

**TOWN OF BRUNSWICK
SPECIAL MEETING
MAY 9, 2022, 7:00 P.M.
TOWN HALL**

Board Members Present: Supervisor Herrington, Councilman Christian, Councilman Sullivan, Councilman Balistreri and Councilman Cipperly.

Board Members Absent: None.

Also Present: Town Attorney Thomas Cioffi and Town Clerk, William J. Lewis.

Supervisor Herrington called the Special Meeting to order at 7:05 p.m. and asked the Town Clerk to read the notice into the record. The notice had been posted on the Town website, the Town bulletin board and forwarded to The Eastwick Press newspaper. All members of the Town Board had been notified, and had confirmed notification. The Special Meeting was called for the following purposes:

To consider reports from the Town Code Enforcement Officer/Building Inspector and a Town-designated licensed professional engineer stating that a certain fence owned by Barry Thompson now being constructed on a lot located at 383 North Lake Avenue, in the Town of Brunswick, is unsafe and dangerous, and to consider the adoption of a Resolution and Order directing that said fence be secured and repaired or demolished commencing within 20 days after the service of a Notice on the owner of the property and completed within 45 days thereafter and scheduling a public hearing before the Town Board for further consideration.

Supervisor Herrington gave a brief statement covering the timeline, from the first inspection to the current proposal considering the matter for legal action. As required by Town Law 59-4, if the Town Code Enforcement Official has knowledge or information that a structure is or may become unsafe, he/she must inspect the structure and prepare a report, including a report by a licensed architect or engineer, pertaining to the safety of the structure, and forward these reports to the Town Board. Reports by Mr. Charles Golden, Code Enforcement Officer, dated Nov 9, 2021, and Mr. Wayne Bonesteel, PE, dated October 4, 2021 were received. The reports concluded there were deficiencies in construction and the safety of the structure was in question. Mr. Thompson submitted a stamped engineering plan produced by Nolan Engineering, PLLC, dated December 2, 2021, which addressed the measures needed to secure the structure. These were considered acceptable by Mr. Golden and Mr. Bonesteel. A subsequent report by Mr. Bonesteel dated May 3, 2022, concluded that though repairs completed to date were in accordance with the Nolan Engineering plan, there was significant work to be completed, which should be done in a timely manner to insure safety. After review of the reports, the following Resolution has been drafted for consideration by the Town Boards, to serve Notice to Mr. Thompson, setting forth a legal requirement for completion of repairs within a specific time period.

Attorney Cioffi read the entire Resolution into the record.

RESOLUTION:

Resolution No. 39 Resolution Pursuant to Section 59-5 of the Brunswick Town Code Determining that a Structure is or May Become Unsafe, Ordering it to be Secured and Repaired, and Directing that Notice be Served Upon the Owner. The foregoing Resolution, offered by Councilman Christian and seconded by Councilman Sullivan, was duly put to a roll call vote as follows: Councilman Christian, Voting Aye; Councilman Sullivan, Voting Aye; Councilman Balistreri, Voting Aye; Councilman Cipperly, Voting Aye; Supervisor Herrington, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

As called for in the Resolution, a date for the public hearing regarding this matter was agreed upon by all Board Members. The hearing will be held at Town Hall on Thursday May 26, 2022, commencing at 6:00 pm.

Supervisor Herrington inquired if repairs to the fence required being on the neighbor's property. Mr. Golden thought that would be the case. It is hoped this won't become an issue moving forward.

Mr. Andrew Gilchrist, attorney for the Zoning and Planning Boards, asked the Tow Clerk to execute the Notice referred to in the Resolution. He then served this Notice to Mr. Thompson, who was present at the meeting.

ADJOURNMENT:

Councilman Christian made a motion to adjourn the meeting, seconded by Councilman Balistreri. Approved. The meeting adjourned at 6:35 p.m.

Respectfully submitted,

William J. Lewis
Town Clerk