

# TOWN OF BARTON

DONALD FOSTER, SUPERVISOR

MINUTES –June 26, 2024 @ 6:30 PM

Via In-Person

**Board Members Present:** Supervisor Donald Foster, Councilperson Michael Rice, Councilperson Kevin Everly (In at 6:35pm), Councilperson Jeffrey Coleman, Councilperson David Shipman

**Board Members Absent:** None.

**Staff Present:** Frederick Schweiger, Highway Superintendent; Arrah Richards-McCarty, Town Clerk; Chris Robinson, Code Officer; Dan Eiklor, Meeting Security

**Guests:**

Rose Eiklor; Waverly, NY

Michael Hoffman; Waverly, NY

Robert Murphy; Waverly, NY

Clarence Frisbie; Waverly, NY

Nicole Lamberti; Morning Times

Pat Burnell; Waverly, NY

Dawn Volpe; Waverly, NY

Rebekah Peck; Waverly, NY

Valerie Chapman; Waverly, NY

Brandon Wright (in at 6:47pm)

**The meeting was called to order at 6:30 pm by Supervisor Donald Foster.**

**Pledge of Allegiance**

**New Business**

1. Public Hearing @ 6:30 PM – Declaring properties of 311 and 313 Norris Road Waverly, NY 14892 a public nuisance requiring abatement by the Town of Barton.

**Motion to go into public hearing at 6:30 pm to declare properties of 311 and 313 Norris Road Waverly, NY 14892 a public nuisance requiring abatement by the Town of Barton made by Councilperson Mike Rice, seconded by Councilperson Dave Shipman. All in favor.**

Code Officer Chris Robinson stated the building is a public hazard. There is garbage all over. The garage door was partially opened and you can see the garbage is full inside. The property is not up to standards.

**Motion to come out of executive session at 6:32 pm made by Councilperson Dave Shipman, seconded by Councilperson Jeff Coleman. All in favor.**

2. Resolution 29-2024\_A Resolution to Declare Properties of 311 and 313 Norris Road Waverly, NY 14892 a Public Nuisance Requiring Abatement by the Town of Barton

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CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

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ADOPTED 06/26/2024  
RESOLUTION NO 29-2024

A RESOLUTION TO DECLARE PROPERTIES OF 311 AND  
313 NORRIS ROAD WAVERLY, NY 14892 A PUBLIC  
NUISANCE REQUIRING ABATEMENT BY THE TOWN OF  
BARTON

**WHEREAS**, the Town of Barton tax assessment records show Elena Cella as the owner of real property at 311 and 313 Norris Road, Waverly, NY 14892, and;

**WHEREAS**, on multiple occasions, Town of Barton officials have attempted to compel real property owner Elena Cella to remedy the substandard condition of the two properties in question, and;

**WHEREAS**, the Town of Barton Code Enforcement Officer, Chris Robinson, has issued numerous appearance tickets to Elena Cella to appear before the Town of Barton Town Justice regarding this issue, and;

**WHEREAS**, on May 13, 2024, numerous residents and home owners from Norris Road, Waverly, NY turned in a petition containing ten signatures requesting immediate action to clear and remove accumulated trash and unregistered motor vehicles by the Town of Barton Town Board and Town of Barton Code Enforcement Officer, Chris Robinson, and;

**WHEREAS**, notice of time, place, and date of public hearing was posted conspicuously on Elena Cella's 311 and 313 Norris Road Waverly, NY 14892 properties at least 15 days prior to the scheduled public hearing; and

**WHEREAS**, same notice of time, place, and date of public hearing was mailed to Elena Cella by certified mail/return receipt requested at least 15 days prior to the scheduled public hearing; and

**WHEREAS**, a public hearing was held on this matter on June 26, 2024, at 6:30 pm before the Town of Barton Town Board upon public notice provided by law; and

**NOW THEREFORE** upon a motion by Councilperson Mike Rice, seconded by Councilperson Jeff Coleman and carried; be it

**RESOLVED**, that on this day, June 26, 2024, the Town Board of the Town of Barton, County of Tioga, State of New York declare properties located at 311 and 313 Norris Road Waverly, NY 14892 a public nuisance requiring abatement by the Town of Barton, and be it;

**FURTHER RESOLVED**, that the abatement and removal of the public nuisance shall be performed by a designee or agent, including private contractors, lawfully engaged and authorized by the Town of Barton; and be it

**FURTHER RESOLVED**, that the Town Board of the Town of Barton shall ascertain the cost of abatement and removal and assess such expense against the record owner of the properties (Elena Cella); and be it

**FURTHER RESOLVED**, that the expense so assessed shall constitute a lien in charge on Elena Cella's real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in charges; and be it

**FURTHER RESOLVED**, that the foregoing shall not be construed as a limitation on the Town of Barton's potential remedies to recover its costs; and be it

**FURTHER RESOLVED**, that this resolution be in effect immediately.

**Roll Call Vote:**

Mike Rice	Aye
Kevin Everly	Aye
Donald Foster	Aye
Jeffrey Coleman	Aye
Dave Shipman	Aye

Councilperson Everly asked if the town received a return receipt from Ms. Cella. Code Officer Chris Robinson did not receive the return receipt requested; however, the Supervisor and Code Officer did maintain their due diligence by posting the same notice on the owner's door as well as discussed the issue with Ms. Cella while standing outside the house and her on the inside.

Supervisor Foster discussed the five quotes the town received for dumpsters.

**Motion** to accept Austin's Excavating and Paving for a dumpster made by Councilperson Kevin Everly, seconded by Councilperson Dave Shipman. All in favor.

Supervisor Foster listed the three quotes he received for labor to clean up the properties as listed:

- Tyler Brockoff - \$1,500 (verbal)
- Josh Bellis - \$4,500 (verbal)
- Mark Cron - \$2,000 (written)

The cleanup would consist of cleaning up the garbage that is visible and does not include the vehicles. Councilperson Everly asked how this would be dispersed. Would the town pay half up front and half when finished to ensure the job is complete? Supervisor Foster said if the board needs to call a special meeting and start this back up again.

Councilperson Rice is concerned about the dangers of picking up garbage; health hazard, needles, etc. Code Officer Robinson said Mr. Brockoff does this for a living and will be hiring two high school kids to assist him with the cleanup.

Councilperson Everly stated the town will be hiring Mr. Brockoff as a subcontractor and asked if he had insurance. Code Officer Robinson said, "Yes. I believe so."

Councilperson Coleman asked if Mr. Brockoff has final say in what gets picked up. Supervisor Foster Mr. Brockoff can call either Mr. Robinson or himself if he has any questions. Code Officer Chris Robinson said the residents have had ample opportunity to get what they wanted out of there.

**Motion** to hire Tyler Brockoff as the subcontractor to clean up the Norris Road properties made by Councilperson Mike Rice, seconded by Councilperson Kevin Everly. All in favor.

Supervisor Foster recommends using Taylor Garbage for the disposal of tires at a rate of \$5.00/tire.

**Motion** to use Taylor Garbage to dispose of tires made by Councilperson Jeff Coleman, seconded by Councilperson Dave Shipman. All in favor.

Supervisor Foster discussed the three vehicles that are currently on premises that are unregistered. He recommends using Huckle's Towing & Recovery. They require written authorization from the Town of Barton before they pick up the vehicles at no cost to the Town.

**Motion** to use Huckle's Towing & Recovery to pick up the vehicles and to authorize Supervisor Foster to sign any necessary forms regarding the vehicles made by Councilperson Mike Rice, seconded by Councilperson Kevin Everly. All in favor.

Supervisor Foster recommends to the Town Board to have Tioga County Sheriff's Office provide security for this operation.

**Motion** to hire Tioga County Sheriff's Office as security for this operation at a rate of \$50/hour, 3- hour minimum made by Councilperson Jeff Coleman, seconded by Councilperson Kevin Everly. All in favor.

### **Other Business**

None.

**Motion** to adjourn meeting at 6:50 pm made by Councilperson Kevin Everly, seconded by Councilperson Dave Shipman. All in favor.

Respectfully submitted,

*Arrah Richards-McCarty, RMC*  
Town of Barton Town Clerk