

Minutes of a Chapter 54 Public Hearing held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Thursday, December 18, 2003, at 11:00 a.m.

Present:

Robert Kozakiewicz,	Supervisor
James Lull,	Councilman
Edward Densieski,	Councilman
Barbara Blass,	Councilperson
Rose Sanders,	Councilperson

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

(Supervisor Kozakiewicz called the meeting to order at 11:07 a.m.)

Supervisor Kozakiewicz: "Let the record reflect that the time of 11:07 p.m.- a.m., I'm sorry, has arrived and, Barbara, at this time we're going to open up a hearing pursuant to Chapter 54 of the code of the Town of Riverhead regarding premises known as 205 Horton Avenue, also known as Suffolk County Tax Map No. 0600-081-02-015. Barbara, would you please do me the favor of reading that publishing and posting concerning this public hearing."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on December 18, 2003, at 11:00 a.m. regarding Chapter 54 property owned by Alton Vaughn, Jr. located at 205 Horton Avenue."

Supervisor Kozakiewicz: "Yeah, we're going to need a microphone for them. Okay, while documents are being handed up, I have a question. We're going to take the testimony from yourself and Officer Downs? All right. Then if I could, would you both state your names on the record?"

Officer Richard Downs: "Officer Richard Downs."

Matthew White: "Matthew C. White, Code Enforcement Officer, Town of Riverhead, New York."

Supervisor Kozakiewicz: "Okay. I'm going to ask you to both

raise your right hand and repeat after me. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God concerning this Chapter 54 hearing?"

Officer Richard Downs: "I do."

Matthew White: "I do."

Supervisor Kozakiewicz: "Thank you. Okay. Who's going to start?"

Matthew White: "I will. Ladies and gentlemen of the Town Board, in addition to the packets that I have given out to you, the items in the packet are everything pertaining to this case, which also are in the folder which is available in the Building Department Administrator's Office.

Enclosed in this packet is a memo from Mr. Ken Testa, the Town Engineer, in regards to the property located at 205 Horton Avenue, is a signed and notarized statement from Fire Marshal David Andruszkiewicz in regards to the property located at 205 Horton Avenue. Mr. Andruszkiewicz is unable to attend. He's at a conference in Rhode Island that was previously scheduled.

In addition are enclosed three summonses pursuant to the town code for 98-4 property maintenance. Attached is the long form to it. Summons for zoning violation and (inaudible) attached is the long form to it. And a Chapter 52-6 for building construction. Attached also is the long form to it.

In addition in the packet you will also find numerous black and white photographs of the subject premises.

In the folder that we have that's located in the Building Department, are colored photos. There's just going to be too much to print them out in color. There were redundant.

Basically on October 27, 2003 at approximately 9:30, I was notified by Sgt. Thomas Lessard, Riverhead Police Department, of numerous violations at 205 Horton Avenue. At his request, I inspected the property with himself and PO Mike Mowdy who works the 605 car. They had numerous reports of vagrants, possible drug dealings, etc. at the property.

Upon my arrival, we noted approximately, I'd say eight to ten

unregistered vehicles that ranged from sedans to a motor home to sport utility vehicles. It's in the area of the old labor camp that runs between Osborne and Horton, just south of Danny Watt's (phonetic) property. In fact, the property butts up against Danny Watt's property."

Supervisor Kozakiewicz: "So for the record, this would be the west side of Horton Avenue."

Matthew White: "That is correct."

Supervisor Kozakiewicz: "Okay."

Matthew White: "It's a flag lot. It's actually the westernmost flag lot at Horton Avenue."

I don't even know where to begin. We walked around the property. We observed about eight propane tanks, varying in size from 20 or 25 pounds. On just opening the valve, some of the tanks had product in them; some of them did not. None of the tanks were secured. They were strewn throughout the property.

There was a large copious amount of an unknown petroleum fluid on the ground throughout the property. There was numerous vehicles. The doors of the residence were all chained shut. There was a hole approximately two and a half inches in diameter through the wall and through the door with a chain running through it and a padlock. Okay?

My first problem with this, is it poses a serious problem. If somebody is inside, somebody can lock that person inside the residence, okay. It's a great fire hazard.

Supervisor Kozakiewicz: "This was the front entrance or- "

Matthew White: "There's three doors located on the premises, all facing the south side of it. Those are the three entrance doors. They all were the same exact way."

Supervisor Kozakiewicz: "Okay."

Matthew White: "As we walked around a little more, there was several- there was a lot of machinery, engine (inaudible), transmissions. While inspecting the property and making notes, Mr. Vaughn, the owner of said property who's not here today, showed up. Mr. Vaughn was more than happy to let us into the premises and show it

to us. There is no electric hook ups. Mr. Vaughn is using a Honda generator which he keeps inside his sleeping quarters. He had several salamander type heaters- "

Supervisor Kozakiewicz: "So that generator that you referenced, that's one of the photographs you showed us? So that- "

Matthew White: "Yes."

Supervisor Kozakiewicz: "-- the photographs that shows the generator with it looks like there's somebody who's walking behind it. We see their leg, shoe. Is that the photograph you're- or the generator you're referencing? It's towards the end of- it's towards the tail end of the photos. It is the last photo. All right."

Matthew White: "That is."

Supervisor Kozakiewicz: "And that was taken on the date in question, October 27th?"

Matthew White: "That was. The other thing I'd like to point out was there was also 35 millimeter photos taken by Fire Marshal Andruszkiewicz. Those photos were sent to the Suffolk County Crime Lab for processing, which the Crime Lab lost. Dave does have a memo from a detective at the Crime Lab saying the photos were received- "

Councilwoman Sanders: "Why would they send it to the Crime Lab?"

Matthew White: "That's the deal the police department has worked out with the County. We don't- the official photos, we don't bring to CVS and drop off for one hour. They get sent to the Crime Lab for development."

These photos were taken by Officer Downs with Town Engineer Ken Testa on the town digital camera and printed out. I'd just like to reflect that.

In addition, throughout the pictures, you'll notice numerous structural integrities of the building. At one point, on the western side, Mr. Vaughn took two campers, the type that you would put in the back of a pickup truck, bolted them together, and then built part of the house around it. And this was also part of the residence.

He had in there two salamander type heaters which, you talk to

any manufacturer who makes them, they are not designed to be used in a residence or a structure. They are generally used for job sites and garages.

When we went into the house, it turned out Mr. Vaughn had left the stove on, two of the burners on in this place. He's in his late '60's. He's, you know, a nice enough man but it's definitely a safety hazard.

Throughout walking through there, numerous roof beams were falling down. There was infestation of rodents as well as roaches. There's no electric in the building. He uses the heaters as I already had mentioned.

Fire Marshal Andruszkiewicz approached him and asked him if he would be interested in Social Service housing which he would apply for. He state to us at the scene he was interested in it. Fire Marshal Andruszkiewicz made numerous phone calls and arranged several appointments for him, all of which Mr. Vaughn never kept. He never showed up for them. He never made an attempt to make a phone call.

Attached is a memo from Ken Testa which I would like to read, to put in the record.

On Friday, October 21, 2003, I accompanied Code Enforcement Officer Richard Downs on a structural inspection of a building located at 205 Horton Avenue, Riverhead, New York, Suffolk County Tax Map No. 0600-81-2-15.

During this inspection, I observed numerous structural deficiencies and safety violations. These deficiencies included rotted roof joists, substandard plumbing and wiring, accumulation of junk and debris which is creating both a fire hazard and hinders egress from the buildings, blocked stairway, insufficient smoke and fire barriers, inadequate structural support of building members and components, improperly constructed additions, storage and use of kerosene and electric heaters, and gasoline fueled electric generator, leaking and rotted roofs and lack of insulation.

In my professional opinion, this structure is both a fire hazard and is structurally deficient creating a hazard to occupants as well as emergency services personnel such as police and fire department officials. I have attached several photographs taken during our inspection clearly showing many of the deficiencies observed.

Those photos are attached.

It is the recommendation of the Building Department as well as the Fire Marshal's office that this structure be demolished.

Now I don't wish to push anybody out of a house or home, but the problem is Mr. Vaughn repeatedly is residing in the structure and he's bringing people back there with him. Okay. There are numerous Police Department officers who have called me up and told me they were up there, 10 people around, eight people around, all hours of the night, coming and going. It's a hazard. We don't need any tragedies. Again, I don't like to put anybody out of house and home, but this is definitely a structural and safety issue.

A review of the tax roll shows that Mr. Vaughn is current on all his taxes, so he is the rightful owner of the property."

Supervisor Kozakiewicz: "I'm going to ask you, so you caused a search to be made of the records of the Town of Riverhead that's maintained and determined that the owner of record is Alton Vaughn, Jr. or Alton Vaughn, Sr.?"

Matthew White: "Alton Vaughn, Jr."

Supervisor Kozakiewicz: "Okay. Because I know I saw somewhere on one document Senior, I think. It might have been- "

Matthew White: "That very well might be."

Supervisor Kozakiewicz: "But it's Junior."

Matthew White: "When we spoke to Mr. Vaughn the first time, he had said that he was Alton Vaughn, Sr. and then he was corrected by one of the officers and says, yeah, I'm, you know, I am Junior. There is Alton Vaughn, Sr. who is no longer alive."

Councilman Lull: "Officer White, you've mentioned that there's no electrical hookup?"

Matthew White: "That is true."

Councilman Lull: "You've got a whole room full of videotapes."

Matthew White: "Well, he does have the generator."

Councilman Lull: "Okay."

Supervisor Kozakiewicz: "I have a question. Have you or are we going to receive testimony from Officer Downs that he prepared a report pursuant to Chapter 54- Chapter 56, I'm sorry, that we would be making part of the record here? I'm assuming all the documents you've handed up to us you would like them to be made part of the record today. Is that correct?"

Matthew White: "Yes. They are also attached in the folder."

Supervisor Kozakiewicz: "Okay. Is the report you also did?"

Matthew White: "Yes."

Supervisor Kozakiewicz: "Okay. And would you- so your recommendation is that the building be demolished. Correct?"

Matthew White: "There is also a resolution- I don't know if it was on this Town Board meeting or the last one in- "

Supervisor Kozakiewicz: "Chapter 96."

Matthew White: "-- regards to the property for a 96-1 resolution to clean up the property. In addition, the Department of Environmental Conservation- that's why Officer Downs has to testify also. My days off are Thursday, Friday. Officer Downs went back up on a Friday, I was not there. Officer Downs met a DEC officer up there as well as Town Engineer Testa, so that's why he has additional testimony."

Supervisor Kozakiewicz: "Okay."

Matthew White: "But I do have the Chapter 54 proceeding. If you'd like I could read that and put it into the record."

Supervisor Kozakiewicz: "Yeah. I'd like you to do that and then that report that you'll be- that was a report that was done by you and it was done in the normal and ordinary course of business?"

Matthew White: "Yes, sir. It was."

Supervisor Kozakiewicz: "It was done on or around the time of the inspection?"

Matthew White: "It was done on October 28, 2003."

Supervisor Kozakiewicz: "Okay."

Matthew White: "The one thing, too, I kind of went out of order. After I was sworn, I jumped right into testimony. I forgot to put in my credentials."

Supervisor Kozakiewicz: "I was going to ask you to do that. Yes."

Matthew White: "Approximately 150 hours certified by New York State Department of State as Code Enforcement Officer related to fire safety, building construction, and electrical wiring. Also- "

Supervisor Kozakiewicz: "And when were you first employed by the Town and how long have you been- "

Matthew White: "October, 1997."

Supervisor Kozakiewicz: "Okay."

Matthew White: "Again- 1999."

Supervisor Kozakiewicz: "And you've been employed continuously since then?"

Matthew White: "Continuously since then. During 2002, I was part time, but I still retained my employment. I'm also certified by LIPA, and I've got to check my sheet here, 21 hours, electrical behavior as well as fire cause and origin. That was a course given by LIPA and Key Span that myself and Officer Downs attended several years ago.

Moving on, the Chapter 54 with regards to the property. The fire hazard- the owner of the subject premises made numerous conversations with the subject- with the owner of the subject premises where he added conversions onto the garage where he conducts automotive repairs from same, where he installed two pickup bed campers on the side of the residence. Due to the fact that there is no electrical service running to the house, the owner occupant is using a gasoline generator to provide power to the residence. Said generator is being stored and operated within the subject residence. In addition, there are kerosene heaters as well as salamander style heaters being used indoors to heat the residence. Due to the fact that there are minimal

windows provide natural lighting, no artificial lighting within the residence. The accumulations in the hallways and rooms prevent clear means of egress to the exterior of the structure.

Inadequate maintenance. The exterior roof has not been fixed or repaired and has been subjected to the elements causing severe leaking and structural damage to the roof and support beams of the subject residence.

Additions have been made to the subject residence without the benefit of a valid building permit and not following the New York State Building and Fire Code.

Not provided with adequate egress. The exterior residence is provided with three doors, all located on the south side of the residence. All three doors have chains, padlocks which could be locked, trapping a subject within. In addition, there is only one window located on the ground floor and the portion of the residence that is occupied. Said window is obstructed by the building, creating no clear means of egress.

And that is my report."

Supervisor Kozakiewicz: "Okay. And this report was prepared in the usual and ordinary course of business as based upon your employment with the Town of Riverhead?"

Matthew White: "It was."

Supervisor Kozakiewicz: "And, in fact, you did prepare it in the ordinary and usual course of business?"

Matthew White: "I did."

Supervisor Kozakiewicz: "And you prepared it on or about the time that you caused an inspection to me made on- "

Matthew White: "Yes."

Supervisor Kozakiewicz: "-- on October. All right."

Matthew White: "Also, sir, I'd like the record to reflect that on the 29th of October, an order to vacate pursuant to Town Code 54-8 was posted. Said report was also filed in the Town Clerk's Office on October 29th at 4:24 p.m."

Supervisor Kozakiewicz: "Very good. I'm going to ask that a copy of that report or the report itself be made part of this record and, unless there's objection. And, also, just so we're clear, the other items that you asked that we make part of the record are, if you would repeat that, would be the memorandum of Ken Testa dated November 20th?"

Matthew White: "That's correct."

Supervisor Kozakiewicz: "The photographs that are attached thereto."

Matthew White: "That is correct."

Supervisor Kozakiewicz: "And I- "

Matthew White: "An order to vacate- "

Supervisor Kozakiewicz: "The order to vacate which is dated the 29th day of October, 2003."

Matthew White: "Yes."

Supervisor Kozakiewicz: "And prepared by yourself?"

Matthew White: "That is correct."

Supervisor Kozakiewicz: "The letter dated October 28, 2003 to Alton Vaughn, Jr., also dated by yourself."

Matthew White: "Yes."

Supervisor Kozakiewicz: "Okay."

Matthew White: "And copies of the three summonses that were written."

Supervisor Kozakiewicz: "Very good. Deemed admitted into evidence. Okay. Officer Downs. Unless there's questions of Officer White."

Councilwoman Blass: "I was just going to ask on a technicality. I don't know in light of the fact that the summonses were written to Alton Vaughn, Sr., does that create a problem?"

Matthew White: "They were changed."

Councilwoman Blass: "Okay, because the court papers- "

Supervisor Kozakiewicz: "They were amended."

Matthew White: "They were amended with the court."

Councilwoman Blass: "Okay."

Matthew White: "But Alton Vaughn, though, has missed three court dates. In fact, I saw him one day on the road and advised him that there was a criminal summons out, that he had court. His exact quote to me was, yeah, I'll get there."

Councilwoman Blass: "Okay."

Matthew White: "And he still has since failed to show. I believe there might be a warrant, a bench warrant issued for his arrest. I'm not positive on that though."

Councilwoman Blass: "Okay. Thanks."

Supervisor Kozakiewicz: "That could explain why he's not here today. Okay."

Councilwoman Blass: "Thank you."

Supervisor Kozakiewicz: "Officer Downs."

Officer Downs: "Officer Downs, Town of Riverhead Code Enforcement Officer. Employed since May of 2000. New York State Certified Code Enforcement Official. I have over 150 hours of classroom training in New York State building, residential and fire code; 300 classroom hours with the United States Air Force relating to mechanical building and fire safety; 21 hours classroom training with Key Span, electrical behavior; eight years in the United States Air Force dealing with fire safety and general life safety issues."

Supervisor Kozakiewicz: "And just for the record, your capacity in which you are employed with the Town of Riverhead is?"

Officer Downs: "Code Enforcement Officer."

Supervisor Kozakiewicz: "And that would be for the entire time

period you just mentioned earlier?"

Officer Downs: "Yes, sir."

Supervisor Kozakiewicz: "Thank you."

Officer Downs: "Okay, my basic role in this investigation was to assist Officer White on his day off. I notified Ken Testa who is our Town Engineer to have a look at Mr. Vaughn's premise and on that day we took some photos which you guys have in front of you.

And the conditions there were just absolutely deplorable. I mean, there was electrical wiring running on the inside of the building which was just a complete safety hazard. Like I said, the structural members and the beams within the building were just falling down and structurally unsafe.

Mr. Vaughn was there on the day of our inspection and he let us- let me and Kenny in to take pictures and have a look around. At no time, did Mr. Vaughn state to us that, you know, he was going to fix it, any of the problems in there."

Supervisor Kozakiewicz: "The- one of the photos you show is- looks like electrical is it Romex (phonetic) wire and a- four receptacle box that's just laying on the ground. Is that, I think it's one, two, three, four, five, sixth photograph in attached to the memorandum of November 20, 2003 to- from Kenneth Testa. Is that- you make reference of open wires or electrical wiring, is that one of the photos or is there more than that?"

Officer Downs: "Well, we were there for about a 20 minute time span in which we took these photos. There were some more inside the building but basically what he did was run the wires off the generator and just kind of haphazardly place them throughout the building.

Inside his sleeping quarters, he had, you know, some old extension cord wiring to which he just kind of twisted onto some other wiring for lighting. He also was utilizing a car battery to light his living quarters."

Supervisor Kozakiewicz: "Thank you. Any questions for Officer Downs? Any other testimony, gentlemen? And just for the record, is Alton Vaughn, Jr. present? Let the record reflect that at the time of 11:27 p.m.- I mean a.m., the request was made or an announcement made and nobody responded to the inquiry of Alton Vaught, Jr. Alton

Vaughn, Jr. has not been present throughout the entire proceeding and has not offered any testimony.

Without any further- is there a- or a representative. Yeah. Is there anybody who's here who is representing Alton Vaughn, Jr.? Again, let the record reflect that there's no indication or response to the inquiry.

All right? Anybody have anything else? If not, we'll close the Chapter 54 hearing and we need a resolution to order the demolition. So if the Board agrees with that- that was the publishing and posting so we have to take further action."

Matthew White: "I'll have one drafted up."

Supervisor Kozakiewicz: "Thank you."

Matthew White: "Thank you."

Meeting adjourned: 11:27 a.m.

Barbara Sutton
Court Clerk