

**Date:** September 15, 2021

**Roll Call:** James Slayton, Police Chief

Mark Fritz, Fire Chief

Jeff Dygert, City Manager

**Minutes:** Correction to the July minutes the next meeting, August 18, 2021.

**Motion to approve:** 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 that has a limit of 3 minutes on a topic.

1. **95-97 Cottage St.:** A complaint was received and reports from police, fire and code enforcement shows it to be mostly code enforcement issues. No reports in the last year or 6 months for police, but there was one call for 2019 and one call for 2018. No fire or EMS related activity at this address. Fire has it on the vacant building registry list and it has been carded as a level 3 hazard. There is a variety of issues related to code enforcement, which are mostly property maintenance issues. A notice will be sent to the owner notifying them of the complaint on their property and they will need to follow-up with code enforcement to make sure all violations and follow-ups are done. Also, a letter will be sent to the person who put in the complaint as to what steps will be taken. This property is the subject of a couple tax foreclosures back to back and has been vacant for a period of time. Maintenance has been deferred and the complaint is mostly property maintenance issues which code enforcement office will handle. Codes will follow up on 95-97 Cottage and a letter from City Manager’s Office notifying the owner of the property that it will be revisited on occasion to be sure maintenance is kept up on it.

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

1. **23 Florence St. & 4 Mattie St.:** A complaint was sent in for ATV noise and unregistered vehicles driven on the roads.During the current year, APD had three instances at 4 Mattie St., which were domestic related. The complaint states noise is an issue but on the map where 23 Florence Street and 4 Mattie Street are, they are not adjacent properties to each other and no one was at the meeting to clarify. APD has had only regular calls for service at these addresses. Two calls on the same date in July were connected and one in April, which was part of an order of protection and may have been a direct result of the incident at that house. AFD had one incident for unauthorized burning at 23 Florence St. and one EMS call at 4 Mattie St. The unauthorized burning was handled without incident by the resident and the medical call is just a medical call for service. The complainant references a number of incidents related to ATV’s and unauthorized vehicles on the streets which is not, unfortunately, a common occurrence. No code issues on either of these properties. The city will notify the owner about the activities at the property and will ask that APD respond to the complainant and explain the efforts we are taking city wide. Assistant Corporation Counsel did speak with the complainant and the complaint was due to loud noise from ATV’s and engines revving in the driveway. She was advised to talk to APD regarding noise complaints. There is a trend with ATV’s in the City of Auburn that APD are targeting in 4 or 5 different areas. It is being addressed with APD to pay special attention to those areas. The new tread with ATV’s are unregistered and can’t be registered for the road. People are not wearing safety gear like helmets, so APD can’t chase them because of safety. If people see this happening they are to call it in so APD can talk with them. The owner of 23 Florence and 4 Mattie St. will be notified of the complaint and the police department will reach out to the complainant on these properties.

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

1. **7 Grover St.: Public to be Heard:** Stephanie Hutchinson, 28 Grover Street. Stephanie is representing Grover St. and Tuxill Square neighbors. Neighborhood would like the City to take action on #5, #7 and #11 Grover St. They understand only #7 Grover St. meets the standards of the Nuisance Board but would like #5 and #11 to be looked at as well, since it is controlled by the same individual and the same nuisance conditions as #7. 7 Grover St. has continuous police calls, noise, partying, drugs use, fights and loitering. Individuals with backpacks who do not reside at the property come and go all hours during the day and night. June 1, 2020 – April 3, 2021 there were 33 police calls to the property for incidents that range from assaults, harassment, trespassing to burglary to sex offenses. Individuals who do not reside at the property stay for an extended period of time which increases density in a building that is already holding too many units. The property is an eye sore with furniture, garbage and shopping carts scattered in the lawn and sidewalk. The property has peeling paint, broken windows and constant damage to the facade and porch. It is also located in the historic district next to City Hall, Seward House and Equal Rights Heritage Center which is embarrassing to the city and neighborhood. Being in the Historic District they are required to get approval for exterior improvements to their properties from the Historic Resources Review Board. A lot of time and money has been spent to make improvements because of the historic nature that needs to be preserved in the neighborhood. The deterioration and mismanaged at #5, #7 and #11 do not go unnoticed as the neighbors make additional investments. Tourists that visit our city, landmarks and parks on Grover St. as well as buses in front of #7 Grover St. and this could be the first property they see while visiting. Homeowners and renters around the properties deserve better from the owner of these properties, as well as, the individuals who live at #5, #7 and #11 deserve better from their landlord. The neighbors anticipate that the COVID pandemic and restrictions on evictions will be the excuse for the property but it has been nuisance long before COVID. Grover St. has a great deal of rental property but none of it is neglected like #5, #7 or #11 or poses similar problems. The neighborhood would like the Nuisance Board to take the proper action on #7 Grover St. that no longer poses a threat to the safety and health to the neighborhood or the liability to our city’s historic properties and investments.

Gilda Brower, 40 Grover St. Gilda has a young man living with her for the last year in drug recovery. Police and Fire have been called there for 2 emergencies for the young man that is now disabled. He was able to go to 11 Grover to purchase drugs which she just wanted to mention to the committee.

#5 and #11 was brought up by Mrs. Hutchinson, but the committee was only prepared for #7. The Committee was not ready to discuss #5 or #11, so more research will be done on these properties and will discuss the next time around but we are prepared to discuss #7.

APD has a variety of calls for service at any given time of the day. Most of the calls of services do require one or more officers and can be up to 5 officers working that shift. APD feels they need to have something done with this property due to sex offenses, stabbings, domestics, criminal mischiefs, unwanted guests. There were 49 calls for service since the start of 2021.

AFD also experiences high call volume to this address. In the past two years, 26 times and last 4 years were 61 times. The calls are mostly medically related due to assaults, stabbings or drug use and several calls for routine EMS calls. Most routine calls are for one occupant that does experience medical emergencies from time to time, so it does weigh heavily on AFD resources. There were 15 calls for service since January 1st.

Corporation Counsel has received a court order to close down 8 Delevan Street which APD is coordinating. Within a 6 month period the basis for that action supporting that court order was behavior that impacted the neighborhood, but also it was the 15 calls for service which lead to investigations by APD. This property has a greater number of calls for service at 49. It is recommended that legal action for further investigation should take place. 8 Delevan is a single family and Grover St. is a 12 unit apartment and the issue is throughout the entire building. We have a responsibility to respond to this in a meaningful way but also this creates other problems, like 12 households that would be disrupted in some way, shape or form. We will take the proper steps to deal with this. We don’t want the board to be used for the property owners instead of using an attorney or do the work they should do. Corporation Counsel’s recommendation is since the owner of the property has been in court many times and does not necessarily have the desire to adhere to the property maintenance code and building code is to send a letter advising the owner of the Committee’s stance going forward. The owner would be responsible to take some measures to secure the property but it is recommended to continue an investigation on the property on parallel tracks giving the owner to remedy the situation but also prepare for litigation. The Nuisance Abatement Committee has a range of authority for things that we can do and penalties we can impose and incentives we can apply to try and get compliance or improvements on these properties. It has been discussed that several of the neighbors impacted by 7 Grover St. activities could potentially be viewed as having a conflict so this could be taken to State Supreme Court to avoid conflict. In the meantime, the recommendation would be a letter to the property owner regarding what the committee is looking for from the owner and requiring the owner to get back to the City Manager, APD or AFD and set up a meeting within 30 days. The owner usually responds with a lawyer with a remedy, but in the meantime has allowed the properties to become in such a condition and ignores code enforcement to the point to having to be brought into City Court. The Committee will issue a formal notice regarding the receipt of the complaint, an overview of the issues, and a wish list of items that need to be rectified and a notice of pending court action with a 30 day window to respond.

Regarding the other addresses adjacent to #7 Grover St. the Committee is requesting that the Chief’s and code enforcement to look into the addresses since they have been brought to our attention. It sounds like there is a pattern of activity with the three properties. There are living units in these three properties that we can only imagine how many are contained in these properties

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

1. **5 Cottrell St.:** The Committee received a number of complaints from neighbors.APD calls for service have been mostly noise complaints. There were individuals working on vehicles late at night and when APD responded they did stop working. There was a drug search warrant at that location where the subject was arrested and has been released. This created the same issue over and over again, but was just informed the individual is not at the residence and has moved to another area of the city. AFD has had three incidents in the last year, which one was a water leak in the basement and two medical calls. Code enforcement reports indicate that the single family home is not being used consistently as a single family home but more of a transient housing. It also has been understood it is being used as a boarding house. This is probably creating the parking and noise complaints as well. Code enforcement has given the property attention due to the complaints they have received and seems more like a code enforcement issue and parking enforcement issue. A letter to the owner and codes can use their enforcement to extend their ability to enforce the code at the property. Corporation Counsel believes the owner has showed willingness to work with code enforcement and APD has been back and forth with the person overseeing the property. Corporation Counsel agrees code enforcement is best equipped to address the situation that code enforcement identified before the Nuisance complaint and shows to be true through this process. A notice to the owner to make official of the receipt of this complaint and the actions the city is going to take this point forward and will continue watch over them the next few months.

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

1. **53 Orchard St.:** The complaint listed several properties of concern. APD feels it is more of a neighborhood issue then just one property. There appears to be noise complaints and a large fight in the area with the individuals in the area, which seems to be stemming from 53. APD spoke to the person that sent in the complaint who just moved back to the area and is paying attention to what is going on in the neighborhood. AFD has assisted APD as needed and some EMS calls but nothing overly burdensome at this time. City Manager is asking for the Committee to give this area more attention and discuss this more next month.

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

**Other Business:**

**Follow ups:**

1. **5 Bellevue Pl.:** Was on the agenda last month and agreed to revisit it month to month to see what progress was made. APD’s update had two additional calls for service in the last month. One was a domestic and the other was a warrant attempt for someone in the area. Calls have been down due to some of the arrests that have been made. The code enforcement update has a conditional certificate of occupancy that was issued back in March 2020 and conditions and follow up inspection was scheduled for June 2020 and as of June 2021 the necessary corrections were not made to obtain a permanent certificate of occupancy. Another official correspondence will be sent to the owner of the property acknowledging some of the improvements that have been made but will also inform them of the issue with the conditional certificate of occupancy. Corporation Counsel shared the last evidence they had 15 days between June 15th and the July date the owner could have scrapped and painted the property to save the certificate of occupancy. It is almost certain that the certificate of occupancy is lapsed and the building is now being occupied unlawfully, so there are a range of remedies that the code enforcement office can administer in their capacity. It is work they have started to engage in again from a year ago, so a letter from the committee outlining these items and the complaints and will go forward with condemnation of the property will be sent to the owner. Once property becomes condemned the APD will have more authority.

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

1. **97 Steel St.:** The committee is looking into this property month to month to see what was going on and the only thing from code enforcement is for property maintenance and lacking certificate of occupancy. APD nor AFD have had any reports. Corporation Counsel can take the same course of action for lack of certificate of occupancy.

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

1. **108 Osborne St.** – Another complaint was filed by Bethany Arnold, 69 Elizabeth Street. O’Toole’s property runs along her property and the complaint is the noise ordinance that is a continued occurrence. Noticing more fights, music is louder, people are in her yard and are loud, staying outside loitering and there is profanity, fights and sex acts and drug use. Now more bars are closing and more patrons are coming to this bar. She has dealt with this for 25 years and has called APD but has stopped due to retaliation. There have been threats to them, her car was stolen that was crashed and totaled, two home invasions and garbage left in her yard. There are no bouncers or security. She is speaking for the neighborhood because they won’t come forward because of the retaliation they have seen her go through.

James Udall, 106 Osborne Street. With the State Liquor Authority is being involved you would think the bar would be on best behavior but the incident Bethany had at her house was a fight which created two more new calls. James doesn’t believe the bar has the ability to control what is going on. The experiences that are still going on are like public urination at 108 Osborne St. Bethany and James’ complaint is not the only ones. There are other neighbors that will hand in complaints month after month. This bar leases the lot and the lot behind the bar he believes is city property. The owner exists on the good graces of the city and you have the ability to pull his license or threaten to shut down his business so the neighborhood can sit down and put their concerns out there.

Corporation Counsel reached out to State Liquor Authority and their response was swift and interested. SLA knows if they need any resources that the city can provide regarding the problematic behavior that the neighbors have identified we can. This investigator did not have to be educated on this property regarding the source of the problem. The SLA does from time to time pull a bar’s license based on their inability to control premises but it isn’t the only thing it is based on. If they are concerned with it, it can be a very difficult conversation for the bar owner can have.

APD received a letter from SLA on August 5th requesting records back to June 1, 2020. The APD sent the records to SLA per their request and they usually move swiftly after the information is received. There was a fight call and noise complaint since last meeting. After the July meeting, Police Chief asked for patrol to be ramped up at bar closing and it is noted there were five property checks, so APD has ramped up their efforts. AFD has no new reports.

108 Osborne St. is a work in progress and other discussions have been happening related to city owned property by Stacy DeForrest, Corporation Counsel. The plan is to lease some of the city owned property that has come into the office and is following the Land Sale Policy but that takes some time notifying neighbors and the current lease holder of the property. This process is currently taking place.

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

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

**Next Meeting will be held on September 15, 2021 at 9:00 a.m.**