

**Minutes to the Monthly Financial Meeting with any other Lawful Business
and a Public Hearing regarding the Property at 67 Montcalm Street
for the Nuisance Law on May 24, 2018 commencing at 2:00 p.m.**

Present: Joseph Giordano, Supervisor
Joyce Cooper, Councilwoman
Wayne Taylor, Councilman
Dorcey Crammond, Councilwoman
Dave Woods, Councilman
Matthew Fuller, Town Attorney
Tonya M. Thompson, Town Clerk

Others: Megan Dedrick, Margaret Fiffe, Jeoffrey Gardner, Joe & Julie Greenwood, Don Foote, Richard Nock, Chief Mawn, Chattie Van Wert, Yvonne Burke, Pam Moser, Bill Ball, Paul Hurlburt

Public Hearing

Nuisance Law - 67 Montcalm Street

This property has been brought up on charges and brought before the Town Board today on exceeding the maximum number of points for which we can take action on the property. Most of the points are attributed to Police calls that have taken place over the last six months. That is the reason for having this public hearing and the decision will be as to whether or not to revoke the Certificate of Occupancy on that property, due to the number of points that have been accrued.

Chief Mawn explained that he took over as Chief of Police at the end of January and within his first 30 days, one of his biggest problems in this Town that came to his attention was the address of 67 Montcalm Street. During the month of February alone, we had 10 different incidents there and it was at that point that a tenant living there came in and gave us a statement saying that she lived there and that she feared for her safety. It was at that point that we knew we had to take some action. From the end of February until today, he has been pushing that button to have this property declared as a Nuisance Property. Between that time and today, he has tried to reach out to the landlord and he did not respond to his requests. March, we had four incidents there, there was a home invasion on the 25th that resulted in serious arrests. April, the 21st there were three different arrests and so far this month, May, we have been there for two different incidents. The vast majority of calls to 67 Montcalm Street since February 1st until today are fights, noise complaints, drug related activities and theft. He has all the documentation and as a result of there being a serious problem at this address, he has been continually hounding the Town to please shut this property down as a Nuisance Property.

Bill Ball started to explain the point system, just in February and March alone you have 10 - 6 point violations which equals 60 points. You are allowed 12 points in a six month period or 18 in a period of 12 months.

Chief Mawn listed the dates, the bottom line is there is no doubt that they way exceed the threshold for the points necessary for such a proceeding.

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February 24, 2018	Noise Complaint	12 points
February 26, 2018	Disorderly Conduct/fighting	6 points
February 27, 2018	Drug Arrest	6 points
March 23, 2018	Fight	3 points
March 24, 2018	Disorderly Conduct	6 points
March 25, 2018	Home invasion (4 arrests)	6 points
April 21, 2018	3 Drug related arrests	6 points
May 12, 2018	Fighting/Disorderly Conduct	6 points

Councilman Taylor asked if any of these people were dealt with criminally?

Chief stated yes, they are pending as we speak. One of these cases involves Vince Brown who is waiting in a jail in South Carolina to be extradited back to face his charges.

Councilman Taylor asked if the players are still living at 67 Montcalm Street.

Chief stated that the woman who has caused the vast majority of these problems is still residing at that address.

Joe Greenwood asked if the people that are causing the problem, if they can be removed from the premises and the other tenants that live there and don't cause any problems, they are going to be out a place to live, if you guys decide to shut that building down. We got a lady that is handicapped that lives there, he lives down stairs because he is handicapped too, and his step-son took the apartment upstairs. Now you have three good tenants that live there, why would you throw them out on the street and have no place to live and then not take care of the original problem and get the person that is causing the problem out of there. Now, that would be the best thing to do instead of closing the whole building down. Get tenants that are liable for what they do, instead of getting someone in there that is a druggie, has people coming in and out, destroying the property. The last incident that he was talking about, that incident created a big problem because they were smashing the place up, breaking the windows and everything else. That was the tenants that was causing all of the problems, now he has been told that she has been evicted. She has to be out by the end of this month. She is not here to speak up for herself, but his guess is that she doesn't give a damn. She was here earlier in court for back rent ... she causes a lot of trouble..... he was outside the other night and she was calling him all kinds of filthy names. Now that is not right, he didn't call the cops or anything because he didn't want anymore disturbance, but she has the tendency to do that. With her gone, we can get back to normal in that apartment building. He tries to keep the outside cleaned up, they throw beer bottles and beer cans outside the side window that they smash and he has been trying to keep it up and it is in the same condition again.

Don Foote explained that he has been taking care of these places for Richard Nock, maintenance and so forth and what the Chief is talking about with the drug busts and everything, he is the one who went up to the station. He cannot go in their house, legally, he doesn't know what is going on behind the closed door, but he is the one that went up to them because he wants this place watched because he has fixed the doors twice outside.

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Officer Towne has made drug busts, and legally he can't tell people that they have to leave, they have due process. Judge O'Bryan has it in his hands right now and there is a system to it. He has taken care of these places for two years, up until these last two tenants and one is already gone, the other one is still there pending Judge O'Bryan's decision, but we have been working and keeping in touch with Ti PD and up until these two tenants the cops were never called to this place, so it is not a nuisance building, it is a nuisance tenant. The way the law is set up, you can't just kick them out. They can sit there and sit there until the Judge tells them they have to leave.

Councilman Taylor asked if there is anything in the law, do we have to shut the whole building down.

Mr. Fuller stated that unfortunately we are not a landlord, he understands the request, but that is asking the Town to be a landlord and you are not. You don't get to pick and choose.

Mrs. Van Wert wanted to comment, as being a prior landlord, the landlord doesn't have any rights when it comes to kicking a tenant out. They can destroy your building and your property before they are gone.

Mr. Foote stated, believe me, I would be more than happy to get them out of there, you can't do it.

Councilman Taylor asked if there is any dialogue with the owner of the property?

Mr. Nock is the owner - he was in China and has just returned.

Response to Town Board
Richard Nock, Owner
67 Montcalm St.
May 24, 2018

I would like to introduce myself. I bought my first property in Ticonderoga back in 2003. Since then, I have purchased some 16 pieces of property in town, many of them foreclosures. Some are apartment buildings, and some are private residences. Some have been sold. All have been fixed up to varying degrees, and all have increased in value over the years, giving back more revenue to the town. I have had my share of court cases where tenants need to be evicted, and I have not shied away from getting rid of "bad" tenants that I deemed to be not desirable people, for one reason or another. My school taxes, town and county taxes, water taxes are all paid in full and on time each year. Last year, 2017, I paid the town \$48,411 in taxes. Then there are many, many receipts for the Hardware Store, the Lumber Store, and Wal-Mart's, helping out the local businesses.

Let me assure you here that I am not the "bad guy" here. The "bad guys" are the people that are creating the nuisance. A building itself does not create a nuisance. Rather, the people in the building, or the people who are responsible for the upkeep and maintenance of the building are the nuisances. As many like to say, guns do not kill people, people kill people. Buildings in themselves do not create nuisances, but people in them and responsible for them create the nuisance.

First, I would like to read the opening paragraph from the Local Law No. 2 of 2011, A LOCAL LAW ADOPTING A LOCAL LAW ENTITLED "NUISANCE PROPERTIES" paragraph 62-1:

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The Town Board finds that public nuisances exist in the Town of Ticonderoga in the operation and use of certain property, including residential premises, in violation of such laws as the Penal Law of the State of New York, the New York State Uniform Fire Prevention and Building Code and other Local laws of the Town of Ticonderoga, which nuisances substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the Town, property values and public health, safety, peace, comfort, conveniences and general welfare.

Specifically, the deterioration of some properties and the activities and patterns of behavior engaged in by certain individuals threaten the quality of life for the residents of the Town.

Then in section 62-2, paragraph B, section (1), list (a) through (r), and also section (2) list (a) through (j) go on to list the specific violations that the Town would deem "nuisances". Let me list some, not all, of the possible violations mentioned in the lists: Welfare Fraud, criminal possession of stolen property, forgery of and illegal possession of vehicle ID number, falsifying business records, criminal diversion of prescription medications and prescriptions, controlled substances offenses, gambling offenses, prostitution offenses, disorderly conduct, Loitering in the first degree, unlawfully dealing with a child, sexual performance by a child, firearms and other dangerous weapons, food stamp program fraud, alcoholic beverage law, vehicle and traffic law – vehicle dismantlers, local law regulating litter, local law regulating junkyards, ordinance controlling noise within the Town of Ticonderoga, local law providing for animal confinement in the Town of Ticonderoga, town zoning ordinance, local law providing for the administration and enforcement of the NYS uniform fire Prevention and building code, and others.

Let me point out that 1. I have never received any legal form of communication from the town of Ticonderoga concerning any specific violations cited here from the Nuisance Law. 2. I have never received any form of legal communication from the town asking me to come in and talk about problems

that the town is having. The Notice of Hearing that I was served is the first and only legal communication from the town that I have had. Let me also state that an email is not an official method of communicating, as is a message left in a voice mail. You do not know if emails get read, or go into "spam" or simply just get lost in the shuffle. By sending an email or leaving a message in an answering machine, you are assuming that the person gets the message, and that is not always the case. If a Notice of a Hearing is the FIRST official notification of the problem, then I believe the town is remiss in its responsibility to communicate using legal methods with the person(s) involved. When I go to court, the first paper the judge asks for is the notice of service, in other words, without the legal written method of communication between parties, the case will not move forward. If a letter had been mailed to me, even though I was away for all of the winter, the letter would have gone to my property manager and he would have notified me as to the problem. The Police Department also knew the property manager, Don Foote, who was in charge of the building, as he went to the Police and asked them to watch this building more.

Since there is no mention of any specific violations in any official or unofficial document that I have received from the town, it would seem that I will have to guess as to the violation(s) with which I am being asked to comment on.

I think in the future, should you decide to enact this law again in other matters, that more attention should be made to 1. Notifying the individual through a "legal" channel that a problem exists ahead of time, thereby giving the individual a chance to remedy the problem and deal with the specific violations and 2. Listing the specific violations that the town is bringing to their attention. I have to say that as a good citizen, with no criminal record, having provided good and safe housing to many individuals in this community for more than a decade, and having brought many unkept properties up to better standards, and having paid over \$48,000 to the Town of Ticonderoga just last year, and surely many hundreds of thousands of dollars over the 13 years I have been in this town, I think that I deserved better treatment than the town has shown in this matter. Even a letter would have been nice.

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So, without the knowledge of any specific violations, I will have to proceed with what I assume to be the issues the town would like to see remedied. I want to make sure that I state one thing: I am not opposed to the board wanting to make the town a safer environment so that all people can live in peace, safety, comfort, and have a better quality of life. But there are ways to go about it that are legal and work towards the desired goals, and ways that do not work, and in fact, do not add to the peace and safety of some individuals. We always have to keep our aim on the final result and how it can be achieved in a legal and moral manner, as well as hold the people who are at fault responsible.

I believe that the problem that the board has with this building revolves around two tenants there were in this building. First, there was Amy and Daniel Hayes in apartment 1A. Upon finding out that they were in jail, I issued a 30-day notice to vacate the apartment. They have been moved out and no longer live there, and their apartment is now rented out to a good citizen who has is working for McDonalds. Second, there is Jamie Shaw (aka Jamie Smith) in apartment 2B. The apartment was rented to Jamie Shaw ONLY, no other people, not her sons, not her boyfriend, ex husband, or anyone else. Jamie moved those people in with her without permission from myself or from the acting property manager. I only returned to Ticonderoga in mid April. Jamie was issued a 30-Day notice to leave on April 28, as well as a 3-Day Notice to Quit on May 11. I had a court hearing for Jamie Shaw on May 22, two days ago, before Judge O'Brian. Jamie Shaw was not present. The Judge said he needed time to review the Law on the matter of the 3-Day Notice to Quit before he could rule on the decision, judgment and sign the warrant for her removal. Everyone is entitled to a fair decision based on the law, and tenants have

many rights, and the Judge said that he will rule as quickly as he can, since he knows this hearing is today.

So, what we have right now in this building at 67 Montcalm St. is the following: We have three very good tenants who have never been in trouble with the law and who lead quiet and simple lives. They pay their rent, get along well with each other, and they want Jamie Shaw removed from the building, just as much as I do, so that they can live in peace. Unfortunately, I do not have the power to evict an individual or to force them to leave. The police DO have the power to enforce laws for disorderly conduct, disobeying town laws, etc. I have to go through due process under the law, and I have done that. I cannot spin the wheels of justice faster because I want things to happen faster. If a person is breaking the law, the Police Department can arrest them.

So, let us assume for a moment that the town board rules in favor of this law and decides to close down this building. This is what would happen: The three good tenants, through no fault of their own, and without any responsibility for the actions of the "bad" tenant, would be put under horrific circumstances and would be forced to be homeless and thrown out of their homes, for no fault of their own. I, as a landlord and good citizen trying to do the right thing and trying to rectify the problem legally, would also be put under a great hardship to maintain a building without anyone living there. Then, we have to ask the obvious question: "Has the nuisance law worked? Have the members of the community of Ticonderoga been made safer and more able to enjoy their life? Has the nuisance stopped the problem and rectified the situation?" The answer to these questions is a resounding "NO." The reason for this is that the "problem tenant" that caused and started this whole proceeding is now simply moving up the street to another location in the Town of Ticonderoga. In all probability, she will continue to be a nuisance and the police most likely will continue to be called, and the next building will be subject to another Nuisance law Proceedings and the cycle will keep going. As in the case where a person sees a doctor multiple times for a chronic pain, and keeps getting more pills given to them to combat the pain, and yet the pain continues, we say that everything is fine.... except the patient. In the case of 67 Montcalm St., the building is fine now and sitting there empty, but the problem has simply moved to another location down the street, and the cause of the problem has not been dealt with, but continues. According to the Town, everything is fine, except the problem still exists. As I said before, the building itself is not the nuisance, rather the people are the nuisance. In the old days in the Wild West, towns used to run the person right out of dodge, as the saying goes. Maybe the Nuisance law needs to be modified so that it can deal with the real problem, at least in a case like this. The problem in this matter is NOT the condition or deterioration of the building, as our code enforcement officer, Bill Ball, I believe will verify to you, but rather, the people in the building. Remove the people, and the building is fine.

This is what I have attempted to do using due process of law, which I am required and obligated to do. I can do no more. I do not want problem tenants any more than the town does. But the issue here is this: I can get rid of them from my building and they are not my problem anymore, but the town is still not rid of them, and will still have to deal with them. Nothing really is gained as long as the public nuisance is still in the town. I do not have a solution to that problem, but it would be good to have smarter minds than myself try to come up with a way to really deal with the cause of the problem. Doctors treat cancer patients with chemotherapy. Chemotherapy does kill some of the cancer cells, but it also kills the healthy cells, to the point where in over 85% of the time, the patient dies because of the treatment. Maybe rather some life style changes and changes in diet would have been better? That would have treated the root cause of the problem. I would encourage the Town of Ticonderoga to try with the Nuisance Law to get to the real cause of the problem and affect a way to really accomplish the goal of being a safer and healthier community. Let us make the effort to deal fairly and morally with the good citizens, and to punish the bad citizens, and to hold them responsible for their actions.

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I am stating to you right here and right now, that this last "bad" tenant will be removed from the building in a very timely and quick legal manner, and that the building will again be a good, safe building, as are my other buildings. Right now, I have 25 units rented in Ticonderoga, which translate to 42 people altogether that live in these units, and only one of them is a rotten apple....stated another way, it means that 97.6% of my tenants are good citizens who just want to live their life in peace. I do not have any buildings with code violations, and all my buildings have been improved to make a better appearance in their neighborhoods.

To impose any action in this case would be a great miscarriage of justice. It would be holding innocent people accountable for the action of other people. Let's put the blame squarely and directly where it belongs....on the person(s) who are causing the problem. Find a way to get rid of these kinds of people....use the legal power of the laws along with the police department to make these people want to move out of this community or bear the full burden of the law....and then the real problem is solved. But do not blame the innocent people.

I want to bring up one more issue here at this hearing concerning the Nuisance Law. I believe it needs to be addressed and that the town board needs to rethink the law as to its legality and to make it work for the benefit of everyone, including the town.

I read this Nuisance Law as dealing with two issues, as stated in Section 62-1, paragraph 2:

1. The deterioration of some properties
2. The activities and patterns of behavior engaged in by certain individuals.

In terms of the first case, "the deterioration of property", I believe this is a "building" issue, and a Landlord/Owner should be held accountable for maintaining his/her property in good condition so that it is not a threat to people living there, nor is it an eyesore to the neighborhood. This is why we have town and national code compliance laws so that buildings remain safe and healthy. Holding an owner responsible for the condition of his/her building is just.

In terms of the second case, "the activities and patterns of behavior engaged in by certain individuals", this becomes much trickier in terms of who is responsible. In most cases of law, one person cannot be held accountable for another person's actions. It begs the question, "Am I responsible for the actions of another person?" The law usually answers that question with a "NO" I am not responsible for the actions of someone else. This takes away a freedom that I enjoy under a democratic government.

To hold a building itself, or the other law abiding people living in the building, or the Landlord, responsible for the behavior of one person in the building violates their freedom of not being held accountable for the behavior of other people. The other people in the building did nothing wrong. The owner of the building did nothing wrong. And yet, the "Nuisance law" calls for in section 62-3, paragraph A, that the town gives itself the power to "to order the closing of the building, structure or place to the extent necessary to abate the nuisance." If the board were to enact this power just quoted, it would do absolutely nothing to solve the problem that the town wants to remedy. Here is what would happen: 1. the other tenants in the building would be thrown out of their apartment for no reason other than they happen to live next door to a "nuisance" person; they would suffer undue hardship of having to move and suffer stress of having to relocate for nothing that they did wrong. 2. The landlord would suffer undo financial lose for something he had no accountability for, namely the behavior of another person. 3. The "nuisance" person simply moves out the building to a new location in town, without being held accountable for their actions that precipitated this action. Essentially, you are punishing all the good people and holding them accountable for the unlawful behavior of another person, and you are letting the nuisance person walk away harmless. The law in this case has accomplished nothing, innocent people's lives are upset, and the problem has not been resolved. The town will still have to deal with the nuisance person in the future because they are still in the town.

The other issue here in the law is this: Are you going to have equal treatment under the law? The laws cannot be applied to one person or groups of person with being applied to everyone. This is called equal treatment under the law. For example, if it is illegal for me to drive over the speed limit, it is illegal for everyone.

So, that begs the question, are you going to treat everyone accountable for this law? Let me cite some examples.

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1. At a state campground, there are reported many problems in terms of drunken behavior, loud and disturbing behavior late at night by people, dogs barking, people driving too fast in the campground, etc. If this situation is an ongoing problem, is the town going to hold the State, as the owner of the campground responsible for the behavior of these certain individuals and threaten to close down the state campsite?
2. At a town public park, there could be a situation where there are many problems reported as to drunkenness, littering, drug dealing, criminal behaviors, loitering, noise, possession of alcoholic beverages, etc. If these problems exist for an extended period of time, is the town going to hold the Town of Ticonderoga responsible for the behaviors of certain individuals and threaten to close down the public park?
3. Let's suppose that there is a section of a county highway in the town that accumulates an abundance of speeding tickets due to the condition of the highway. If this continues to occur, is the town going to hold Essex County responsible for the behaviors of the speeders and threaten to close down the highway?
4. If at the dog park off Lord Howe St., people abuse the park, don't pick up after their dog, teenagers come in illegally at night to hang out, drug deals happen frequently. If this continues to be a problem for the police department, is the town going to hold itself responsible and threaten to close down the Dog Park?

I think that most people here are now thinking.....of course these things will not happen....rather, what will happen is the campers in the state campground will be issued citations, be given warnings and/or be arrested. The people in the town park and at the Dog Park will be issued warnings and /or arrested, as well as the speeders on the highway will be issued speeding tickets. My guess is that neither the state of NY, nor the Town of Ticonderoga, or the Essex County will ever be held accountable in these situations. And, they should not be held accountable because they did not cause the problem. Yet, the Town is holding owners of private buildings accountable for the behaviors of the people in their buildings, and threatening to close down a building due the behavior of other people other than the owner. Is this equal treatment under the law? Why is the private citizen being held accountable for the behavior of someone else when the State of NY, the Town of Ticonderoga, or Essex County will not be held accountable for the behavior of other people? Is there a different standard here for public and private nuisances?

Essentially what the town is doing is transferring the responsibility to a building, when the building in and of itself can logically hold no responsibility...it is just a building....rather than holding the individual responsible for the problem for her/her actions. Again, guns do not kill people, people kill people.

When there is a problem with a person who is in my building, I basically have two choices: 1. I can call the police to come over and they can determine if a law has been broken and the police have the power to warn, give tickets, and/or arrest someone causing the problem. 2. I can use the courts and the legal system to collect rents, or to cause a legal eviction of a problem tenant. That is all I can do. We have police and courts to inflict punishments upon people who break the laws. I as an individual cannot inflict punishment or evict a person by my own choice. I must let due process take its course.

Thank you for listening to my response this afternoon. I look forward to letting you know when the problem tenant is moved out of this building. I also look forward to the time when landlords, the police department, and town board members, can sit down to have meetings when we feel it necessary regarding issues that need to be dealt with in regard to the betterment of our community. No good Landlord wants problem tenants. No good landlord wants the Police to come to their houses. Just like no good police officer wants to deal with problem tenants. We all have our roles to play. We all have our obligations to make the town a good and better place to live and we all must act legally and morally in dealing with people. I believe the Nuisance Law should be re-looked at again by the town. I believe the law needs to hold accountable the people that are responsible for the nuisance, and to reward the good people who are just trying to lead a quiet and peaceful life. I hope I have tried to inform and address some of those issues to you today. Thank You.

Chief Mawn related a few other instances on this property regarding the actual appearance or Code issues: At 12:18 a.m. this Tuesday, three rates were seen at the back of the building as reported by the officer on patrol. He would also like to remind the board that the Nuisance Law worked perfectly in this Town and cleaned up a big drug

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problem as you remember at 163 Lord Howe Street. This was a valuable tool to take care of the drug problem at this location. In February, one of his own tenants gave a legal statement: I would like to state I am a legal tenant at 67 Montcalm Street. I am very scared to go to sleep with all the people coming in and out of this residence. I am giving the Ticonderoga Police Department permission to arrest these people who are not legal tenants here. Again, I am very scared and do not want people in here that do not belong here. The last point is, he himself have left messages for this Landlord months ago, he had plenty of time to correct the problem. He chose not to. Every arrest we make, there is a press release as you all know. This is not a secret, what was going at that building; he chose not to address the problem. If he had addressed it, we would not be here. As far as he is concerned those claims are nonsense.

Margaret Fiffe gave that state because of Amy and Dan Hayes and they had a lot of people in and out of that place. Our doors, door knobs were being broken and Don had to fix them.

Councilman Taylor asked if Mr. Nock vetted the people that he rents to, do you check their track record or history??

Mr. Nock stated that they do usually ask for a letter of recommendation, they usually ask people that he knows have been here in Ticonderoga for a long time, like Don (Foote). He is not trying to put the blame, but he was gone for the entire winter and Don was in charge of the building and did get Jaimie Shaw to come in here, she sounded like a nice person ...

Mr. Foote agreed

Councilman Taylor asked if you have to rent to anyone who seeks to rent from you, can you legally refuse to rent to them....

Mr. Nock stated that Jaimie called him up in North Carolina after Don mentioned it to her and all he can tell you is that she seemed like a very nice person over the phone, but he knew that Don would make a good decision.

Mr. Foote stated that he knew her mother from Mineville and she said she lives by herself, she has just moved back into Town and he had a good feeling about it, but he was wrong. He was going by what he thought was a very nice girl, truthful and everything else, but he found out that he made a big mistake. The Chief says that he notified and tried to get a hold of Mr. Nock, but he couldn't even get a hold of Mr. Nock when he was in China. He was in town and he never got any notification saying that anyone wanted to talk to him, but of course, he didn't know if anyone knew he was in charge of the buildings or not, but he had several conversations with Officer Towne and Officer Bush.

Councilman Taylor asked if there was any formal, written notification send regarding these complaints.

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Mr. Ball stated no, he knew that Mr. Nock was out of Town and had left a message on the cell number that he had and as soon as Mr. Nock came back he was right in the office.

Mr. Nock stated with all due respect, there are methods that you use to address a problem and as much as he likes email and appreciates the fact that he did email him on February 28th, unfortunately he left on February 27th to go to China - Google is not in China. Unfortunately, he emailed him the day after he left, when he got back into the country, he thinks he emailed him that same day that he would be home and so on and so forth and he did receive a phone message from Bill Ball. Like he said, phone messages and email messages are not legal forms of communication. If a letter had been written, it would have gone to Don Foote, he was getting his mail. If he had gotten a mail from the Town of Ticonderoga or the Police Department, he would have opened it up, he would have read it, he would have gotten in touch with him and then we could have dealt with this a little bit faster. He got home around April 11th and like Mr. Ball said, he went right down and talked with him, not really knowing what is going on, but made the effort to go down and talk to him. Unfortunately, what can he tell you, if he was here, yes, we may not be here today. That is true, but he left someone quite responsible in charge. It wasn't like the building was not being taken care of... it is an unfortunate situation that happened, he can't predict what tenants are going to be like. The person that it was rented to was one person, it wasn't the kids, it wasn't the husband, it wasn't the boyfriend the dogs or anybody else. It was one person, who we asked a couple of people about. Anyway as soon as he came back, he talked with Mr. Ball and he said that there was something going on with the Nuisance Law and he said that he hadn't heard anything officially about the Nuisance Law yet. He thinks you have to do some really serious, don't get him wrong, he is not the bad guy, we are trying to do the same thing, we are trying to get rid of the nuisance, so lets act to get rid of the nuisance. He can tell you from what he understands is that nuisance is going to be sitting on the trailer on Lord Howe Street next month. Is he going to have an empty building, are three people going to be on the street and she goes away scott free up to Lord Howe Street? Sorry to say, but the Chief of Police is still going to be called there. Let's look at what is really going on here and let's make sure that what we are doing is solving the problem.

Mr. Greenwood stated that she is definitely a repeat offender, because she has been called there so many times there for the same problem, the cops tell her not to do it again, slap her on her hands and she does it again. The boyfriend that she has with her is just as abusive as she is and he knows from experience because he has heard it from her of how mouthy she is. She just gets slapped on the hand and they tell her not to do it again. If somebody violates the law, the law offices should be doing what they are supposed to and they wouldn't have to be called back there again for the same incidents over again if she would have been arrested in the first place. He believes in this Town Police Department, he doesn't have any problem with them but once they let a person create a Nuisance If the police department does what they are supposed to, arrest that person instead of giving them a warning so they can go out and do it again, they should have been arrested for that same offense, maybe they could smarten up and not do it again, but she has her people, bad people coming in and out of there that don't belong there and if she is

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working and they are there, they create problems too and they are not even supposed to be there in that apartment.

Mr. Foote stated that they did arrest her once, but she only spent maybe a half hour there. They did their job and took her out of there, but she was right back.

Councilman Taylor asked about the night that they had the big brawl, the 10 people, did that all emanate out of 67 Montcalm?

Inaudible -----

Ms. Fiffe stated that she has learned to ignore the noise and puts her radio up a little louder.

Councilman Taylor feels bad that they would have to live like that.

Mr. Nock stated that if he could throw her out on the street tomorrow, then he would.

Paul Hurlburt stated that as an outsider that has is not even involved in this building, he has seen a number of times where she has been very loud, very rambunctious, now Joe and the other young lady here, he has never heard a peep out of them when he is walking by. It is always on that upper part of the building, almost every night and he is observing as an outsider, he is not even in the building. It is always noise coming from that particular apartment all the time, so it is not anybody else that lives in the building. It is that one particular person.

Councilwoman Crammond asked the Chief if she had been arrested.

Chief Mawn stated yes she has, and once it goes in front of the Judge it is out of his hands.....

Councilman Taylor asked how long we can adjourn this hearing.

Mr. Fuller stated that you can adjourn it, two weeks, a month..... you've done it before. The last one you did adjourn and you gave them an opportunity to cure it, they didn't so you do have some

Councilman Taylor stated that there is an action pending our town court, if the situation gets alleviated by that court action..... given the circumstances and there are a number of people here that are law abiding and are victims by no fault of their own.

Councilman Woods asked if the Judge was aware of this Public Hearing regarding the Nuisance law.

Mr. Nock stated that yes, and the Judge said that he would put some urgency to it. He believes his dilemma was that he issued a 30 day notice at the end of April to be out by

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the end of May, he also then because the rent wasn't paid - he is allowed to do a 3 day notice to quit, which he did because her rent wasn't paid. So the judge is looking at the 30 day notice at the end of May, he is looking at the 3 day notice which would have been up already and he needed time to look at the law.

Councilman Taylor asked the Chief if the problem is just that one apartment right now.

Chief Mawn acknowledged that this is a fair statement. The truth of the matter is if she never moved into that building, we wouldn't be here discussing it today. The problem is not just this girl, it is the people that are in there with her that are also the problem.

Mr. Nock asked the Chief for assistance in how he can legally get rid of those people who are not on the lease.

Chief Mawn gave Mr. Nock a suggestion, if you want to seriously help this situation; you give the Chief of Police a list of people allowed in that building and you will sign a complaint with him and that complaint will say anybody else does not have permission to be in this building and I want them arrested for trespassing. If you sign that complaint, anybody that goes into that building that is not on the list my officers can arrest them for trespassing. That is how it works, he needs you on paper signing a complaint and he needs a list.

Mr. Nock stated that this is good to know. That was rented to one person and one person only.

Resolution #161-2018 brought by Joseph Giordano, seconded by Wayne Taylor to table this public hearing regarding 67 Montcalm Street and the Nuisance Law to June 14, 2018 at 6:00 p.m. **All in Favor** Joseph Giordano - Aye, Dorcey Crammond - Aye, Wayne Taylor - Aye, Joyce Cooper - Aye, Dave Woods - Aye. **Opposed** - none. **Carried.**

Resolutions for Consideration

Resolution #162-2018 brought by Dave Woods, seconded by Joyce Cooper to offer employment to Marcia Hay for the position of part-time, library aide at the Black Watch Memorial Library at the hourly rate of \$12.24 per hour, no benefits, effective May 24th. **All in Favor** Joseph Giordano - Aye, Dorcey Crammond - Aye, Wayne Taylor - Aye, Joyce Cooper - Aye, Dave Woods - Aye. **Opposed** - none. **Carried.**

Resolution #163-2018 brought by Wayne Taylor, seconded by Dorcey Crammond to offer employment to Saidi St. Andres as Day Camp Counselor at the pay rate of \$12.00 per hour, no benefits. **All in Favor** Joseph Giordano - Aye, Dorcey Crammond - Aye, Wayne Taylor - Aye, Joyce Cooper - Aye, Dave Woods - Aye. **Opposed** - none. **Carried.**

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Resolution #164-2018 brought by Dave Woods, seconded by Joyce Cooper authorizing training and prepayment vouchers for registration, hotel, meals and travel Via the Federal Per Diem rates: Eric Blanchard, Basic Operations of WWTP, Morrisville, NY, July 22 - August 2, 2018 and Jim O'Bryan, Justice Training, SUNY Potsdam, July 17-18, 2018. **All in Favor** Joseph Giordano - Aye, Dorcey Crammond - Aye, Wayne Taylor - Aye, Joyce Cooper - Aye, Dave Woods - Aye. **Opposed** - none. **Carried.**

Resolution #165-2018 brought by Joseph Giordano, seconded by Dorcey Crammond authorizing the promotion of Chattie Van Wert to Senior Account Clerk at the hourly rate of \$24.23, effective May 21st, 2018. **All in Favor** Joseph Giordano - Aye, Dorcey Crammond - Aye, Wayne Taylor - Aye, Joyce Cooper - Aye, Dave Woods - Aye. **Opposed** - none. **Carried.**

Resolution #166-2018 brought by Wayne Taylor, seconded by Joyce Cooper authorizing the following budget adjustments:

- o A.2690 Gifts & Donations by private sources \$10,000
- o A.1620.462 Buildings & Grounds maintenance \$10,000

Receive funds from Black Watch Memorial Library C/O John McDonald to be used for major repairs to library building.

All in Favor Joseph Giordano - Aye, Dorcey Crammond - Aye, Wayne Taylor - Aye, Joyce Cooper - Aye, Dave Woods - Aye. **Opposed** - none. **Carried.**

Resolution #167-2018 brought by Joseph Giordano, seconded by Wayne Taylor authorizing the following budget transfers:

- o A.0230.014 Capital Reserve Senior Bus -\$2,242.88
- o A.6772.463 Programs for Aging Vehicle Repair & Maint. \$2,242.88

Rental of van until new senior bus arrived

All in Favor Joseph Giordano - Aye, Dorcey Crammond - Aye, Wayne Taylor - Aye, Joyce Cooper - Aye, Dave Woods - Aye. **Opposed** - none. **Carried.**

Resolution #168-2018 brought by Wayne Taylor, seconded by Joseph Giordano to purchase a 2016 Ford F-250 with a utility body for the highway department for \$38,246.50 with funds to come from highway fund balance. (documents/comparisons on file w/ title) **All in Favor** Joseph Giordano - Aye, Dorcey Crammond - Aye, Wayne Taylor - Aye, Joyce Cooper - Aye, Dave Woods - Aye. **Opposed** - none. **Carried.**

Supervisor Giordano informed the board that Mike Forand from the 4th of July Committee extended the invitation for the board to participate in the 4th of July Parade.

NYS Weights and Measures recognized Wayne Taylor for his finding of a skimming device that would take credit card information. This skimming device found at Keeseville Mobil and it would send out the credit card information as a text page. This was inside the unit, very sophisticated.

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- A.6772.463 Programs for Aging Vehicle Repair & Maint.
\$2,242.88

Rental of van until new senior bus arrived

- RESOLUTION to purchase a 2016 Ford F-250 with a utility body for the highway department for \$38,246.50 with funds to come from highway fund balance.