continue to make the complaints even when you call 911 they can ask to stay anonymous. The command staff has been informed about the ATV's but will inform them about it also happening in the morning. The report for 27 Frazee in the past 6 months shows firework complaints, which is a problem across the nation, also quite a few traffic complaints that are also a nationwide issue, not just a city issue. Also, ATV, motorcycles, recreational vehicles is a nationwide issue as well as in the city. The enforcement is difficult because ATV's and motorcycles can go places APD cars can't and it is a safety issue chasing them. APD tries to find out where they live so they can educate them on the rules of the road. AFD has no calls to this address and sounds more like a law enforcement issue and APD is taking proaction. An official letter will be sent to the owner of 27 Frazee Street that we have received a complaint and are supported by police activity and that they should as the owner of the property to address the issues.

Motion to approve: James Slayton, Police Chief, seconded Mark Fritz, Fire Chief. All approved.

7. **110 – 112 Janet St.:** No formal complaint on this property but a number of informal complaints over time on this property. There are some outstanding code issues. This property is the subject of court action between the City of Auburn and the owner. There are many code violations which the owner has not complied with. It is recommended the Committee to monitor the property and if facts support this action to consider taking action. It is recommended to table it to monitor until the next month because there may be a resolution to the court case once the eviction moratorium is lifted. This will be tabled until the September meeting.

Motion to approve: James Slayton, Police Chief, seconded Mark Fritz, Fire Chief. All approved.

City Manager did revisit the 5 Bellvue Pl. to put time constraints on the owner for a certain amount of time to remedy the situation. Corporation Counsel recommended not to put a time limit on evicting someone even though that course of action is not foreclosed by the eviction moratorium but the courts still governor calendaring actions and they are backed up through late fall scheduling so it might be an unreasonable for us to put a time frame on it. It is recommended that the property owner to keep the Committee updated on how his case is going. We will revisit 5 Bellvue Pl. month to month to get and updated on this property.

Motion to adjourn meeting at 9:56 a.m.: James Slayton, Police Chief, seconded Mark Fritz, Fire Chief. All approved.

Next meeting will be held on August 18, 2021 at 9:00 a.m. at Memorial City Hall.