

**JULY 27, 2011
SPECIAL TOWN BOARD MEETING**

Town Hall

5:00 P.M.

Greg Post, Supervisor led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilman Lang
Councilman Gerace

Absent: Patti Michalak

Others

Present: Town Clerk Morasco

The Supervisor called the meeting to order at 5:07 P.M.

RESOLUTION TABLED:

Supervisor Post offered the following:

**RESOLUTION AND ORDER TO DEMOLISH A BUILDING LOCATED AT
2633 WEST MAIN STREET ROAD AND TO SCHEDULE A PUBLIC HEARING**

WHEREAS, the Town Code Enforcement Official, Clinton J. Worthington, has issued an “Inspection and Report”, dated July 20, 2011, with regard to premises located at 2633 West Main Street Road, in the Town of Batavia, New York, a copy of which is annexed and made part of the Minutes, and

WHEREAS, this “Inspection and Report” lists several unsafe, unsanitary and dangerous conditions that violate both the New York State Uniform Fire Prevention and Building Code, and the Code of the Town of Batavia, and

WHEREAS, it appears that this building has remained vacant and unattended continuously for a period of one year or longer, and

WHEREAS, it is the opinion and determination of the Code Enforcement Official that the structure located on these premises may not safely be repaired.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that based upon the information provided in the aforesaid “Inspection and Report”, dated July 20, 2011, the Town Board hereby determines that the above-mentioned building is unsafe and dangerous and must be demolished because it can not be safely repaired, and it is hereby

ORDERED that a Notice, a copy of which is annexed and made part of the Minutes, shall be served upon the property owner, Mark P. Wagner, as set forth in §93-6 of the Code of the Town of Batavia, and it is further

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ORDERED that a hearing shall be held regarding these premises before the Batavia Town Board, on August 17, 2011, at 7:00 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York 14020, and it is further

ORDERED that in the event of the refusal or neglect of the owner to comply with this Resolution and Order within the time period set forth in the Notice, the Town of Batavia shall demolish and remove said building either by Town employees or by contract and that the expenses of this work will be assessed back against the owner in accordance with §93-11 of the Code of the Town of Batavia.

Second by: Councilman Gerace

Discussion: Councilman Gerace questioned whether the owner has been made aware of this. A brief discussion was held. The Town Board would like more information from the Building Inspector before proceeding with the “Notice”.

TABLED-Motion by Councilman Lang, second by Deputy Supervisor Underhill to table the resolution for further information from the Town Building Department.

Ayes: Lang, Underhill, Gerace, Post

MOTION CARRIED by unanimous vote (4-0)

NOTICE FOR PUBLIC HEARING TO DEMOLISH A BUILDING

TO: Mark P. Wagner
9 Washington Street
Akron, New York 14001

RE: 2633 West Main Street Road
Batavia, New York 14020
Tax Map No. 6-1-41.1

PLEASE TAKE NOTICE AS FOLLOWS:

1. The premises consist of a one story masonry building, located at 2633 West Main Street Road in the Town of Batavia, New York.
2. This building is unsafe and dangerous for the reasons set forth in an “Inspection and Report”, dated July 20, 2011, prepared by the Town Code Enforcement Official, Clinton J. Worthington. A copy of said “Inspection and Report” is annexed hereto and made a part hereof as **EXHIBIT A**.
3. The building must be demolished and removed from the premises.
4. The demolition and removal shall commence within thirty (30) days of the service of this Notice and shall be completed within sixty (60) days thereafter, unless for good cause shown, such time

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shall be extended by the Town Board or a “Resolution and Order to Demolish a Building Located at 2633 West Main Street Road and to Schedule a Public Hearing” is rescinded by the Town Board. (See **EXHIBIT B.**)

5. A Hearing before the Town Board in relation to such dangerous and unsafe building shall be held on August 17, 2011, at 7:00 p.m. at the Batavia Town Hall, 3833 West Main Street Road, Batavia, New York 14020, at which time you or your representative will be granted an opportunity to be heard concerning the proposed demolition of the building.

6. In the event that you refuse or neglect to comply with the “Resolution and Order to Demolish a Building Located at 2633 West Main Street Road and to Schedule a Public Hearing” within the time period set forth in Paragraph 4 above, the Town Board may provide for the demolition and removal of said building, either by Town employees or by contract, and the expenses thereof will be assessed against the real property on which such building or structure is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection for a special ad valorem levy. (See §93-11 of the Code of the Town of Batavia).

Dated: July 27, 2011

BY: Town Board for the Town of Batavia

ADJOURNMENT:

Motion Councilman Gerace, second Deputy Supervisor Underhill to adjourn the Special Town Board Meeting at 5:16 P.M.

Ayes: Gerace, Underhill, Lang, Post

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teressa M. Morasco
Town Clerk