

Minutes of a Chapter 54 Public Hearing held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Thursday, October 26, 2000, at 11:30 a.m.

Present:

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
James Lull,	Councilman
Christopher Kent,	Councilman (arrived at 11:46 a.m.)
Philip Cardinale,	Councilman

Also Present:

Matthew White,	Code Enforcement Officer
Barbara Grattan,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Kozakiewicz called the meeting to order at 11:36 a.m.

Supervisor Kozakiewicz: "Just for the record, the time of 11:36 having arrived, Barbara, if you would please call the first public hearing scheduled for 11:30?"

Public Hearing opened: 11:36 a.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on October 26, 2000 at 11:30 a.m. regarding Chapter 54 - Unsafe Buildings and Collapsed Structures, property owned by Robert Butterworth, 15 Smith Lane, Jamesport, New York."

Supervisor Kozakiewicz: "Before we start with the testimony, is there anybody here who represents Mr. Butterworth or who would like to testify in response to this Chapter 54? Anybody? Okay. Matt. Barbara, would you please swear in the witness?"

Barbara Grattan: "Matt, do you swear to tell the truth, the whole truth and nothing but the truth so help you God?"

Matthew White: "I do."

Supervisor Kozakiewicz: "Okay. Would you please state your name for the record?"

Matthew White: "Matthew C. White, Code Enforcement Officer, Town of Riverhead Building Department, Police Officer, Town of Riverhead."

Supervisor Kozakiewicz: "How long have you been employed by the Town of Riverhead in the capacity of Code Enforcement Officer?"

Matthew White: "July 13, 1999."

Supervisor Kozakiewicz: "Okay. And as part of your duties as Code Enforcement Officer, is it within your scope to enforce Chapter 54 of the Town Code of the Town of Riverhead?"

Matthew White: "It is."

Supervisor Kozakiewicz: "Okay. Would you give us a little information about your training and your background and as far as that particular aspect of the job is concerned?"

Matthew White: "I have approximately three years in the history of building construction, attended New York State Code Enforcement and Building Construction classes under Chapter 9B of the New York State Building Code. I have attended Suffolk County Fire Academy and I have mostly I'd say approximately a year and a half of on the job training with the Building Department and Building Permits Coordinator."

Supervisor Kozakiewicz: "And could you please state for the record the location of the premises in question reputedly owned by Robert Butterworth?"

William White: "It would be 15 Smith Lane in Jamesport, located off of Peconic Bay Blvd. designated as tax map number Section 70, Block 1, Lot 70. 15 Smith Lane is located east of the boat ramp in one of the private roads that runs south of the Boulevard towards the Peconic Bay."

Supervisor Kozakiewicz: "All right. And with regard to the substance of today's hearing, do you recall the dates when you inspected the property or date when you inspected the property?"

Matthew White: "I do. In the event of time, I'd just like to say that Mr. Butterworth has come into compliance with the Chapter 54 requirements and the house is now secured."

Supervisor Kozakiewicz: "All right. Would there be an

application to withdraw at this point in time?"

Matthew White: "There would be an application to withdraw."

Supervisor Kozakiewicz: "All right. Now you've had a chance to inspect the work that's done as far as the securing of the premises?"

Matthew White: "I have."

Supervisor Kozakiewicz: "And there are no other issues as far as whether it's structurally unsafe?"

Matthew White: "Not at all."

Supervisor Kozakiewicz: "So the- your recommendation would be that we withdraw this particular application at this time- "

Matthew White: "It is."

Supervisor Kozakiewicz: "-- and- okay. Any discussion by the Board?"

Board Member: "No."

Supervisor Kozakiewicz: "Okay. Any objection to granting the relief requested? Okay. Application withdrawn. Let's go to the next one, Barbara."

Public Hearing closed: 11:40 a.m.

Public Hearing opeend: 11:40 a.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on October 26, 2000, at 11:35 a.m. regarding Chapter 54 - Unsafe Buildings and Collapsed Structures, property owned Peconic Residential Development Corp., 107 Ludlam Avenue, Riverhead, New York."

Supervisor Kozakiewicz: "With regard to this one, for the sake of time, I see a notation that this one likewise is to be withdrawn, is that correct?"

Matthew White: "Yes, sir."

Supervisor Kozakiewicz: "Mr. Mayo (phonetic) of Peconic Residential, submitted building plans to place a house on the site and is currently under inspection with the Building Department."

Supervisor Kozakiewicz: "I see a hand raised. Is that your particular property, sir?"

Unidentified: "Yes, it is."

Supervisor Kozakiewicz: "Okay, okay. And I understand this was a situation where the premises needed to be secured, is that correct? Is that what the issue was? It wasn't a question of being structurally unsound? I'm talking to your, Mr. White."

Matthew White: "It was a foundation, sir."

Supervisor Kozakiewicz: "Okay."

Matthew White: "I contacted Mr. Mayo. He submitted paperwork which I have enclosed in the Chapter 54 case to put a new house from Muncie Homes (phonetic), it's a modular house. He had a permit for that. A house will be placed on- "

Supervisor Kozakiewicz: "A house has been placed on?"

Matthew White: "A house has been placed on and I believe he's just awaiting final inspection from the Building Department."

Supervisor Kozakiewicz: "Okay. Any discussion by the Board? If not, the motion to- we're going to withdraw it so the motion to withdraw based upon the facts set forth is granted. So, okay. The time now being 11:41."

Public Hearing closed: 11:41 a.m.

Public Hearing opened: 11:41 a.m.

Supervisor Kozakiewicz: "I call to order the third public hearing."

Barbara Grattan: "I have affidavits of publishing and posting

for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on October 26, 2000 at 11:40 a.m. regarding Chapter 54 - Unsafe Buildings and Collapsed Structures, property owned by Starling Development Corp. 247 Overlook Drive, Aquebogue, New York."

Supervisor Kozakiewicz: "Okay. The witness is still sworn; you're still considered to be sworn. Is there anybody from Starling Development Corp. or representing Starling Development Corp. who would like to come forward and address the Board with regard to this particular matter? That being the case, Mr. White, you're considered sworn and your position with the Town and we already have that done, so I would ask that be noted also for this particular hearing. And would you please state when it was that you inspected this property, how you came to inspect it, and what your observations were."

Matthew White: "First the property in question is #247- 247 Overlook Drive in Aquebogue, cross street of Meeting House Creek Road, designated as tax map number 113, Block 1, Lot 10. The tax roll has the owner as Starling Development Corp. of 3994 Sound Avenue, Riverhead, New York.

On August 14, 2000, at approximately 10:50 in the a.m., I inspected the property. The house of the premises in question is a house that is under construction. According to numerous neighbors I spoke to in the area, they'd do some work, there would be no work done for a while. Some work would be done and it would stop again.

It's basically a frame right now with some windows in it. I find it to be structurally unsafe as well as dangerous. There are no stairs that go down to the basement. The stairs that go to the second floor are just construction stairs, 2 by 4's hammered together. They are extremely rickety. The reason for this is inadequate maintenance. The property hasn't been worked on for quite some time, an abandonment.

Exterior doors are open and are missing. The structure leaks because some of the windows have been removed. The rails are missing on the stairs. The steps are in an unsafe condition. There is no heat. While there is no electricity to the building, there are expose wires throughout it. The interior is unfit for human habitation, no insulation, no electric, no water. Parts of the building are exposed to the elements. Due to the time period of no maintenance, there's a large amount of grass and construction debris placed around

the property as well as a storage container. During the summer when this was done, there was a large concern with West Nile Virus in the area. Some of the neighbors had some concerns about that.

It's the recommendation of the Building Department that this structure be secured properly and the lawn and storage trailer be removed."

Councilman Cardinale: "Is there an active permit- building permit, on this property?"

Matthew White: "It expired."

Councilman Cardinale: "How long ago?"

Matthew White: "I don't have that in my records, Councilman."

Councilman Cardinale: "Have you been- have you notified him to reapply for a building permit or do you generally do that?"

Matthew White: "The Chapter 54 posting came back unable to deliver. The Building Department has had some problems in the past with Starling Development Corp. I believe it's the same individual, the name just changes. They haven't answered the mail. However, the subject came up to me inquiring about it stating that he received this Chapter 54 and what was the reason of it. So the owner is obviously aware of it. Mr. Fetkovich (phonetic) is obviously aware of the Chapter 54 but didn't answer the mail."

Councilman Cardinale: "Yes. Does- do you send it to the same address as the tax address?"

Matthew White: "Yes, sir."

Councilman Cardinale: "Okay, thank you."

Supervisor Kozakiewicz: "I have another question. You said that there has been some contact from or at least a meeting you had with Mr. Ketkovich who is a principal I assume as far as you can tell of Starling Development Corp. As part of that meeting, was there any discussion about the fact that he needed to obtain a building permit, renew a building permit, and take these steps to satisfy the Building Department?"

Matthew White: "Sometime in the beginning of the summer, I'd

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say approximately the beginning of June, Mr. Fetkovich was on the site with a dumpster doing some clean up and he stated to me in his exact words, I'm going to fix this place up and it's going to be beautiful by the end of the summer. Come August, no work had been done since that time."

Supervisor Kozakiewicz: "I asked earlier if there was anybody who wanted to be heard representing the owner, so come forward."

Ed Hocker: "It's my understand that- "

Supervisor Kozakiewicz: "You've got to come forward so we can get you on tape and- up here, sir. We need your name, your address and- "

Ed Hocker: "Ed Hocker, 242 Overlook Drive. I'm under the understanding that the property- "

Supervisor Kozakiewicz: "And we also need you to take two seconds- we also need you to be sworn in as well. Okay? Thank you."

Dawn Thomas: "Do you swear that the testimony you are about to give will be the truth, and nothing but the truth, so help you God?"

Ed Hocker: "I do."

Supervisor Kozakiewicz: "Okay. Thank you."

Ed Hocker: "I have a couple of questions. I'm under the understanding that the property was foreclosed. It was even published in the paper that they were going to have a sale on the 25th of September which was cancelled. So I think the Town may be dealing with Starling and I don't think Starling owns the property anymore. So I think that ought to be looked into."

Supervisor Kozakiewicz: "Okay. In other words, there might be a mortgage company or lender who we should be at least inquiring of because they may have some interest in the property. Is that the gist of your- "

Ed Hocker: "That's the gist of it."

Supervisor Kozakiewicz: "Yeah, okay."

Matthew White: "Sir, not to interrupt. It was just explained

to me it's in the process of foreclosure. It has not gone to foreclosure yet."

Supervisor Kozakiewicz: "All right. I think we still need to at least be aware of that and before we take any steps make sure the mortgage company is made aware of the fact that there is this proceeding going on and to make sure that we're not taking any type of action adverse to their interests, whatever they may be with regard to the property."

Ed Hocker: "What is the Town- what is the procedure here with this piece of property? Is there a- it's a mess. The house is oversize for the property. It probably falls under the code for that zoning. I'm not- otherwise there wouldn't have been a permit granted, I assume. But it's an awful oversized house for the property. It's too close to the road. A variance was granted which I didn't object to unfortunately. You represented Mr. Fetkovich."

Supervisor Kozakiewicz: "Yes, I was going to recuse myself from any determination or recommendation with regard to this particular matter."

Ed Hocker: "But how long does this go on without being demolished as it sits the way it is?"

Supervisor Kozakiewicz: "Well, demolition would occur, as I understand it, if we made a determination that the structure is structurally unsafe and it's become a hazard and a safety concern. So that's when demolition would occur. In a very general sense, that would apply to any structure including this one subject to the Chapter 54 provisions, so that's when demolition would occur."

With regard to the storage container and with regard to securing it, that's something that can be done in a more immediate fashion."

Ed Hocker: "Right."

Councilman Densieski: "Yes, I know it's been an eyesore- "

Ed Hocker: "Yeah, you know where it is, Ed."

Councilman Densieski: "I'm familiar with it."

Ed Hocker: "The notice that was put up was taken down, I don't know for what reason, but- "

Matthew White: "I noticed that, too."

Ed Hocker: "Okay, thank you."

Supervisor Kozakiewicz: "Thank you, Mr. Hocker. One thing I would like to do is- I know that there was a report that you prepared, is that correct?"

Matthew White: "Yes, sir."

Supervisor Kozakiewicz: "Okay, and was that done on or about the time you did your inspection?"

Matthew White: "Yes, sir."

Supervisor Kozakiewicz: "And that was in your normal course of duties as Code Enforcement Officer with the Town of Riverhead?"

Matthew White: "It was."

Supervisor Kozakiewicz: "To prepare that report. In fact, it was prepared in the nature and the course of those duties, is that right?"

Matthew White: "Yes."

Supervisor Kozakiewicz: "Okay. And unless there's objection, I'd like to have that introduced or made part of the public record and introduced into evidence."

You have anything further to add with regard to this particular matter?"

Matthew White: "Just to reiterate that it's the desire of the Building Department to have the storage container moved, the grass and foliage growing on the property cut down and the building properly secured."

Supervisor Kozakiewicz: "Okay. Any questions by the Board?"

Councilman Densieski: "Does it require a Chapter 96 or (inaudible)."

Supervisor Kozakiewicz: "We can do it all under the Chapter 54. Any further discussion? There being none, we close the public

hearing at this time."

Public Hearing closed: 11:50 a.m.

(There was some inaudible discussion from Dawn Thomas, Esq.)

Supervisor Kozakiewicz: "I think in the past if my memory serves me right, we've always done a resolution following public hearings. I mean certainly if the Board is prepared to make a determination or follow a recommendation, we can do that on the record now. As indicated, I am compelled to at least recuse myself from those considerations and from that recommendation in light of the fact that I have represented Starling Development Corp. and had, in fact, represented them when they applied for and receive the variance from the Town of Riverhead. So, I would chose or elect not to take part in that discussion."

Councilman Lull: "I think there's more research to be done before we can do a resolution on this one because we have to know about the foreclosure."

Supervisor Kozakiewicz: "Well, I think what the recommendation"

Councilman Lull: "Pardon?"

Unidentified: "The Code doesn't require that."

Dawn Thomas: "Well, you can certainly make the resolution subject to- "

Councilman Densieski: "You've got an unsafe condition there. You've got an open building."

(Some inaudible discussion)

Councilman Cardinale: "Besides your recommendation, if I understand it, is not to tear it down but to secure it."

Supervisor Kozakiewicz: "Just to secure the openings and to remove- "

Councilman Cardinale: "So it's not particularly controversial."

Supervisor Kozakiewicz: - and to remove the storage container on the property."

Councilman Densieski: "It's a new construction (inaudible)."

Councilman Cardinale: "Yes."

Matthew White: "Just a point I'd like to bring out. I was always under the impression that when we do a resolution it gets billed to the taxes. Whether it be Starling Development that still owns it or if the bank takes it over, someone will be paying the taxes along the way so I don't foresee a problem in recouping the costs."

Councilman Kent: "Do you know what the address is?"

Supervisor Kozakiewicz: "Overlook Drive."

Councilman Densieski: "247 Overlook."

Supervisor Kozakiewicz: "If you- "

Unidentified: "It's in Aquebogue?"

Supervisor Kozakiewicz: "Yes, right. Does the Board want to make a finding? All right. You prefer to see it or- "

Councilman Kent: "Do you have photos- "

Matthew White: "No, sorry, I do not, sir."

Councilman Lull: "I'll go with the recommendation of the Building Department because- "

Councilman Densieski: "Get it secured."

Councilman Lull: "Yes."

Councilman Kent: "How long has the storage container been there?"

Matthew White: "Since- the very first time I was at the structure was August of 1999 and the storage trailer was there then."

Supervisor Kozakiewicz: "Well, we've closed the public hearing so I mean- "

Councilman Kent: "Do you know if there were any contents, anything in the storage container? Is it empty?"

Matthew White: "There are. Almost numerous like household items. There's some small appliances in there, a microwave, toaster, coffee maker, some children's toys."

Councilman Kent: "Does it appear that somebody was living in the storage shed?"

Matthew White: "It didn't appear that way. It appeared like someone was storing stuff in there."

Councilman Lull: "Someone in the neighborhood- "

Unidentified: "We could always call the (inaudible) Cargo Company and have them remove it. They'll do it for us."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "And you checked the registration on the storage container at all?"

Matthew White: "If I remember correctly from a class I took, they do have similar to a VIN number but it's an international number on most of them unless the company that owns it places a number on it."

Councilman Kent: "Is there some way to determine who owns the storage container?"

Matthew White: "It was painted over. It was just a solid, like old gray primer. I could look and see if I find a number, try to run it through the computer."

Councilman Kent: "I'm worried about the contents of it if somebody is going to try to lay claim to the contents."

Dawn Thomas: (Inaudible)

Supervisor Kozakiewicz: "Rather than continue discussions, why don't we just do a resolution so we can take up some of these issues, because the hearing's been closed and rather than continue with this colloquy, why don't we just- we'll raise it- we'll address it in a resolution. All right? Given that fact, let's go to the next one."

The time of 11:55 having arrived."

Public Hearing opened: 11:55 a.m.

Supervisor Kozakiewicz: "Barbara, if you would, please, call to order the next unsafe- Chapter 54 hearing."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on October 26, 2000, at 11:45 a.m. regarding Chapter 54 - Unsafe Buildings and Collapsed Structures, property owned by Victoria Henry, 526 Pulaski Street, Riverhead, New York."

Supervisor Kozakiewicz: "Again, for the sake of brevity, I see that there's notes on here that this is to be withdrawn? Okay. And would you please state for the record what those reasons are?"

Matthew White: "Mr. Victoria has agreed that some work needs to be done on it and he's going to start the compliance and I have also spoken with Mr. Jacobchek (phonetic) of Polish Town who agreed that he will assist Mr. Victoria in some of the work that does need to be done."

Supervisor Kozakiewicz: "Has- this involves a garage?"

Matthew White: "Yes, sir."

Supervisor Kozakiewicz: "Okay. And it was a situation where it needed to be secured? Is that what we're talking about or is it structurally unsafe?"

Matthew White: "It needed more to be secured than declaring it unsafe."

Councilman Densieski: "What's the time frame that they're going to start these repairs?"

Matthew White: "Within the next month."

Supervisor Kozakiewicz: "Have they made a building permit application to undertake the repairs or is a building permit required?"

Matthew White: "No. No building permit is required. It's

just replacing siding and shingles."

Supervisor Kozakiewicz: "Would it be more advisable to hold the public hearing open or put this in abeyance for a month to see if there's compliance?"

Matthew White: "If the Board wishes, I would have no problem to put it in abeyance for a month."

Supervisor Kozakiewicz: "I prefer to do that since what you're saying to us is there's still work that needs to be done in order to bring it to the satisfaction of the Building Department and to the Town and what we're doing here is relying upon Mr. Victoria making those repairs with the assistance of Mr. Jacobchek. Rather than withdraw it at this point in time and start the process anew, I'd prefer, unless there's an objection from the Board to put it over. Okay. Thank you."

Public Hearing left open for one month

Public Hearing opened: 11:56 a.m.

Supervisor Kozakiewicz: "Okay, number five. The time of 12:52-11:52 having arrived, Barbara, would you call to order- 11:56, I'm sorry, yes. Boy, I can't read. My eyesight is getting- "

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on October 26, 2000, at 11:50 a.m. regarding Chapter 54 - Unsafe Buildings and Collapsed Structures, property owned by Raymond Dury, 61 Forge Road, Lot #13, Riverhead."

Supervisor Kozakiewicz: "Okay. Same comment I've made before. If there's anybody who is representing the interests of the property owner or anybody who's interested in testifying with regard to this particular matter, if you'd come forward, identify yourselves, take a seat at the table, and then we'll- your name, sir?"

Lawrence Kulesa: "Lawrence Kulesa."

Supervisor Kozakiewicz: "Okay, and where do you live, sir?"

Lawrence Kulesa: "I live at 61 Forge Road, #11. I would like

to bring to this- "

Supervisor Kozakiewicz: "Okay, before we start, let's- I want to get the identities of the other people who are here as well. Your name, sir?"

Daniel Joseph Keough: "Daniel Joseph Keough, 41 Forge Road."

Supervisor Kozakiewicz: "Okay, and your name?"

Barbara Grattan: "Daniel Joseph what?"

Daniel Joseph Keough: "Keough. K-E-O-U-G-H."

Supervisor Kozakiewicz: "And your name, ma'am?"

Helen Dury: "Helen Dury, 41 Forge Road."

Supervisor Kozakiewicz: "Okay. And where do you live?"

Helen Dury: "41 Forge Road, trailer 13."

Supervisor Kozakiewicz: "Okay. All right. Sir, I'm going to ask Mr. White first to state what his findings were and then I'll give the others the opportunity to be heard."

Councilman Kent: "Is she the property owner?"

Supervisor Kozakiewicz: "You are- "

Helen Dury: "The property owner."

Supervisor Kozakiewicz: "Okay. The mobile home. Right. Okay. Mr. White, you're still considered sworn."

Matthew White: "Yes, sir."

Supervisor Kozakiewicz: "If you would please indicate when you inspected- well, first, why don't you give us the location of where the structure is located and what the tax map number is."

Matthew White: "The structure is located at 41 Forge Road, Lot #13, designated as Suffolk County Tax Map No. 139, Block 1, Lot 2. It was incorrectly posed on the Chapter 54 as 61."

Supervisor Kozakiewicz: "Okay. When did you inspect the premises?"

Matthew White: "I inspected the premises on August 22nd at 11:00 a.m. Just so I can give background to familiarize the Board of why we were there. I was notified by the Police Department, Officer Mike Mattie (phonetic) of the 605 Sector, that him and Adult Protective Services were going to check on the well-being of the subject, Mr. Raymond Dury, at that location.

As it was explained to me, Mr. Dury had been- was in his own care. He had been left- that particular situation is unknown to me how he was left by himself, but apparently he needs to be (inaudible). He needs assisted living. The dogs were not let out. The dogs were leaving feces and urine within the structure. There was a roach problem. Adult Protective Services came there. I came there in my capacity as a Code Enforcement Officer.

I inspected it with Officer Downes. When we went inside and found it to be structurally unsanitary as well as not provided with adequate egress, one of the doors towards the rear of the place was- rear of the parcel was obstructed. The reason for this is inadequate maintenance.

While we were inside, I can't even use a word to describe the amount of roaches we saw within the structure. In fact, the Adult Protective Services agent, Officer Downes and Office Mattie, had to leave the parcel before they passed out. The amount of feces inside- I stepped on a vent at one point and I would have to say at least 50 roaches came running out of the vent.

The steps- in regards to the outside of the trailer are unsafe. One of the steps is missing. The interior is definitely unfit for human habitation. There is food in the sink and on the stove. Open the refrigerator, roaches were found inside the refrigerator.

The grounds inside the building have large accumulations of animal excrement as well as feces on a bed which we were told by Mr. Dury was the child's bed. There were roaches on the bed. The bathrooms were almost inusable- unusable, correction. I have contacted Adult Protective Services three times. The Adult Protective agent has refused- well not refused- but has not contacted me back in regards to where Mr. Dury is, if he's in a home right now. She was going to notify the Department of Health. She has not notified me if they were notified or not.

It's the recommendation of the Building Department that the structure be secured and sanitized. However, since then I have received a phone call from Mrs. Dury stating that the premises needs an inspection. I was informed by Mr. Barnes they came in yesterday. Went there today at approximately 10:00- I'll tell you exactly when I was there- I was there at 9:55 to 10:00 but no one answered the door so I was unable to inspect the premises to find out if it has been brought into better standing."

(From the audience, inaudible)

Supervisor Kozakiewicz: "Hold on. In regards to this particular subject matter, did you also prepare a report of your findings?"

Matthew White: "I did."

Supervisor Kozakiewicz: "And was that done at or about the time that you did your inspection?"

Matthew White: "It was."

Supervisor Kozakiewicz: "And it was prepared in the usual and ordinary course of your business duties?"

Matthew White: "It was."

Supervisor Kozakiewicz: "All right. Given the fact it was prepared as part of your usual and ordinary business duties, Mrs. Dury do you have any objection to that report coming into evidence? Okay."

Helen Dury: "There is one "

Supervisor Kozakiewicz: "Well, initially- because I have to have you sworn in. Do you have any- the initial inquiry is do you have any objection to the report which just outlined what he stated on the record coming in and being made part of the record here?"

Helen Dury: "No."

Supervisor Kozakiewicz: "Okay. Anything else, Mr. White?"

Matthew White: "No."

Supervisor Kozakiewicz: "At this point? Okay. I'm going to

give the homeowner a chance to state her case and then the other individuals who've come forward, you can also make your comments. Okay? Before you can state what it is you wish to state, I'd like to have you sworn on the record, please."

Dawn Thomas: "State your full name, please."

Helen Dury: "Helen Dury."

Dawn Thomas: "Okay. And your address?"

Helen Dury: "41 Forge Road, Trailer 13, Riverhead, New York."

Dawn Thomas: "And do you swear that the testimony you are about to give will be the whole truth and nothing but the truth, so help you God?"

Helen Dury: "I do."

Supervisor Kozakiewicz: "Okay. You can now state what it is you would like the Town Board to be made aware of."

Helen Dury: "The reason my father was by himself is because CPS told me I had to take the children out until I could get an exterminator in. So my father was left by himself. When I left him, he had been working for Kerri Cab and my husband had gone back the night before he was supposed to-- because we left on a Friday- he came back on the Sunday and told my father that the cab was being- we were calling the cab company and telling he needed to be picked up."

Supervisor Kozakiewicz: "All right. I'm going to stop you for a second. According to our records, the owner of the unit is reputed to be Raymond Dury?"

Helen Dury: "No. I'm the owner. He's my father."

Supervisor Kozakiewicz: "Okay. So you are the owner of this particular mobile home?"

Helen Dury: "Yes."

Supervisor Kozakiewicz: "Okay. All right."

Matthew White: "Mr. Dury informed us at the time of our meeting with Adult Protective Services and the Police Department that

he was the owner of the trailer. And that was the information Adult Protective Services had on their list also."

(Unidentified): "It's in a park, though, isn't it?"

Supervisor Kozakiewicz: "Yes, it is."

(Inaudible)

Matthew White: "That would be 41 Forge Road."

(Inaudible)

Supervisor Kozakiewicz: "Bruzzo (phonetic). No? Okay."
(Some inaudible discussion)

Supervisor Kozakiewicz: "Who- do you- okay, why don't we find out who is the owner of the park?"

Helen Dury: "Oh the park? (Inaudible)"

Supervisor Kozakiewicz: "Okay. Okay. All right."

Councilman Cardinale: "Is there a lease on this unit?"

Helen Dury: "On the unit? No. On the property, I own."

Councilman Cardinale: "The property I mean."

Helen Dury: "Yes."

Councilman Cardinale: "Who is on that lease?"

Helen Dury: "Myself, my husband."

Supervisor Kozakiewicz: "Okay."

Helen Dury: "And that's why my father was left alone and I had thought that he was going back and forth to work, that's why I wasn't coming back because I wasn't- I was told I couldn't bring the kids back in until I had an exterminator come in. So that's why we weren't there. My father knew. I don't know why he said he didn't know where we were because we informed him that we were going to our friend's house."

I am- I'll be the first to admit we do have- and we still do- I have an exterminator coming back Monday because we do have a very bad problem with the roaches. I'll be the first to admit it. I never said- denied to anybody that I didn't have a problem with the roaches at all.

This- my neighbor next door, Mr. (inaudible) even volunteered- offered to pay for an exterminator for me but I didn't want to owe him the money because right now my husband and I are out of work and we've been out of work since June and I don't want to owe him anything that I can't repay right now."

Supervisor Kozakiewicz: "How many children do you have?"

Helen Dury: "Two."

Supervisor Kozakiewicz: "So at one point there were two children, your husband, your wife- I mean your husband, yourself- "

Helen Dury: "And my father."

Supervisor Kozakiewicz: "And your father living- how large of a mobile home is it?"

Helen Dury: "It's a two bedroom mobile home."

Councilman Densieski: "If you couldn't afford to have the extermination of the cockroaches, but how come nobody could clean the feces up and why were dogs- "

Helen Dury: "The feces and the dogs- the dogs were defecating on the floor because I was not there, we were not there to walk them. My father has leg problems and we were gone for almost three weeks. So by the time we had come, the dogs had had almost two weeks or three weeks worth of feces on the floor. My father can't walk them. When I came back, it was a total disaster in that- "

Councilman Densieski: "I thought you said your father goes to work?"

Helen Dury: "He drives a cab. He doesn't have to walk to drive the cab. He can drive, but it's very hard for him to walk."

Matthew White: "If I just might make an addition. At the time of inspection, Mr. Dury was taken to Stony Brook Hospital for a

psychiatric evaluation because of the condition- the Adult Protective agent and the police officer both felt he was a danger to himself."

Helen Dury: "He never went to Stony Brook. He was only at Central Suffolk."

Matthew White: "Central Suffolk, I'm sorry. Central Suffolk where they did an evaluation there. I'm unaware of how long he stayed there but the dogs were taken into custody by the Animal Control Officer and Mr. Dury was brought to Central Suffolk Hospital by a PD unit. But I am unaware of how long he stayed there."

Helen Dury: "He was home that night."

Supervisor Kozakiewicz: "Okay. What has been done to rectify the problems that were noted by the- well, first and foremost. Do you- I think you've indicated you are not in denial of what- "

Helen Dury: "No. But there's- "

Supervisor Kozakiewicz: "-- what Mr. White testified to and what he observed."

Helen Dury: "Right."

Supervisor Kozakiewicz: "What has been done to rectify that problem?"

Helen Dury: "It says rodent infestation. I don't have any rodent infestation so I don't know why that's on the- "

Supervisor Kozakiewicz: "Roaches."

Helen Dury: "No. It says roach infestation, then it says rodent infestation. I don't have rodents so- I mean- "

Matthew White: "They were located outside of the structure near the garbage cans."

Supervisor Kozakiewicz: "Okay."

Helen Dury: "I'm not- like I said, Mr. White can come tomorrow, first thing tomorrow morning if he'd like. The house is cleaned up. It's- the- "

Supervisor Kozakiewicz: "Are you living there now?"

Helen Dury: "Uh-hum. I wouldn't be able to- "

Supervisor Kozakiewicz: "Who's presently there besides yourself?"

Helen Dury: "Myself, my husband, my kids, and my father."

Councilman Cardinale: "Did you say that you saw the place this morning?"

Supervisor Kozakiewicz: "No. You were there but you were unable to enter."

Matthew White: "Yes. Not inside the premises, sir."

Councilman Kent: "Are the structural work there been made, because he also noted some structural- "

Helen Dury: "Yes. The step was broken. Yes, it's been fixed."

Councilman Kent: "Has the exitway or the egress to that one- "

Helen Dury: "Yes, it was blocked by clothing in bags. It was moved. It's in my laundry room. That's where the door is and that's where I had my bag of clothes in front of it."

Councilman Kent: "Is Mr. Dury your father?"

Helen Dury: "Yes."

Councilman Kent: "What's your husband's name?"

Helen Dury: "Christopher Pearsall."

Councilman Kent: "And you have title- is now- I understand that a mobile home is personal property. Has title been conveyed into you and your husband?"

Helen Dury: "Yes."

Councilman Kent: "Do you have some proof of that title?"

Helen Dury: "I don't have it on me."

Supervisor Kozakiewicz: "A bill of sale?"

Helen Dury: "I can- "

Supervisor Kozakiewicz: "Or a title?"

Helen Dury: "I don't have it on me but I do have it at home, yes."

Supervisor Kozakiewicz: "What year is the mobile home unit?"

Helen Dury: "An '89, I believe it is- '88."

Supervisor Kozakiewicz: "So it would be titled?"

Helen Dury: "Uh-hum."

Supervisor Kozakiewicz: "Okay."

Councilman Densieski: "Is the structure, Mr. White?"

Matthew White: "Yes, sir."

Supervisor Kozakiewicz: "All right."

Councilman Kent: "Could we adjourn this Chapter 54 for control purposes?"

Supervisor Kozakiewicz: "Well, I'd like to hear from the other two gentlemen first."

Councilman Kent: "Oh, okay."

Supervisor Kozakiewicz: "Before we decide to do that."

Councilman Kent: "I was asking just a question. If we decide that we wanted to do a further visit to the site- "

Supervisor Kozakiewicz: "Oh, I think we can keep it open and take further testimony at a later date."

Councilman Kent: "Okay. All right."

Supervisor Kozakiewicz: "I think we'd be permitted to do that. Yes?"

Dawn Thomas: (Inaudible)

Supervisor Kozakiewicz: "Plumbing facilities were unusable. Have those repairs been made?"

Matthew White: "I don't know, sir, if so much of the plumbing facilities were unusable- "

Supervisor Kozakiewicz: "They were just that they couldn't be accessed because of the- "

Matthew White: "I would assume, yes."

Supervisor Kozakiewicz: "Because of the- whatever, that was in the way. Okay."

Councilman Densieski: "I believe you said that your father or that you hadn't been there for three weeks."

Helen Dury: "I hadn't been there for three weeks, yes."

Councilman Densieski: "Does the condition that is in the trailer, mobile home, does that condition look like it's about a three week period- the problem was it looked like an ongoing thing that's been existing there."

Matthew White: "When I was there- this is the first time I've ever seen a situation this bad. I could not honestly give you an opinion or testimony if that was three weeks, three days, three months. It could have been at the middle of the three week period. I would recommend that if we do go back and do an inspection to see if the situation has been rectified, that it will be after an exterminator has been there. If we go there now and there's still a situation, we're going to be back at square one. I recommend that after we have a receipt from an exterminator, an exterminator has been there, we go and conduct an inspection. That would be the recommendation to the Building Department."

Councilman Kent: "Do you still have a roach infestation problem?"

Helen Dury: "Yes. I have had an exterminator once there already."

Supervisor Kozakiewicz: "Who was the exterminator that you had

there? Do you know the name of the company?"

Helen Dury: "All Care Pest Control, 288-6868."

Supervisor Kozakiewicz: "What was it? I'm sorry."

Helen Dury: "All Care Pest Control."

Supervisor Kozakiewicz: "Okay."

Councilman Cardinale: "Was the Health Department at the site?
Suffolk County Health Department?"

Helen Dury: "Yes."

Councilman Cardinale: "Are there pending violations?"

Matthew White: "The Suffolk County Adult- Department of Health
Adult Protective Services was there- "

Councilman Cardinale: "Right."

Helen Dury: "To help my father- "

Matthew White: "And the caseworker told me that she would
notify- "

Councilman Cardinale: "The Health Department- "

Matthew White: "-- the inspectors because it's inter-office.
She has not returned my call. I do not know if they were there or
not."

Councilman Cardinale: "Did I hear they were there?"

Helen Dury: "Yes. Mr. (inaudible) had called them. They had
been there but I haven't heard anything from them in about a month and
a half."

Councilman Densieski: "How old are the children that were
living in this- "

Helen Dury: "Eight and- eight and a year and a half."

Councilman Densieski: "How long has the cockroach problem been

there?"

Helen Dury: "It really got bad when it started to get warm again. I mean we didn't realize it was that bad until it started to get warm. When Mr. (inaudible) informed us that they were going in- we didn't realize that they were going over to his trailer also."

Councilman Densieski: "You've been out for three weeks and your father has been living there?"

Helen Dury: "No. I was out for the weeks. We are back in the trailer."

Councilman Densieski: "And is your- your father was taken for a psychiatric?"

Helen Dury: "He never told me he was taken for psychiatric. He went there- he said they had given him food and gave him- and I guess he signed himself out. He went home. He was home that same night."

Councilman Densieski: "So who cared for your father there for the three weeks that you were gone?"

Helen Dury: "It's not like- my father doesn't really need care. I mean he- I didn't realize he hadn't been going to work and he hadn't been eating. I didn't know that. Because we don't have a phone at our house so I had no way of getting in touch with him as far as- "

Supervisor Kozakiewicz: "When you say there's no phone at your house, the house where you went to stay at or the mobile home?"

Helen Dury: "No. At the mobile home."

Supervisor Kozakiewicz: "Okay, so that's clear. All right."

Helen Dury: "So I had no idea that he wasn't going back and forth to work. I thought he was going to work, buying food and I thought he was eating and I had no idea that he wasn't going back and forth to work until I found out about that he had been in the hospital."

Councilman Densieski: "Why weren't the dogs let out? If he can go to the store and he can go to work, why weren't the dogs let out?"

Helen Dury: "He says he can't walk the dogs."

Councilman Densieski: "And nobody checked on him for three weeks?"

Helen Dury: "My husband had been back and forth, I guess. Well, he- my husband had been there a couple of- twice I think."

Supervisor Kozakiewicz: "Any other questions for Mrs. Dury?"

Helen Dury: "I also, if you wanted to, I do have a CPS caseworker, a Marylee Blevens (phonetic). I can leave you her phone number. She was just there last week."

Councilman Kent: "There's an active CPS case for the children?"

Helen Dury: "Yes."

Matthew White: "As well as most likely it's still an Adult Protective case for- "

Helen Dury: "Yes. Her name is Sandy King."

Matthew White: "Sandra King."

Supervisor Kozakiewicz: "What were the two names? Mrs. Levins?"

Helen Dury: "Marylee Blevins, B-L-E-V-E-N-S."

Supervisor Kozakiewicz: "Okay. Oh, okay. That's Mary?"

Helen Dury: "Yes. Marylee. I have her phone number also, if you'd like that?"

Councilman Kent: "You know it? 852- "

Helen Dury: "Yes, it's 852-3676."

Councilman Kent: "And who's the caseworker for the Adult Protective Service case?"

Helen Dury: "Sandra King."

Councilman Kent: "Sandra King?"

Helen Dury: "I don't think I have her- I don't have her phone number. I don't know, Mr. White might have it."

Supervisor Kozakiewicz: "Anything else, Mrs. Dury?"

Helen Dury: "Not that I can think of."

Supervisor Kozakiewicz: "All right. Mr. Kulesa and Mr. Keough whichever of you wishes to go first?"

Councilman Kent: "Mr. Keough, he's been waiting longer."

Dawn Thomas: "Would you spell your last name for the record?"

Daniel Keough: "K-E-O-U-G-H."

Dawn Thomas: "And your first name is- "

Daniel Keough: "Daniel Joseph."

Dawn Thomas: "Okay. And do you swear that the testimony that you are about to give to be the whole truth and nothing but the truth so help you God?"

Daniel Keough: "I do."

Councilman Kent: "Could you state your address again for the record?"

Daniel Keough: "41 Forge Road, Lot 14, Riverhead, New York."

Dawn Thomas: (Inaudible)

Daniel Keough: "I have the unfortunate experience of living next door to the said premises that quote, unquote has been rectified and cleaned. I have a contract along with several of my neighbors with Terminex Exterminating. I've had initial spraying. I've had my mobile home bombed 11 times. I've had the exterminator come. They're supposed to come once a month for \$38 a month. They come to my place once a week. I have- I cannot go outside. I can't stand in my driveway and change a tire or work or wash a car without these things climbing up my legs. I mean I've never- I've been a commercial plumber my entire life, 35 years. I've worked in some of the worst places that you can possibly conceive. Under some of the most extreme circumstances and never in my entire life have I ever experienced

anything like this.

Now I've spoken to her husband. I knocked on their door and told him you have to do something about this and he just stated flat out and denied it. I don't have a problem. But yet when the night light is on and they're standing there telling me they don't have a problem, when normal people have moths, they have cockroaches. I have a picture to prove it. The Child Protective Services has photographs. The Board of Health is a waste of time. They come by; they do a drive by. They stop, they blow the horn. Nobody comes out, they drive away. They told me quote unquote this is how the people want to live, there's nothing we can do about it.

But they're subjecting my family to this. And that's what got me upset and I've been battling with this since the first warm week of May. I've been overrun with these things. And I don't know how to live like this and I'm at wit's end. I mean I don't know what else to do. I've called politicians. I'm asking for help. I've offered to pay for it, she says she doesn't want to be in debt. It wouldn't have cost a dime to her because it's beneficial to me. It's protecting my family. I have a two year old grandson that's home. She has a child younger than I have in my home. And nobody- nothing gets done. To the last two weeks is the first time since they moved in there that there's been a garbage can in front of their trailer."

Helen Dury: "That's not true."

Daniel Keough: "That is true and- "

Supervisor Kozakiewicz: "Ma'am, ma'am. Hold it."

Daniel Keough: "The dogs never come out of the house."

Supervisor Kozakiewicz: "I'm not going to allow a banter. Because there's one person at a time- "

Daniel Keough: "Only time the dogs are allowed out of the house is when they sneak in and out through the broken window by the- "

Supervisor Kozakiewicz: "Mr. Keough, Mr. Keough, Mr. Keough. Address us."

Helen Dury: "That's not true."

Daniel Keough: "Yes, sir. I'm sorry."

Supervisor Kozakiewicz: "There's- I want- he was fair enough to let you speak, they didn't interrupt you. Please let him give his observations on the record. If you need to rebut them, we'll give you a chance to rebut. But I'd like to hear from him what he's been experiencing and what the observations have been."

Daniel Keough: "People from Terminex told me there's no way in the world that I'm going to eradicate this problem unless I eradicate the nest itself. And the nest itself is in that mobile home. It must be. I have no- I couldn't- it- there's got to be 10 times more than the national debt in that mobile home. Yeah. If you want to pass this round among the Board, please? This is a photograph--"

Supervisor Kozakiewicz: "This is a picture that you took when, sir?"

Daniel Keough: "That was taken at the end of August, after these people were here."

Helen Dury: "That- "

Supervisor Kozakiewicz: "Hold it. Hold it."

Councilman Kent: "Whose-- can I ask a couple question about the photo" Whose mobile home is this? The same mobile home? And the things that are on the windows, those are the roaches?"

Daniel Keough: "The roaches."

Councilman Kent: "Those are roaches, okay. We can't really make them out. Now you're saying you're willing to have their premises- "

Daniel Keough: "I'm willing to pay for it. It's to my benefit. I've got roaches in my car. My wife's driving to work on the expressway almost had an accident because there's a cockroach running across her. I've got them in- I've got a 2000 Chevy Silverado truck I got brand new. I'm on Nesconset Highway and Old Nichols Road, there's a cockroach running up my windshield. I don't know how to live like this. I don't know how. If you want to live like that, go someplace else, please. Take your mobile home, hook a truck to it, take it somewhere. Go live in the woods, whatever, but please go away from me."

Supervisor Kozakiewicz: "Quick question. You- how long- you said since May of this year you've been experiencing this problem?"

Daniel Keough: "Yes. Since May of this year."

Supervisor Kozakiewicz: "Okay."

Daniel Keough: "The first week of May we got the warm weather. Because I moved my- I moved by daughter and my grandson in with us, me and my wife. From Northport. She lived in an apartment above a bunch of stores. She had boxes and stuff. Right after my daughter moved in, that started- the problem started occurring. I was accusing my daughter. My daughter's going no, Dad, I don't have this problem. It's not me. My landlord exterminates every place, the place is clean. I never had any bugs. I said but where are they coming from? I mean you just moved in, the boxes, you know, maybe from the tenants or the stores or something and I'm yelling at her. She's crying, getting all upset. Right next door. As soon as the warm weather came, all coming from. These bugs started hiking out and looking for better premises until the entire trailer park is getting infested. All the way down to the river."

Councilman Cardinale: "Bob, two things. One, we probably should swear them in since they're giving testimony or at least-"

Supervisor Kozakiewicz: "He was. He was sworn in."

Councilman Kent: "He was sworn in."

Councilman Cardinale: "Every one- "

Supervisor Kozakiewicz: "The only one who needs to be sworn is Mr. Kulesa."

Councilman Kent: "I don't think he's spoken yet."

Supervisor Kozakiewicz: "Yes."

Councilman Cardinale: "And the second thing is a question. In regard to this and every other matter where we have a- to the Town Attorney- where we have a mobile home owned by an individual and a park owned by- if we were to go in there and do an eradication of the roaches and do whatever is necessary, would that go on the bill of the landowner?"

Dawn Thomas: "That was part of the question I was asked. I'm not sure how they're structured at this particular park, whether they are separate parcels and who pays the tax bills. Because if it were the trailer park owner, then my assumption would be there's an overall tax bill and they just rent on a monthly basis and the tax bill would be charged then with this extermination and that was the other part I wanted to inquire about was whether you had discussed this problem at all with the trailer park owner-- "

Daniel Keough: "Yes, I have. Yes, I have. And Mr. Houlihan (phonetic) refuses to do anything because he hasn't collected a lot rent for a year."

Dawn Thomas: "Well, I think he has an obligation to make it habitable for the other tenants as well regardless of what his rent situation is with this particular trailer owned by the Durys. So- "

Councilman Cardinale: "So you believe that you could- in these situations, you're comfortable we can, not only in this one but in every one we've never really had a solid answer, we can do the necessary stabilization of the site, securing, tearing down, whatever we've got to do, and then we can tie it to the tax bill of the landowner."

Dawn Thomas: "Well, the way we're proceeding now, that's what would happen assuming that that's- "

Councilman Cardinale: "We've never done that though have we?"

Dawn Thomas: "Not in my--"

Councilman Cardinale: "Yeah, that's what I mean."

Councilman Kent: "Well, we had this issue before us the last Chapter 54."

Councilman Cardinale: "Right. And we never resolved it. I just want to make sure we can do what I'm inclined to do. That's why I bring it up. Can we simply go ahead and do it and then add it to the tax bill of the landowner?"

Councilman Kent: "Then it would become Houlihan's expense."

Councilman Cardinale: "Who hasn't been paying. Or- "

Dawn Thomas: "Well, I think Mr. Houlihan also has a remedy available to him- "

Councilman Cardinale: "Dispossess."

Dawn Thomas: "Yeah, (inaudible)."

Daniel Keough: "That's a gray area, too. I don't mean to say-I don't mean to interrupt but according to Houlihan, (inaudible) I've been dealing with this, I've been looking for every single option. I even spoke to the people that sold him the mobile home. They live in Pennsylvania, Margaret McDuffy. She hasn't received a dime from them in a year also."

Dawn Thomas: "I also don't know what the lease agreement (inaudible)."

Daniel Keough: "So, according to Houlihan, he's responsible for the property but not for the premises which is true. I own my mobile home. Anything from the ground up belongs to me. I rent the space to park it. It's like parking in a parking lot."

Dawn Thomas: "Right. Whatever."

Supervisor Kozakiewicz: "Right."

Dawn Thomas: "I do think that Mr. Houlihan owes you a duty to ensure that the space that you rent is habitable."

Councilman Kent: "Quite enjoyment- "

Daniel Keough: "Then you've got two trailer parks involved because they're right across the street from each other and everybody is being inhabited by these thing."

Dawn Thomas: "Well, you know, I think it's his obligation to (inaudible)."

Supervisor Kozakiewicz: "What I'm going to do is- "

Daniel Keough: "I feel like I've been chasing- "

Supervisor Kozakiewicz: "I see Mr. Kulesa would like to also I think make some comments and address the Board. So I would like to have him sworn at this particular time."

Dawn Thomas: "Kulsea is it?"

Lawrence Kulsea: "Lawrence Kulesa."

Dawn Thomas: "Could you spell your last name, sir?"

Lawrence Kulsea: "K-U-L-E-S-A."

Dawn Thomas: "And do you state that the testimony you are about to give- you swear that the testimony you are about to give to be the whole truth and nothing but the truth, so help you God?"

Lawrence Kulesa: "So help me God."

Supervisor Kozakiewicz: "Okay, Mr.Kulesa, you live where in relationship to the- "

Lawrence Kulesa: "61 Forge Road, #11. I am across the street in a diagonal position, 45 yards away. I have roaches up to here. Last night, I went to the bathroom to shower, there was a roach in my tub. There was a roach on the wall where I hang my towel. I have roaches- "

Supervisor Kozakiewicz: "So you're in a different park?"

Lawrence Kulesa: "I am across the street and up the road, that's how bad they are. Your Honor, I can't even- I can Your Honor, I called the Board of Health numerous times. I was talking to the lady and there were roaches climbing up my screen."

Councilman Densieski: "How many years have you lived there?"

Lawrence Kulsea: "I've lived there five years going on six."

Councilman Densieski: "And you've never had a problem?"

Lawrence Kulsea: "Never ever had a problem."

Supervisor Kozakiewicz: "When did you first experience- start experiencing the problem?"

Lawrence Kulsea: "April, May. I mean we never had trouble. Never, ever."

Dawn Thomas: "Do you know or maybe (inaudible), when you

actually took possession of the trailer (inaudible)."

Lawrence Kulsea: "It was too cold. When it got warm, like Mr. Keough said, they put their backpacks on and went looking for a different neighborhood."

Dawn Thomas: "Did you have a problem in the summer of '99?"

Lawrence Kulsea: "Never."

Dawn Thomas: (Inaudible)

Lawrence Kulsea: "Yes. We never had roaches in that park at all. And now I spoke to Mr. Bruzzo about this and I stated to him that they gave the wrong address and he says, well, it's not my problem and it's not in my park and I only wish that he would get roaches in his place because now the people across the street from her have roaches. The people next to her have roaches. The man next to her has roaches. The man next to her has roaches. I have roaches. And the lady on the end of the block has roaches. I have exterminated maybe four or five times."

Supervisor Kozakiewicz: "You've actually had an exterminator come in?"

Lawrence Kulsea: "No, no. I can't afford that."

Supervisor Kozakiewicz: "Oh, okay."

Lawrence Kulsea: "So I go, I get the bombs and I get the crystals that you put around the premises, and I get traps. I get everything possible. Please, Your Honor, I cannot live with this. I have roaches in my bedroom. What am I going to do? I'm sleeping with the darn things."

Supervisor Kozakiewicz: "Any questions from the Board?"

Lawrence Kulsea: "Something- I mean- "

Councilman Densieski: "This is an amazing situation. It amazes me. I mean there's a lot of things here surprises me. First of all, this man who maybe staying or maybe not was never checked on, living with animals, feces aside. And the cockroach problem. I advise this Board to take action as soon as possible."

Lawrence Kulsea: "It's terrible."

Supervisor Kozakiewicz: "Wait a minute. Okay, Mr. Barnes, do you wish to be sworn in on this one? Do you have personal- you've been to the site?"

Leroy Barnes: "No, I have not."

Supervisor Kozakiewicz: "All right."

Dawn Thomas: "Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Leroy Barnes: "I do. Leroy Barnes, Building Department Administrator. In conversations with Matt and some of the staff, I can't understand the problem other than there needs to be some cleansing done to this mobile home. And I think what we need to do is I'm going to contact Mr. Houlihan myself personally, the owner of the park, and talk to him about what's taking place here. Could you tell me is Mr. Houlihan has served you with any type of eviction notice? So you haven't been served legally? And you haven't paid rent for a year to Mr. Houlihan? It's about a year. Has Mr. Houlihan contacted you in writing requesting payment for rent?"

Helen Dury: "No."

Leroy Barnes: "Okay. I intend to contact Mr. Houlihan and find out what the situation is in that particular unit and maybe we can resolve the issue especially if we remind him where the end result will wind up. So, I would request that you at least postpone this hearing for another 30 days until I can make contact and Matt and I can try and work it out with the park owner first."

Supervisor Kozakiewicz: "Well, let me ask you something or respond to that. It seems like this problem has been- "

Leroy Barnes: "Ongoing."

Supervisor Kozakiewicz: "We're talking about six months now at the very least. Right. And it's a situation that's not getting better. And these people are being subjected to living conditions that are not brought on by their own actions and they have been unable to get any redress. I don't know if we are in a position to let this go another month without taking action with all due respect to you,

Mr. Barnes. I have no problem with contacting Mr. Houlihan and making whatever efforts to get him to jump up and take notice and- "

Leroy Barnes: "Well, I think we need a concrete plan on how we're going to act and what we should do and I don't know what that action should be."

Councilman Kent: "Yeah, I'm a little concerned about a couple of issues raised. One is she doesn't own the property so we can't really- we can't really place the cost or the expense that we incur to make the corrections- to do the remediation. We can't place that expense upon the owner of the mobile home; we can only place it upon the property owner. So either Mr. Houlihan is willing to make the efforts to remediate the condition or I think the mobile home owners might want to take up the surrounding property owner's offer to do it at their expense. Because they're suffering as badly."

Councilman Densieski: "I don't think this is going to be a \$49.99- "

Councilman Kent: "No. I know it's not."

Councilman Densieski: "They (inaudible)-- "

Daniel Keough: "It's got to be the same procedure they do in Florida."

Councilman Densieski: "This is going to be a major plan- "

Daniel Keough: "It has to be completely tented and fumigated for at least a week."

Councilman Kent: "And is that what you're offering? Is that what you're offering to do? Is- "

Daniel Keough: "No. I was offering to have an exterminator back in August- July, when the gentleman in question came and they removed the dogs, the bird. They took the father out. I was the one who called the Child- the people to come and get this man. Been in the house for three weeks with nothing to eat. I'm offering to pick him up. Come next door by my house for a little while, sit on the porch with me, we'll have something to eat, we'll drink a beer, let me bomb this house, please. I went to Pergament and bought every single D-Con bomb they had, drove to K-Mart, went to BJ's, came back to the house, there was a cat in the house. I can't get in. Now, the old

man wasn't home yet. I was going to do this- I was going to take it upon myself to go in and bomb in. Go in and turn the power off, turn the gas off, and put every bomb I could get my hands on in there. There's a cat in there. I waited for my neighbor across the street to come home; she's a cat lover. I waited for her to come home from work. By the time she gets home from work, in the meantime the father decided to sign himself out of the hospital. I'm back to square one. I'm pleading with the man, please, let me do this. It will only take a couple of hours. No, I can't. It's not mine; it's my daughter's trailer. I said well, your daughter don't care. Well, my daughter- I get my welfare check Tuesday, believe me, no matter where my daughter is, she'll be here Tuesday. Lo and behold, Tuesday she shows up. They go to the pound and bail the dogs out. Get the bird out.

It's now back to business as usual. Nothing ever gets done. I called the Board of Health. They don't do it. They walk around outside. They won't let me in. They won't let me in, I can't do anything about it. This gentleman here, and the Town is the only people that ever did anything that- that I can visualize.

Child Protective Services threatened them. So she goes and she hides for a couple of weeks and then comes back."

Helen Dury: "I was told to leave."

Councilman Kent: "I still think then Houlihan is probably our best bet because it's his- it's going to be on his tax bill."

Unidentified: "That's a joke."

Councilman Kent: "And if he tries to charge you back and he hasn't even evicted you, he hasn't given you any notice of eviction, then that's wrong. I think somebody said- you said that Houlihan said he couldn't evict him? You can evict a trailer out of the park if they're not paying rent."

Daniel Keough: "Well, from what I understand from speaking to the attorney that's doing the foreclosure, and Mr. Houlihan, is every time they go to file papers they go Chapter 11 or Chapter 7 which supersedes everything else."

Councilman Kent: "Not an eviction."

Supervisor Kozakiewicz: "(inaudible) results in an automatic

stay but you can- "

Daniel Keough: "I don't understand the law; I'm a plumber."

Supervisor Kozakiewicz: "But you can- "

Daniel Keough: "From what I understand it, it stops all the procedures- "

Supervisor Kozakiewicz: "Wait, hold it. There's two different aspects here. There's an eviction and there's a foreclosure action or- I'm not- it wouldn't be a foreclosure anyway because it's not real property."

Councilman Kent: "No. It would be like trying to repossess a car."

Supervisor Kozakiewicz: "Right. Right."

Councilman Kent: "You would take title back."

Daniel Keough: "It amounts to the same thing. They haven't paid for it."

Councilman Kent: "Right. You would repossess the trailer. Yeah, it's a security agreement."

Supervisor Kozakiewicz: "Automatic stay. I thought the automatic stay - a Chapter 7 or a Chapter 11 only affected real property not personal. Does it affect- "

Councilman Kent: "In fact, the bankruptcy will allow usually-"

Supervisor Kozakiewicz: "Certain items."

Councilman Kent: "Right. A redemption- "

Daniel Keough: "That's who owns it right there."

Councilman Kent: "It's a residence that will allow a home sale redemption."

Councilman Cardinale: "Leroy, have you had any communication with the Health Department concerning this?"

Leroy Barnes: "Matt has."

Councilman Cardinale: "What occurs to me is that you haven't been inside- Matt having been inside, that affidavit- this is- at basis, this is a health problem. It's really not- it's good that you brought it before us because somebody has got to do something. But at basis, it's a health problem and the Health Department could act upon the affidavit of Matt White because he's been inside, he's seen the conditions."

Leroy Barnes: "They could."

Councilman Cardinale: "And that's really what's happening here. He says they're going, saying they can't get in. We're not going to get- therefore, we give up."

Leroy Barnes: "There has been no action by the Health Department that we're aware of so we want to try to move this forward as quickly as possible. Like I said, I'll contact Mr. Houlihan and find out what his intentions are. And if we have to reopen another hearing, we'll do that. If we need to do that."

Councilman Cardinale: "Do you have great hope that- they don't have any hope that Houlihan will do anything."

(Unidentified): "No, he won't because- "

Councilman Cardinale: "Do you think- "

Leroy Barnes: "But we're talking about that he will be properly brought into this procedure. And he possibly will probably be charged then, the extermination, if necessary. Of course, I want to find out what his intentions are. I want to see if he intends to evict. Does he intend to deal with the Health Department issues? And we also have a mobile home ordinance that has to be complied with. And I'll have to review that with Mr. Houlihan as well. But I don't know what else we can do to compel the situation to get them to comply."

Supervisor Kozakiewicz: "Mr. Kulesa, you had your hand up earlier. Is there something you wish to add?"

Lawrence Kulesa: "Yes. I am permanently disabled. I am on a fixed budget. I am paying so much per month to fog my place, to buy crystals at \$15 a box from Pergament to put around the place. I put down traps. Is there any way I can be reimbursed? I mean, this is

money."

Supervisor Kozakiewicz: "As part of this process, the answer is no, sir- "

Councilman Kent: "You could bring an action in Justice Court."

Supervisor Kozakiewicz: "-- you'd have to bring an action against Mrs.-- "

Lawrence Kulsea: "Against her."

Supervisor Kozakiewicz: "Against them- "

Councilman Kent: "Or against Mr. Houlihan. Oh, no, not Houlihan because you live- that's weird because you live in- "

Lawrence Kulsea: "I live across the street. Right."

Supervisor Kozakiewicz: "First and foremost, sir, let me retract where- "

Councilman Kent: "You may want to tag those roaches to keep- "

Supervisor Kozakiewicz: "-- what I can say is that you are not entitled to damages here. You may be- and I want to use the word may be in a court because there's issues of proof and other issues that you have to- "

Councilman Kent: "Tough burden for you to prove that."

Supervisor Kozakiewicz: "And I can either have you- the recommendation is you either refer to an attorney or go to the court and see what rights you have there. I don't want to state that you have rights or don't have rights, all right. Okay. Okay."

Lawrence Kulsea: "(Inaudible). Two weeks ago, I fogged my neighbor's place. I bought the fog and I- under her trailer. Because she was not home. She came during the night, that's what time she gets home. So she said to me, Larry, I'll do it for- do it for me. You'll buy what's necessary and I'll pay you for it. So I did that. And I let out the bombs, I bought the traps. I told her where to put them and she still has damn roaches, excuse me. I took French."

Leroy Barnes: "Mr. Supervisor, I think the action we should

take is that I will contact Mr. Houlihan and I will be glad to report to you as soon as possible what the findings are and if the Board needs to take- "

Supervisor Kozakiewicz: "Well, I think the quicker the better because what we hear is we need to address this in a resolution."

Leroy Barnes: "I will take it up with Mr. Houlihan and I will let you know by Monday as to what the resolve is, and what we can do."

Supervisor Kozakiewicz: "And just one last closing. You've indicated the exterminator is coming Monday?"

Helen Dury: "Coming Monday morning, yes."

Supervisor Kozakiewicz: "All right. Yes. I'd like to close the hearing at this time. I'd like to have you come back to the Board as quickly as possible with your success with Mr. Houlihan so that we can address this in a formal resolution."

Leroy Barnes: "I will let you know as soon as possible."

Supervisor Kozakiewicz: "All right. So, at this point in time, I will declare this public hearing closed, the time of 12:39 having arrived."

Public Hearing closed: 12:39 p.m.

Supervisor Kozakiewicz: "Thank you everybody for showing up."

Public Hearing opened: 12:39 p.m.

Supervisor Kozakiewicz: "One last one. The time of 12:39 having arrived, I ask Barbara to open the last public hearing."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on October 26th at 11:55 a.m., Chapter 54 - Unsafe Buildings and Collapsed Structures, property owned by Assoc. Consumer Discount Co., 27 Melene Street, Riverhead."

Supervisor Kozakiewicz: "Okay. You're still considered sworn, Mr. White. The property is located where?"

Matthew White: "The property located- would be 27 Melene Street in Riverhead, the cross street of Doris. The tax map number is Section 105, Block 2, Lot 5. The now owner of the property is Associate Consumer Discount Co., Inc. of 300 Dexter Drive, Irving Texas, 75062."

Supervisor Kozakiewicz: "Okay. You know you said the now owner which means to me that you had a prior owner of record who was different?"

Matthew White: "Well, I came across the parcel abandoned and opened so I- "

Supervisor Kozakiewicz: "Can you describe what's on the parcel or on the premises?"

Matthew White: "It's a residential house. Single family residential house."

Supervisor Kozakiewicz: "Okay. Okay."

Matthew White: "I saw a sheriff's eviction notice on the front. Had another unit respond, a police unit respond with me. We found the house, in our search we found a subject sleeping on a mattress inside one of the bedrooms. Basically as- while I'm looking for the deed, it was owned by a Martha James and a Mattie Buchanan. They were receiving Social Services. The house was foreclosed on and Associate Consumer Discount Co., Inc. of Texas bought the house in foreclosure."

(Unidentified): "Date?"

Matthew White: "Pardon?"

Supervisor Kozakiewicz: "When did they buy it?"

Matthew White: "This deed here, the 10th day of May, 1999."

Supervisor Kozakiewicz: "Now you- were you with anybody else when you did your inspection of the premises? You mentioned there was a PD unit?"

Matthew White: "Yeah, Officer Tim Murphy, 601 Sector."

Supervisor Kozakiewicz: "Okay, okay. And what did you find? What were your observations, Mr. White?"

Matthew White: "Well, the steps leading up to the front of the house are in a dilapidated state. Basically you really can't use the steps. You have to step right up to the deck. A few boards are missing on the deck. It's unsafe. The windows are busted out. The doors unable to be secured. So it's unsafe, unsanitary and dangerous, due to inadequate maintenance, dilapidation, obsolescence, abandonment.

While still on the exterior, the grass in the back- there's no grass in the front, it's just dirt- in the back is extremely overgrown, it's approximately five and a half or six foot tall in parts. The patio has a wooden overhang which has since fallen down, almost came off the house and fell into the yard. There's a ton of debris throughout the entire house, clothes, furniture, garbage, people have literally taken household garbage bags and just thrown them inside the house.

There was a small fire that was set in a bedroom, most likely associated with drug use due to some cans we found, soda cans cut in half which is evidence of subjects generally smoking crack cocaine.

We found some rodents outside. The exterior doors are open, leaking. Steps were in an unsafe condition. Due to vandalism, the sheetrock is damaged throughout the building. The interior and exteriors both needed painting. The sink in the kitchen appears to have had a leak, the water flooded out into the kitchen area. The bathroom toilet was broken. There is no heat in the building right now. There's- some of the outlets were ripped open. The building was vandalized and unfit for human habitation due to the condition right now.

It's the recommendation of the Building Department that this structure be torn down."

Supervisor Kozakiewicz: "Okay. So, it's- you've observed items that indicate the structure is structurally unsafe and it's a safety concern to individuals who may enter into it?"

Matthew White: "Yes."

Supervisor Kozakiewicz: "Okay. And you prepared the report which I asked to be made part of the record. There's nobody here to object so I'll make that- introduce that into evidence, Barbara. You did prepare a report in this case."

Matthew White: "I did."

Supervisor Kozakiewicz: "I noticed you referring to a report, That was made at or about the time you made your inspection?"

Matthew White: "It was."

Supervisor Kozakiewicz: "Okay. Is there anything else you'd like to add? Any questions from the Board?"

Councilman Densieski: "One question. Did anybody receive the correspondence that you sent to them?"

Matthew White: "I don't have the return card in here but we have not received it back from the post office saying that it was unable to be delivered."

Supervisor Kozakiewicz: "The property was posted and you sent certified return receipt request notice, is that how it's done?"

Matthew White: "Yes."

Supervisor Kozakiewicz: "Okay. And that green card has not been returned?"

Matthew White: "It has not. It should be Associate Consumer Discount, Irving, Texas."

Supervisor Kozakiewicz: "Any other questions, Board? Okay. Nothing else, anything else?"

Matthew White: "That's all."

Supervisor Kozakiewicz: "Okay. I declare the public hearing closed at 12:45."

Public Hearing closed: 12:45 p.m.

Barbara Lutton
Clerk