

**TOWN OF FORESTPORT  
PUBLIC HEARING RE: UNSAFE BUILDING (MARLEAU)  
WOODGATE FIRE HALL  
JUNE 18, 2014 @ 6:15 PM**

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PUBLIC HEARING MINUTES RE: UNSAFE BUILDING (MARLEAU)  
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**MEMBERS PRESENT**

Supervisor Parker Snead  
Councilwoman Joanne Kwasniewski  
Councilwoman Nancy Kardash  
Councilman Ronald Scouten  
Councilman Charles Scott  
Deputy Town Clerk TJ Entwistle

**MEMBERS ABSENT**

Town Clerk Shelley Entwistle

**CALL TO ORDER:**

The meeting was called to order by Supervisor Snead at 6:20 pm.

**LEGAL NOTICE:**

Supervisor Snead read the legal notice.

**COMMENTS:**

Town Attorney Ted Earl inquired if anyone was present for the Marleaus. No one in the gallery stated that they were.

Mr. Earl explained that the hearing is part of the process within the Unsafe Building Law enacted in 1983. Codes Officer Brad Smith has been working the process since 2009, and had previously served Mr. Marleau in 2009 via certified mail which he refused to accept. Consequently Mr. Smith served him in 2014 via the Postal Service with a tracking number, and that delivery was confirmed.

Mr. Smith stated that after confirming delivery he did speak to Mr. Marleau on one occasion however, there was no contact following that despite numerous phone attempts.

Attorney Earl stated that based on the record it is clear Mr. Marleau is in default, and the town board should act in some capacity to rectify the unsafe building.

A question arose from the gallery regarding the liability to the town taking over the demolition of the building. Should we hire an engineer to validate the fact it is in fact an unsafe building? This would relieve the responsibility from both the town board and Codes Officer Smith as well.

The gallery also inquired as to who would be responsible for the cost of the demolition? Supervisor Snead stated that the town has budgeted \$20,000 for this very purpose but the town is hopeful they can get reimbursed through a tax sale of the property.

Dave Ultsch stated that he is very concerned about the liability to the town as well as the cost. He also stated he does not feel the town will receive total reimbursement.

Attorney Earl reported that the town cannot justify the cost of hiring an engineer with the in house expertise of the Codes Officer available to make the determination of the safety of the building. He also reported that while the town will not likely be reimbursed totally, it is the responsible thing to do to investigate the options available. If bids for demolition are sought, then the board can make an informed decisions regarding the future of the building.

Someone questioned if the property was in tax arrears or had liens on it, and Attorney Earl stated no. He will present findings and an order at the July Town Board meeting, at which point the board can vote whether to move forward with the next step.

**ADJOURNMENT:**

A motion was made by Supervisor Snead and seconded by Councilman Scouten to adjourn the hearing. Roll call vote:

Councilwoman Kwasniewski – yes

Councilwoman Kardash – yes

Councilman Scott – yes

Councilman Scouten – yes

Supervisor Snead – yes

There being no further business, the hearing was adjourned at 6:48 pm.

Respectfully submitted,

Deputy Town Clerk TJ Entwistle