Village of Wolcott

Board of Trustees

Village Hall Conference Room

Special Meeting

November 21, 2022

5:30 PM

Members Present: Mayor Chris Henner, Trustees Andrew Marshall, Dan Smith and Misty Harper

Others Present: Fran Acker

No village residents were present.

Mayor Henner opened the meeting at 5:30 PM

**LTS Enterprises of CNY, LLC**

Trustee Smith made the motion to approve the estimate from LTS Enterprises of CNY, LLC not to exceed $15,000.00 to overhaul the engine for Quint for parts and labor. This will come from the Fire Department Reserves. Trustee Marshall 2nd the motion. All present voted in favor.

Trustee Lewis arrived at 5:45 pm

Due to no action taking place to correct repairs or any responses to the civil penalties regarding 12019 Main Street, Trustee Smith made the motion to resolution 2022-18 submitted by Tom Sawtelle-Code Enforcement Officer. Trustee Marshall 2nd the motion.

**Resolution 2022-18**

**Introduced by**: Tom Sawtelle-Code Enforcement Officer

**WHEREAS**, the Village of Wolcott, New York, County of Wayne, according to General Legislation, §45 “Buildings, Unsafe” Upon complaint from any person, whether written or oral, that there exists within the Village of Wolcott a building which is unsafe or dangerous to the public, the Village Board may appoint the Code Enforcement Officer to inspect and submit a written report, and,

**ALSO WHEREAS**, If such report shall find that the building or structure is not injurious to the safety, health, comfort and general welfare of the residents of the Village of Wolcott, no further action shall be taken. If the report does find that the condition of the building or structure is injurious to the safety, health, comfort and general welfare of the residents of the Village of Wolcott, then and in that event a written notice shall be served on the owner of said building or structure, or, if he is deceased, to his legal representative, and to any occupant of said building or structure, which notice shall be served by certified mail and which notice shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and a requirement that the same be made safe and secure or removed within a period of not less than 30 days from and after mailing of such notice. And,

**ALSO WHEREAS**, In the event of the neglect or refusal of the person served with the notice to comply with the same, there shall be a survey of the premises, notice of same to the owner and occupant to be served by certified mail, such survey to be made by any one member of the Village Board, and a practical builder, engineer or architect to be named by the Village Board, and a practical builder, engineer or architect appointed by the person notified as above, and in the event of the refusal or neglect of the person so notified to appoint such surveyor, the two surveyors named shall make the survey and report. The notice shall state that in the event the building or other structure shall be reported unsafe or dangerous under such survey, an application will be made at a Special Term of the Supreme Court of the Judicial District in which the property is located not less than five nor more than 10 days thereafter, for an order determining the building or other structure to be a public nuisance, and directing that it shall be repaired and secured or taken down and removed. Such notice shall further state that the Village Board will request the assessment of all costs and expenses against the owner, incurred by the Village in connection with the proceedings to remove and secure said building or structure, including compensation for the surveyors, the cost of actually removing said building or structure and any other expense necessarily incurred in obtaining such order, including, but not by way of limitation, necessary attorney's fees.

**BE IT THEREFORE RESOLVED**, that such a complaint was received and steps for resolution, including fines, made for property owned by Mr. Roger Smith located at 12019 East Main Street, Wolcott NY. Since the neglect is still present along with refusal to comply, the Village of Wolcott Board resolved to elevate the matter to the Village Attorney to file an application at a Special Term of the Supreme Court of the Judicial District, and also any attorney fees incurred will be the responsibility of Mr. Roger Smith.

Adopted by the following vote:

Ayes: Mayor Henner, Trustees: Smith, Lewis, Marshall and Harper

Nays: None

Office of the Village Clerk

Village of Wolcott

County of Wayne

I hereby certify that I have compared the foregoing copy of a resolution with the original duly adopted by the above mentioned Board at a meeting held on the 21st day of November, 2022 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the said Board, this 21st day of November, 2022.

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Village Clerk

Clerk Acker will forward to the Village Attorney to handle.

**Adjournment**

Trustee Smith made the motion to adjourn the meeting at 5:50 pm. Trustee Marshall 2nd the motion. All present voted in favor.

Respectfully Submitted,

Fran Acker

Fran Acker

Clerk-Treasurer