

Hearing  
August 28, 2013

A hearing was held in the Marcellus Town Hall, 24 E. Main Street, Marcellus, New York, County of Onondaga, State of New York on Thursday, August 28, 2013 at 7:00 p.m. The purpose of this hearing was to review the determination of the CEO that the structure at 2490 Scotch Hill Road, Marcellus, NY 13108, is an "unsafe or dangerous structure".

Those present at the hearing:

Gerard E. Wickett, Hearing Officer  
John Houser, Codes Enforcement Officer  
Richard Andino, of Costello, Cooney and Fearon, PLLC  
Tom Lathrop, Councilor  
William Lowery, Son of property owners  
William Southern, Resident of Sheehan Road  
John Scanlon, Councilor, arrived at 7:10 pm  
Sandy Taylor, Town Clerk

The hearing started at 7:00 pm with Mr. Wickett explaining this hearing is on the condition of the structure at 2490 Scotch Hill Road, Marcellus, New York. This structure had a fire on May 5, 2012, and was severely damaged by fire, smoke and water.

Richard Andino stated that in reviewing all the information from John Houser, Codes Enforcement Officer and TDK (the Towns Engineers), the structure is unsafe and dangerous.

Richard Andino presented to Mr. Wickett and Mr. Lowery the following:

Town Exhibit #1 – Condemnation Packet  
Town Exhibit #2 – TDK Engineers Report  
Town Exhibit #3 – Letter to James Lowery from John Houser dated Aug. 31, 2012  
Town Exhibit #4 – Letter to James Lowery from John Houser dated Nov. 9, 2012  
Town Exhibit #5 – Return receipt from James Lowery to John Houser

John Houser, Codes Enforcement Officer, had limited contact with the owners until about a month ago. Mrs. Lowery and her daughter came into see him and John explained the deadline of October 14, 2013. If the structure is not repaired or removed by the time provided, the Town of Marcellus will cause the structure to be repaired or removed.

William Lowery explained that they are in the process of getting prices for the demolition of the structure at 2490 Scotch Hill Road, Marcellus, New York. They are waiting on one more proposal and hope to have a decision made by the end of next week.

Richard Andino reiterated to William Lowery that if they have the structure demolished themselves, it will be cheaper than having the Town of Marcellus demolish it.

John Houser explained that he will help William Lowery with all the permits and the process it once they decide on a company.

Gerard Wickett stated to William Lowery that if they are unable to make arrangements to have the demolition completed by the deadline of October 14, 2013 as stated in the condemnation notice that the Town would then proceed with the demolition. William Lowery said that he understood.

Hearing was adjourned at 7:25 pm.

Respectfully Submitted,

Sandy Taylor  
Town Clerk