

TB Mtg April 6, 2017
TOWN BOARD PUBLIC HEARING MEETING
COLDEN TOWN HALL – April 6, 2017

MEETING CALLED TO ORDER AT 7:05PM.

SUPERVISOR DEPASQUALE OPENED THE MEETING WITH A MOMENT OF SILENCE
FOLLOWED BY THE PLEDGE OF ALLEGIANCE

PRESENT: Councilman David Arcara – yes
Councilman Jesse Hrycik – yes
Councilwoman Patricia Zurbrick – yes
Councilman Gerald Pietraszek – yes
Supervisor James DePasquale – yes

ALSO PRESENT Bldg. Insp/Code Enf Officer John Kotlarsz
Town Attorney Ronald Bennett
Attorney Robert Steinhaus
Town Clerk Christina Kerlin
Approximately 9 residents

Public Hearing opened at 7:05PM

Supervisor DePasquale stated that the Public Hearing tonight is in regards to Town of Colden
Code Chapter 31- Buildings Unsafe.

In regards to the condition of the property owned and located at: Paul Bach
8680 State Road
Colden NY 14033

Supervisor DePasquale presented the following items for the Public Hearing:

-A letter dated March 17, 2017 issued to Paul Bach Pursuant to Town of Colden Code
Chapter 31, this is notice regarding the property at 8680 State Road, Colden, NY 14033.

Tax map #: 243.01-1-24
Swiss Code: 143400
Dimensions: 1.80 Acres
Springville School District

-Pictures of the property were submitted of the notice posted on the property.
-The notice was filed at the Erie County Clerk's office on March 21, 2017.
-Inspection report of violations which are listed on the letter that was sent to Paul Bach and an
order requiring making safe and secure or removal of debris. In the event neglect or refusal to
comply with the Order the Town of Colden is authorized to provide for the demolition or

removal of the unsafe structures and to assess all expenses of such demolition or removal against the property described above and to commence a special proceeding to collect said costs from Paul Bach.

The Town Board shall conduct a hearing to inquire into the facts and circumstances of the case. Thereafter, the Town Board shall make a determination to affirm, modify or annul the order of the Building Inspector which required the premises to be made safe or removed.

Public Hearing opened at 7:10pm

Town Attorney Ronald Bennett addressed the Town Board stating that Supervisor DePasquale has cited the sections of the code that apply. The outline of the procedure that would take place would be to notify the owner of the unsafe structure. A statement that the required repairs or removal begin within 30 days of the date of the notice and must be concluded within a reasonable time, in no case to exceed 90 days from the date of the notice which in this case would be from the date of the letter sent out on March 17, 2017. If the property owner does not comply then proceedings will start to have the structure removed and the property cleaned up and a lien would be placed on the property for the cost of the cleanup of the property. Right now there is a matter more pending and that is the loose debris which has been flying around and is a danger to the public.

Attorney Robert Steinhaus who has been retained as Paul Bach's lawyer stated for the record that Mr. Bach is aware of the notice letter of March 17, 2017. Attorney Steinhaus has explained to Mr. Bach the time frame that Attorney Bennett just explained. Mr. Bach is currently in Florida recovering from spinal surgery and he has not spoken with Mr. Bach since the letter was forwarded from the town. Mr. Bach is aware that there are issues and problems on the property and his intentions for going to Florida were to liquidate assets in order to pay for the repair and or removal of everything there. Attorney Steinhaus was not aware of the pressing public safety issues of the steel and debris flying around until tonight. Attorney Steinhaus anticipates talking with Mr. Bach in the next few days to see if he will still be retained as his Attorney and will advise Mr. Bach of the immediate repairs and public safety issues that need immediate attention of securing the debris on the property and will impress upon him that he needs to come up with a plan on fixing the problem whether he can afford it or not. At this moment Attorney Steinhaus is not in a position to respond or participate in a line by line item of violations since he has not communicated with Mr. Bach. It would be his request that you give him time to communicate with Mr. Bach since his surgery to formulate an immediate plan to remove or repair the property. After which he will contact the Town Board on Mr. Bach's plan for the property. It certainly is not in the Town's best interest to go out of pocket to arrange for demolition and put a lien on property which may be collected or not collected upon. The concern now is the public safety issues along with the cleanup of the property.

Attorney Bennett stated that the thirty days would be up around April 24th and that gives two weeks for Mr. Bach to come to the Town Board with a plan on what he is going to do with the property if he does not come forward with a plan than the Town Board can move forward with the demolition and cleanup and a lien would be placed on the property for the cost of the demolition and cleanup.

Supervisor DePasquale stated that he wants to make sure that there is valid insurance on the property in case anyone were to go on the property for any removal of the debris. Attorney Steinhaus will clarify from the client if there is an insurance policy on the property and will get back to the town,

Supervisor DePasquale asked CEO John Kotlarsz what the condition of the house and shop are in. CEO John Kotlarsz stated that the shop is not in any condition to operate. All the windows and doors are open there is no way out if you were upstairs. If the owner wants to try to save the home there may be a possibility. John had pictures of the violations and the repairs and debris all over the property. Copies of the pictures will be sent to Attorney Steinhaus.

Supervisor DePasquale stated that the Town Board would like to see the removal of everything not repairs to the property this matter has gone on too long.

Follow Up Meeting - 8680 State Road

MOTION made by Councilwoman Zurbrick and seconded by Councilman Hrycik and unanimously approved to set the next meeting on 8680 State Road for Wednesday, April 19, 2017 at 7:00pm at the Senior Center if needed.

PRIVELEDGE OF THE FLOOR

Neighbors that were in attendance at tonight's meeting that live near 8680 State Road are happy with the process that is taking place tonight but voiced their concerns about the immediate safety of the property with all the unsecured debris that is laying all over the property if there is another wind storm.

ADJOURN

MOTION made by Councilman Pietraszek and seconded by Councilman Hrycik and unanimously adjourned the meeting at 7:38pm.

Respectfully submitted,

Christina M. Kerlin
Town Clerk

