

Minutes of a Chapter 54 Public Hearing held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Thursday, September 28, 2000, at 11:30 a.m.

Present:

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
James Lull,	Councilman
Christopher Kent,	Councilman
Philip Cardinale,	Councilman
Leroy Barnes,	Building Inspector
Matthew White,	Code Enforcement Officer
Bruce Johnson	Fire Marshal

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Kozakiewicz: "The time of 11:41, according to my watch, because we don't want to go by the clock, has arrived. If we can open the first hearing with regard to Chapter 54. Barbara, you have the mike. All right."

Public Hearing opened: 11:41 a.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on September 28, 2000 at 11:30 a.m. regarding Chapter 54 Unsafe Buildings and Collapsed Structures property owned by Wickham C. and Frances Tyte, 1008 East Main Street, Riverhead, New York."

Supervisor Kozakiewicz: "Okay. Mr. Johnson, you are here to testify on behalf of the Town with regard to this Chapter 54?"

Bruce Johnson: "Yes, I am."

Supervisor Kozakiewicz: "Okay. Would you please state your title with the Town and your experience and background with regard to this? Oh yes, I'm sorry. I forgot. Usually I have the Town Attorney do that. Yes, would you please raise your right hand and follow after me. Do you swear to tell the truth, the whole truth and nothing but

the truth, so help me God?"

Bruce Johnson: "Yes, I do."

Supervisor Kozakiewicz: "Thank you. Go ahead. Now, set forth your- for the record your job with the Town, how long you've been so employed, and your familiarity as far as with Chapter 54's are concerned."

Bruce Johnson: "My name is Bruce Johnson, Fire Marshal for the Town of Riverhead, have held that position since April of 1998. I am currently a certified New York State Code Enforcement official, trained and cited to enforce the Uniform Fire Prevention Building Code. I have experience as 19 years in the volunteer fire service, holding a number of positions including Chief Officer. I have attended numerous trainings dealing with issues of building construction, structural integrity, collapse of buildings during fires. I currently am a training chief for the Suffolk County Fire Academy, hold certification as a National Fire Safety Instructor. I also teach for the Empire State College, the Bachelor's program in Fire Science. I teach topics on fire prevention and fire protection engineering. And I think that's the extent of my qualifications."

Supervisor Kozakiewicz: "Okay. And as Fire Marshal, would those duties include enforcement of Chapter 54 of the Code of Riverhead?"

Bruce Johnson: "Yes, it would."

Supervisor Kozakiewicz: "Okay. And with regard to the substance of this particular public hearing, you- could you state how it is that you came to this particular piece of property, where it's located, the tax map number, etc.?"

Bruce Johnson: "This piece of property is tax map number 600-106-4-005, designated as 1008 East Main Street. I became aware of this property after receiving an anonymous complaint from a member of our community that there might be someone living in this building and that they felt that the conditions warranted an inspection."

Supervisor Kozakiewicz: "Okay, just to- for the record, make us aware of where this particular building is located? You said East Main Street, 1008. Where is that exactly?"

Bruce Johnson: "It's- yeah, right across from Riverhead Brake."

Supervisor Kozakiewicz: "Okay. So this is near Hubbard Avenue?"

Bruce Johnson: "Right."

Frances Tyte: (From the audience, inaudible)

Supervisor Kozakiewicz: "Are you Mrs. Tyte?"

(Unidentified): (Inaudible)

Supervisor Kozakiewicz: "Okay. We'll have you- are you going to testify with regard to this as well, Mrs. Atkinson?"

Shirley Atkinson: "I wanted to see what I could find out."

Councilman Kent: "Well, she should come up to the- are you applying for the extension?"

Supervisor Kozakiewicz: "Well, yes- would you come- "

Shirley Atkinson: "(inaudible) from my father's estate, and I cam down when the notice was- "

Councilman Kent: "Hold on a second. Just- "

Supervisor Kozakiewicz: "Why don't you come up to the table? Because what I'd like to do is have Mr. Johnson- "

Councilman Kent: "-- to the table. Are you- were you served with papers?"

Shirley Atkinson: "I got a certified letter in the mail February the 5th or the 6th it was sent out and I never heard anything about it before until my tenant come over and told me there was a thing on the door and I never knew anything about it. She comes complaining to me about why is this there, whatever. I called Town Hall, I got a message on the machine that said that they would get back to me in two business days and never called back. I called again- "

Councilman Kent: "Yeah, okay- before-- you're going into testimony. I just want to see if you're a party to this. Who owns the property?"

Shirley Atkinson: "I know it belongs to my father's estate- my mother and father's estate."

Councilman Kent: "Your father's name is- "

Shirley Atkinson: "Wickham C. Tyte."

Councilman Kent: "Wickham C. Tyhte. And your name is?"

Shirley Atkinson: "Shirley Atkinson. I was a Tyte before that."

Councilman Kent: "And where do you reside?"

Shirley Atkinson: "992 East Main Street."

Barbara Grattan: "Atkinson, is it?"

Shirley Atkinson: "Yes. Atkinson."

Councilman Kent: "Atkinson. And you are the daughter of Wickham C. Tyte who is the owner of the property?"

Shirley Atkinson: "I'm one of the daughters."

Councilman Kent: "And he is deceased?"

Shirley Atkinson: "He was- "

Councilman Kent: "And he is deceased?"

Shirley Atkinson: "Yes, he is."

Councilman Kent: "Okay. Thank you. Go ahead, Mr. Johnson."

Supervisor Kozakiewicz: "So where- "

Bruce Johnson: "We have the location and we've described the location of the property."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "This is a residential zone property? Is it residential."

Supervisor Kozakiewicz: "Is it a residence is the question?"

Bruce Johnson: "It is zoned for and it is designated as a commercial building. It's a small single story building. Basically, you know, it's kind of an open box. It's suitable for like a retail type operation."

Councilman Kent: "Is there a retail operation being conducted in the downstairs portion?"

Bruce Johnson: "It's a single story."

Councilman Kent: "Oh, single story. I'm sorry. Is it- is that where the Ministries is located?"

Bruce Johnson: "That was the sign on the outside of the building. That is correct. That's the building we are talking about."

Supervisor Kozakiewicz: "All right. And with regard to your inspection, when was that done?"

Bruce Johnson: "That inspection was done at approximately 2:30 p.m. on August 3rd of this year."

Supervisor Kozakiewicz: "Okay. And was anyone else present from the town at the time you performed the inspection?"

Bruce Johnson: "Yes. The inspection was done with one of our rental inspectors, Jack Weary (phonetic) and we also had two uniform members from our police department (inaudible) unit."

Supervisor Kozakiewicz: "Okay. And your inspection consisted of an inspection from the exterior or the interior as well?"

Bruce Johnson: "The initial inspection was for the exterior only. After making observations and determining that the building was a violation of our Chapter 54, we had gone ahead and proceeded with the paperwork and had posted that property and one or two days later I was contacted by a person who reported to be a tenant living in the building and I met her at that site and she allowed me to do an inspection of the interior of the premises so we have, you know, follow up information from that second inspection that included the interior."

Supervisor Kozakiewicz: "Now, is the interior inspection also detailed in your report?"

Bruce Johnson: "Yes, it is."

Supervisor Kozakiewicz: "Okay. And- yeah, I was going to ask that. Do you recall what the name of the tenant- "

Bruce Johnson: "Yes, the person that I spoke with was Cynthia Love. She gave me a date of birth of 4/47/52 and she also purported that- "

Councilman Kent: "4/47- I think there's- "

Bruce Johnson: "I'm sorry, you're right. Probably 4/27/52. Chris? She reported that there were also three other people that were residing with her in this building at that time. A person named Tracy Krent- Trent-- T-R-E-N-T, who is- she reported to be her daughter, date of birth of 5/16/69. She reported a Zalika-Z-A-L-I-K-A McKay, date of birth of 2/23/94 to be her granddaughter or daughter to Cynthia, and also a Rashona Baker- B-A-K-E-R, date of birth 6/14/92, a daughter of Tracy, so all related parties but a total of four people living in that particular commercial building."

Supervisor Kozakiewicz: "And what did your inspection find when you performed an inspection of the premises?"

Bruce Johnson: "The combined report for both the exterior inspection and the subsequent interior inspection, we determined the building to be structurally unsafe and structurally dangerous. The building is not provided with adequate egress. The windows on the building in the rear and on the east side were boarded over, inadequate maintenance, dilapidation and obsolescence.

We observed broken windows that were boarded over, structural leaks, structure rotten and in need of repair, severe cracks in the block wall observed on the outside of the building. Rotten fascia board, deteriorated chimney, faulty wiring, excessive extension cords. A dangerous electric riser on the outside of the building which is the service riser where the power comes in. We observed a large amount of trash and debris to the rear of the building.

The interior inspection revealed basically there were- it was an open type of building with a bathroom towards the rear. The building from front to rear was basically loaded with storage, personal items,

furniture, which Miss Cynthia Love reported were her personal belongings that she has accumulated with her. It was very difficult to walk from front to rear.

There was some makeshift beds in the back of the building where these people were sleeping in the evening. There was no smoke detectors. Again, there was inadequate egress. Very sloppy conditions probably bordering on unsanitary. No heat working in the building. It was during the summer months and they really didn't have, you know, a need to provide heat so we didn't find any kind of portable heaters or anything but extension cords for lighting, you know, basically very unsafe, very dangerous conditions for people to be living in, sleeping in overnight. The building was not designed for that and the building was found to be in, you know, a poorer and unmaintained condition besides the fact that it's not suitable for people to be living and sleeping in."

Councilman Kent: "You had stated that it was structurally- you thought it was structurally unsafe?"

Bruce Johnson: "We had definite concerns, seeing cracks in the block walls and we could see long cracks and the mortar where it was starting to separate showing some structural problems and probably, again, rotten fascia boards and siding on the front so we had some concerns about the structural integrity. We really weren't able to make a good inspection of the roof."

Supervisor Kozakiewicz: "You know, I noticed that you were reading off of a report which I assume is part of the report that was given to the Town Clerk's office?"

Bruce Johnson: "That is correct."

Supervisor Kozakiewicz: "And that was done as part of your regular and usual business duties?"

Bruce Johnson: "That's correct, pursuant to Chapter 54."

Supervisor Kozakiewicz: "Okay. Do you have any objection to that report being made part of the record, ma'am?"

Shirley Atkinson: "No."

Supervisor Kozakiewicz: "Okay. I would ask that it be admitted into evidence and made part of the record. Do you have any

recommendation to us as Town Board as to what you would like to see done with this particular structure?"

Bruce Johnson: "The- I guess the follow up is that we also issued an order to vacate and posted that order. Miss Cynthia Love agreed voluntarily to abide by that order. She realized that it was unsafe. She had indicated to me that she really didn't want to live there but she was between permanent housing and that she did, you know, realize when we talked about the conditions that it would be unsafe for her and her family to continue to live there. We did make an offer to refer her to Suffolk County's emergency housing but she indicated she would be able to find suitable quarters on her own.

We allowed her a couple days to remove her belongings from the structure so really the first point is that no one should be occupying this building, certainly no one should be sleeping there. It's not zoned for that, the building does not have any, you know, protective features, again like smoke detectors, properly operating front and rear doors and emergency windows, all requirements in the State code for living space.

So the first stipulation would be that the building not be utilized for any kind of residential or rental occupancy and that it remain secured until such time that it can be brought up to code for a proper use in that business district, whether it be, you know, retail storefront, whatever is allowed in that zone. I believe that's the recommendation from the Building Department."

Supervisor Kozakiewicz: "There's no need for the structure to come down at this point in time I take it from what you are testifying to?"

Bruce Johnson: "I don't believe so. I think that even some of the structural cracks probably can be repaired. There would certainly need to be, you know, plans submitted by an engineer or an architect, qualified and licensed to do that, probably to check the roof. But I think the building could be brought up to code again. I don't think it is necessary for it to come down. It should stay unoccupied and it should be secured from illegal entry until it is brought up to code."

Supervisor Kozakiewicz: "Thank you. Anything further?"

Bruce Johnson: "Not at this time."

Supervisor Kozakiewicz: "Okay. Do you wish to make a comment or statement or give testimony?"

Shirley Atkinson: "I'd like to say, yes, I'd just like to say I was never notified of anything until the notice was put on the door not to go in. And she came over and raised all kinds of Cain with me-- why did I do this to her? She was trying to work with me.

First of all, it was rented to her and it was just the church and church services and then she did have buffets in there where she sold food, you know, she had dinners, take out dinners for people that could come in to raise money for the church. And then the next thing I know, it was only maybe three or four months ago, I found out that she was living in there and then she had her grandchildren because she takes care of them, her grand-- this is what she told me that she had and that they had them there. So I told her that it was illegal, she could not be there, she had to get out because it's going to cause trouble because you cannot live in that building, it was not zoned for building. And she said she understood."

Supervisor Kozakiewicz: "For residential."

Shirley Atkinson: "She was building a house supposedly up in Coram and the closing was moved and they were having problems, so she said. And I told her, well, you've got to get out because otherwise there's going to be a problem. And she promised that she was going to be out of there, you know, within a couple months. Then she told me when that notice was on the door, she come down-- the building with me because she come and told me and it was on a Saturday so you couldn't come on a Saturday, so he was going to come down with her Monday. I went to meet her Monday, she never showed up, she never came. Then I saw her son and some people taking stuff out of the building because she told me she had some birds in there and a planter in there and they were all going to die and all this stuff. So then I see them, but I didn't see her. And I don't want to get mixed in with all these other people, who they are, what they are. I never had a key to the store since she rented it. It's locked up now, I can't get in."

Councilman Kent: "Is it vacant now?"

Shirley Atkinson: "Yes. It's vacant. I mean I don't know; I haven't been inside so I don't know what's inside. She has the key; I never had a key to the store since she rented the place and she claims she changed all the locks on it and I went over today to see if any of them-- it's all locked because I wanted to see, you know, what it was

or what needed to be done. And I don't even have a telephone number for her now."

Councilman Kent: "Okay. Did you have a lease with her?"

Shirley Atkinson: "It was just verbal."

Councilman Kent: "Okay. And do you feel she's vacated the premises and abandoned it at this point?"

Shirley Atkinson: "I don't know if she's abandoned it because she told me she still wanted to rent it. When I came down because I got a notice from the Town- "

Councilman Kent: "Do you understand what the proposed- what the proposal is from the Town- it is just to board it up until such time as you can make some improvements to- "

Shirley Atkinson: "Well, I don't know what you can board. There's a back door and a front door and they're both locked, you know what I'm saying. I don't know."

Councilman Kent: "What is your family's intent with this building? Are you looking to make improvements to the building so it can be used as a commercial structure?"

Shirley Atkinson: "I want to if it doesn't cost too much. See, there's six people to the estate and nobody can agree on nothing. And my father- "

Councilman Kent: "That's usual. That's usually how it is."

Shirley Atkinson: "And my father-- me and my sister. My youngest sister died from cancer so I'm trying to do everything and nobody will help, nobody pays. I pay for everything. And it's just--"

Councilman Cardinale: "How long ago did your father die?"

Shirley Atkinson: "1995."

Councilman Cardinale: "Is there an executor of the estate?"

Shirley Atkinson: "That's what I'm telling you. It's not called an executor, an administrator I guess."

Councilman Kent: "Right, there's no will."

Shirley Atkinson: "My sister and I. Well, we- my sister died from cancer since then, she died in '97. So I've been doing things and doing it. She hasn't been paying the water bill. She keeps telling me it's paid and I come up here and every time I pay my water bill for the rest of the estate, I ask is the bill paid? Yes, it's paid. I said well they told me at Town Hall it's not paid, you still owe. She said I was just up there and paid it the other day. I came here the other day and paid the water bill, and it's not paid. I paid her water bill for almost \$76."

Supervisor Kozakiewicz: "I think what Councilman Kent was trying to find out, you've heard the recommendations from the Fire Marshal on behalf of the town that it not be used for residential use, that there be no occupancy in that fashion and further that if there's going to be any use made for the property which would be a commercial use, a non-residential use, that the town receive plans from an architect or an engineer certifying that it is structurally sound and that it's, you know, being operated in compliance with the state building code."

The question from Councilman Kent was do you have any issue with what was stipulated or what the conditions were that were put forth by Mr. Marshal- by Fire Marshal Johnson on behalf of the town."

Shirley Atkinson: "No. I don't know. I'll have to talk to my- someone that knows something about it because I don't know. And I just resent the fact that I was not notified until I got this in the mail and it was delivered on the 7th."

Councilman Kent: "We're glad that you're here today."

Supervisor Kozakiewicz: "I think- "

Shirley Atkinson: "That's right because I was here. But I was not given anything or told anything about it or any kind of anything and I was trying my best to get what I could. The lady was supposed to be out of there not- well, out, not living there, because she was supposed- and I don't even know if that's true now or not. But I mean I guess she's got a place, but I don't know. But I don't know and I don't have a phone number for her because she had a phone and supposedly the reason she was living there was because she had a dispute with whoever she was living with and she had no place to stay."

Supervisor Kozakiewicz: "All right."

Shirley Atkinson: "That's all I can tell you."

Supervisor Kozakiewicz: "Well, thank you for being here. Now the Building Department of the town knows who the person is to contact with regard to the property and-- "

Shirley Atkinson: "They should have known because I was down there eight times."

Supervisor Kozakiewicz: "All right. All right. Thank you."

Shirley Atkinson: "Eight times and I called twice and left a message and my name and address and number and they said they'd be back in two business days and neither time did they call back."

Councilman Kent: "Do you receive mail at that 992 East Main Street? I think that's the address you gave them."

Shirley Atkinson: "Yes. I get mail."

Councilman Kent: "Do you have a PO Box? Where do you receive your mail?"

Shirley Atkinson: "This is 992 East Main Street. I have an address at 18 Hubbard Avenue but it's my- it was my address for years and years and years and then they made me take the trailer down because I moved it across the street because that's what my family wanted to take care of the house. They wanted it moved over there. And I was using the trailer for storage but they made me take that down."

Councilman Kent: "Well, let's not get into that."

Supervisor Kozakiewicz: "Okay. Anything else, guys?"

Councilman Kent: "But 992 East Main Street, I want to make sure that's- "

Supervisor Kozakiewicz: "That's the proper- "

Shirley Atkinson: "Yes. 992 East Main Street."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "Can we also contact you by phone if the Building Department needed to contact you?"

Shirley Atkinson: "Yes."

Councilman Kent: "What's your telephone number?"

Shirley Atkinson: "369-1710."

Supervisor Kozakiewicz: "Okay. Very good. Thank you."

Councilman Kent: "I think we'll try to work cooperative with you. If you do not make some type of agreement with the Building Department, you understand that the town could now board up that property and charge the cost of boarding it up- "

Shirley Atkinson: "Well, okay, what has to be done to be boarded up?"

Supervisor Kozakiewicz: "I think you're saying there's nothing to board up at this point. The board's are secured, the windows are boarded up presently?"

Shirley Atkinson: "Yes. Apparently the windows on the side have been boarded up for years. When the people next door had the beauty parlor in there, they're the ones that boarded that up."

Supervisor Kozakiewicz: "Yes, Mr. Johnson."

Shirley Atkinson: "What- if that wall that I have- I mean I don't have to do any- you know, trying to find about how I can get into the building so I can see what has to be done."

Supervisor Kozakiewicz: "I think you're going to have to either retain a locksmith or some other way to get back in but that's something that we can't address."

Shirley Atkinson: "Okay."

Supervisor Kozakiewicz: "All right. Mr. Johnson, I think you had some comment with respect to the previous comments. Is that fair to say?"

Bruce Johnson: "Yes. One clarification in terms of securing the building. I believe that if the doors, you know, are working

properly as we just stated, as long as the windows remain securely boarded, I would also recommend that the owner have a locksmith change the keys. She reported that we have an unknown tenant out there now that still has keys to the building and really should not be accessing the building. Mrs. Wickham as the owner of the property has the right to go in even, you know, under the unsafe structure provision, she has the right to inspect her own building but she really should be the only one that has keys to the building and, you know, the locks should be changed to make sure that no one else is gaining access to this building besides the owner."

Councilman Kent: "Would you agree to do that, change the locks?"

Shirley Atkinson: "Yes. Do I have- yes, I will, I want to but, you know, I see, but I think that (inaudible)."

Supervisor Kozakiewicz: "I think the answer is yes, she will."

Shirley Atkinson: "But I don't have to board up the window?"

Supervisor Kozakiewicz: "If the windows are intact, no."

Shirley Atkinson: "There's one window in the front."

Bruce Johnson: "The front window in the front, if that is intact now, that does not need to be boarded over."

Shirley Atkinson: "Okay. So all I have to do is change the locks so that nobody else has a lock- I mean a key to the building--"

Councilman Kent: "Correct."

Supervisor Kozakiewicz: "Correct."

Shirley Atkinson: "-- and can get in. Because all the rest of it is already boarded up except for- "

Supervisor Kozakiewicz: "As long as it's secure, I think the, you know, as long as the window has- the plate glass in it, it's locked, it can't be accessed. The windows that are broken are covered and boarded up and the door, you have the key and you're the only one who has access to it, that will be satisfactory."

Shirley Atkinson: "Well, I'm 100% for that because- "

Councilman Kent: "And if you plan to make any improvements there, come to the Building Department and make application. All right?"

Shirley Atkinson: "Yes."

Supervisor Kozakiewicz: "Okay."

Shirley Atkinson: "Okay. Thank you."

Supervisor Kozakiewicz: "Nothing further. The time of 12:05 having arrived, close this Chapter 54."

Public Hearing closed: 12:05 p.m.

Public Hearing opened: 12:05 p.m.

Supervisor Kozakiewicz: "12:05 now having arrived, Barbara, would you open up the second Chapter 54?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on September 28, 2000, at 11:35 a.m. regarding Chapter 54 Unsafe Buildings and Collapsed Structures, property owned by Lorna Kiley d/b/a R&R Mobile Home Park, Inc., Post Office Box 2138, New York, and occupied by John Hatton."

Supervisor Kozakiewicz: "John Hatton?"

Barbara Grattan: "H-A-T-T-O-N."

Supervisor Kozakiewicz: "Okay. Lorna Kiley is here. Okay. Okay. All right, Mr. Johnson, you're also testifying in this one?"

Bruce Johnson: "Yes, I am."

Supervisor Kozakiewicz: "Okay. And you consider yourself still sworn from the prior hearing?"

Councilman Kent: "Why don't we put that they're present first on this one?"

Supervisor Kozakiewicz: "Sure, okay. Would you please state

your names so that we can have you indicated as being present as well with regard to this particular Chapter 54?'

John Hatton: "Certainly. My name is John Hatton."

Supervisor Kozakiewicz: "And your address?"

John Hatton: "Number 3, Carl's Place, Riverhead, New York."

Supervisor Kozakiewicz: "And?"

Lorna Kiley: "Lorna Kiley, owner/manager of R&R Mobile Home Park."

Supervisor Kozakiewicz: "And your address?"

Lorna Kiley: "8200 Boulevard East, North Bergen, New Jersey 07047."

Supervisor Kozakiewicz: "Okay, thank you. Mr. Johnson, your credentials and your qualifications and your background with the town are considered noted for this hearing as well as from the prior hearing."

Bruce Johnson: "Thank you."

Supervisor Kozakiewicz: "With regard to this particular piece of property, when did you cause an inspection to be made for purposes of Chapter 54 of the code of the Town of Riverhead?"

Bruce Johnson: "An inspection was performed on August 9th and this particular property was looked at at approximately 3:10 p.m."

Supervisor Kozakiewicz: "Okay."

Councilman Kent: "Which property is- "

Bruce Johnson: "Okay, a description of the property is tax map number 105-01-002, trailer number three at the R&R Mobile Home Park, street address of 235 Old Country Road in Riverhead."

Supervisor Kozakiewicz: "And would you please state what your findings were when you performed the inspection on August 9th at about 2- 3:10 in the afternoon."

Bruce Johnson: "During a routine inspection that was done by myself, the two code enforcement officers for the Town of Riverhead, a rental inspector, members from our Police crew unit, New York State Environmental Conservation Police and Suffolk County Health Department. We did an inspection of both the exterior and the interior of the trailer number three owned by Mr. John Hatton and we found that there had been obviously some additions and repair work done to this trailer without the benefit of a building permit or CO. We found there- "

Supervisor Kozakiewicz: "Can you stop there? In particular, what did you find?"

Bruce Johnson: "We found a number of additions, both exterior- a deck being put on, interior walls being changed in the trailer, a bathroom under construction, all again without a building permit.

We observed evidence of structural leaks in the roof. The structure showed areas of being rotten, in need of repair, holes in the floor, missing railing and stairs on exterior steps to the- from the trailer, steps in unsafe condition, shingles missing on the side of the building, rotten fascia board, plumbing in disrepair, faulty wiring, excessive extension cords, improperly supported light fixture, exposed wiring, and we found some unsanitary conditions in the kitchen area.

There were no operating smoke detectors during our interior inspection."

Supervisor Kozakiewicz: "Okay. Now, once again, for the record, you were reading from a report?"

Bruce Johnson: "Yes."

Supervisor Kozakiewicz: "And this report was prepared by yourself?"

Bruce Johnson: "Yes, it was."

Supervisor Kozakiewicz: "And this was prepared at or about the time of your inspection on August 9th, 2000?"

Bruce Johnson: "That is correct. And it was mailed and posted."

Supervisor Kozakiewicz: "And this report is done in the usual course of business?"

Bruce Johnson: "Yes, it is."

Supervisor Kozakiewicz: "Okay. And, in fact, you did prepare it in connection with your usual business duties?"

Bruce Johnson: "That is correct."

Supervisor Kozakiewicz: "All right. Have you seen the report, Mrs. Kiley- Miss Kiley?"

Lorna Kiley: "Miss Kiley. Yes, I have."

Supervisor Kozakiewicz: "All right. Do you have any objection to that report coming into evidence as part of the record?"

Lorna Kiley: "I have no objection."

(Unidentified): "Mr. Hatton is the trailer owner."

Lorna Kiley: "That's fine; it can be in there."

Supervisor Kozakiewicz: "Yeah, okay. That's true, you're right. Okay."

Councilman Kent: "You wish to testify- either one of you will testify?"

Supervisor Kozakiewicz: "Well, I don't think we asked Mr. Johnson what it was that he would be looking- "

Bruce Johnson: "Just some additional notes. We understand that Mr. Hatton's wife is disabled. She's basically incapacitated, gets around in a wheelchair, you know, which adds extra concern to the egress and the smoke detectors necessary for this structure. You know, we found small doorways, really not to code, and we found areas of emergency egress from the bedrooms that would not be suitable for someone that's disabled. So that was obviously another concern.

The- we had originally also issued an order to vacate based on the conditions that we found. That order has not been complied with and at this point we have not proceeded with, you know, further action in superior court for exercising that order to vacate. Again,

depending on what the trailer park owner, Mr. Hatton, would like to present today.

You know, really, it was the recommendation and it still is the recommendation for the trailer to be vacated at least temporarily while significant repairs would be made under approved building plans that are signed and sealed by an architect. A letter from the Building Department. A residential inspector was sent on September 26th. We have received an application for a building permit from Mr. Hatton but, again, because of the condition of the trailer and the repairs or the work that is in progress and, you know, all the different observations that we had, we feel that it is necessary for an architect to review the conditions as they exist today and the plan for improvement to make sure that this trailer will be safe and complies with the New York State Fire Prevention and Building Code before we issue a CO.

And it's obviously very difficult to conduct that type of construction while you're living in a house or a trailer, particularly with someone that's incapacitated. So we would like to see for safety sake that the family relocate to another location, possibly a trailer in the park, get their engineer or architect to submit the approved plans to the Building Department, conduct those repairs, get an inspection, get a CO, and move back in.

If that turns out to be impractical or not economically feasible, then the alternative recommendation would be for demolition and removal and to put a new mobile home on that particular site. That's our recommendation and I don't know if Mr. Barnes has anything to add regarding the application for the building permit or a demolition permit."

Councilman Densieski: "Does the family have the financial ability to relocate?"

Lorna Kiley: "May I say something? Right- at the current time, there are no trailers available for him to move into and- "

Supervisor Kozakiewicz: "I was going to- what I was going to do was ask before we take testimony, first, I don't know if I completed my thought way back as having the record, the paperwork from Mr. Johnson made part of the record, admitted into evidence. Mrs.-- Ms. Kiley, before we have you testify, would you be willing to be sworn?"

Lorna Kiley: "Yes."

Supervisor Kozakiewicz: "Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Lorna Kiley: "Yes, I do."

Supervisor Kozakiewicz: "Okay."

Lorna Kiley: "Currently there are no trailers or mobile homes available for anyone to move into. Every one is either under renovation and owner occupied. I do know that it would be a financial hardship on Mr. Hatton. His wife is- basically immobilized. He's the sole support of the family. He's gone through extensive renovations trying to bring the property up to code. To ask him to move out is almost impossible for the man. John, would you like to say anything?"

John Hatton: "Yes. Will I be sworn?"

Supervisor Kozakiewicz: "Please. Mr. Hatton, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

John Hatton: "Yes, I do. Okay. If I could start with the main concerns that I was made aware of were- "

Supervisor Kozakiewicz: "Let's take a step back before you do that. You've been the owner of this particular trailer for how long?"

John Hatton: "Five years, six years."

Supervisor Kozakiewicz: "Okay. And you've been at this particular location that entire time?"

John Hatton: "That's correct."

Supervisor Kozakiewicz: "Okay. And you have been doing repairs to the premises?"

John Hatton: "Yes. Yes, I have."

Supervisor Kozakiewicz: "For how long?"

John Hatton: "Since I was made aware that some things were not as they should be up to code. I guess that says it all. So, the most major thing that I was aware of was electrical hazards. So I had a

professional electrician come in and address those for which I do have an itemization, I believe, for the work that I was told that I should have to have done."

Supervisor Kozakiewicz: "Was there inspection requested from the Town Building Department to verify the electrical work that's been done to make sure it's in compliance?"

John Hatton: "I thought that Bruce was going to come by prior to this date to inspect the electrical work but I have my receipt and the itemization of the repairs which were made- "

Dawn Thomas: "By a licensed-"

John Hatton: "-- by, yes, a licensed electrician under the name of K. Mack Electric (phonetic). Let's see- oh, yeah, my wife is handicapped."

Lorna Kiley: "She does not have a handicapped ramp."

John Hatton: "Oh, yeah. I- I incurred the expense of approximately \$1,500- \$1,600 to install- reinstall a front entryway ramp when initially Officer White had deemed that the ramp that I built was not sufficient. So I had a professional carpenter come in and I got the CCA wood and everything from A to Z. So I took care of addressing that concern.

There was a deck on the north side of my house that also Officer White had said that this is- we don't feel this is structurally sound so I removed it myself. I removed a deck which was along the back of my house.

As far as siding on my extension that I built, there is now siding which there was not. As far as fascia goes, I bought the fascia, I have it. I just haven't installed it yet. Gutters and leaders have been cleaned and seem to be (inaudible) with runoffs for any excessive water coming from the gutters, the leaders. I have re-roofed the extension that I was informed was leaking.

Oh yeah. The address to sanitary conditions had to do with my bathroom bowl sagging. I subsequently removed my bathroom bowl, reenforced the floor, put the bathroom back together, re-insulated the undercarriage of the house beneath the bathroom, and secured the insulation up to it.

Another point was made that there was a leak in the plumbing underneath the mobile home. On another day, I had gone under there and separated, dried, (inaudible), and put back the PBC lines to the plumbing. The reason why I have the second bathroom going is because I have to provide my wife with a shower, a wheel in wheelchair shower. So that's under construction and that is part of the big picture of the fact that the house is under construction.

Holes in the floor. I have subsequently gotten one inch plywood times 6, 8, 10, 15, 16 sheets of 4 by 8 plywood and I've re-done a significant amount of the mobile home with more to be done but I haven't done it as far as- you know, just not being able to do it.

When the town came through initially in my- in the inspection phase, I arranged to get some more time off from work to be able to address the, you know, the number of hours that I'm going to have to put into this. I bought leaf guards for the gutters and I've built a stair with- I built stairs at every exit to the house. There are six exits on the house. Each one of them has a stair and accompanying banisters and each is a viable egress. I also replaced a living room window and had the electric- the electrician do some electrical work in the living room area.

At that point in time during the initial inspection, Bruce said- or Mr. White said please, don't use these excessive wiring devices. So I subsequently had K-Mart- K. Mack Electrician install additional outlets to accommodate the fact that in our living room we have three units, a television, VCR, Cablevision box, that, you know, without adding more outlets, would have been to ignore what he was saying as far as over use of outlets and circuits."

Supervisor Kozakiewicz: "Is it your testimony that there are no longer any extension cords being used in this particular unit? Is that- because I understand there were extension cords which were being used as alternatives to hard wiring."

John Hatton: "I have to think for one second. At this moment, I have removed what I perceived as being the reason for the extension cords. That has been removed, now I have to think for just a moment in my daughter's room, yes, absolutely, definitely, all the extension cord related perceived violations have been addressed and removed and they are now serviced by professionally electrician installed outlets."

Councilman Kent: "Do you have smoke detectors?"

John Hatton: "One in the kitchen- in the kitchen area; one in the main body of the living room; one in my daughter's bedroom; two in another part of my daughter's bedroom; one in the back bedroom; and one in the hallway outside the bathroom."

Councilman Densieski: "Have all these changes, the stairs put in, and all these electrical changes have been made since August 9th?"

John Hatton: "That's absolutely correct."

Councilman Kent: "Has the Town re-inspected it also since August 9th, Mr. Johnson?"

Bruce Johnson: "We had one subsequent visit, you know, following the Chapter 54 posting where I had some conversations with Mr. Hatton, you know, again, about whether he should move out or stay in. I strongly urged him to consider moving to another location but that's when we discussed, you know, some temporary remediation if he was to stay in there. I kind of prioritized from a fire safety standpoint what the most concerning violations were and the fact that he had no smoke detectors. He's now added, you know, the proper number and location of battery operated detectors and he did get an electrician to start addressing some of the electrical violations. So that was based on a subsequent inspection, probably within a week of the Chapter 54 posting and some conversations that Mr. Hatton and I have had over the telephone."

But I think, you know, the concerning part is that Mr. Hatton is kind of approaching this in a band-aid approach and that's why we had sent him a letter, you know, really requesting that he have an architect review all these repairs. Things about, you know, putting in the new windows. They're actually larger windows than were there before, so now we're cutting additional holes in, you know, structural walls. Adding all these egress doors. There's a lot of issues with those. They have to be the proper size but, again, we're starting to change the structural makeup of how that particular trailer was originally designed and we're not qualified as building inspectors to make a determination if that's going to be structurally safe. That's what an architect or engineer needs to do and that's why we have the requirement in the code for signed and sealed plans that will detail all this work, you know, and detail the work of, you know, putting another bathroom in, the sanitary issues, the weight issues.

Mr. Hatton has also added extra bedrooms in this particular trailer with some new interior walls. So, again, there's a lot of

modifications that we need to know meet the code and don't, you know, pose any other hazards to Mr. Hatton and his family. And, you know--"

Supervisor Kozakiewicz: "Has he submitted plans showing all the changes that have been made to the particular trailer?"

Bruce Johnson: "No. We have an open letter at this point. We have an application and a fee paid for a building permit but that has not been issued because it did not- or was not accompanied with signed and sealed plans for the work being done.

There's also, I believe, an open electrical permit that was open for the electrical work that was done by the licensed electrician. To my knowledge, our electrical inspector, Mr. Gadzinski, has not been contacted for any follow-up electrical inspection pursuant to that permit."

Councilman Cardinale: "How large is this structure with extensions?"

John Hatton: "Twelve by sixty-five manufactured and approximately eight by thirty in two parts of an addition, one done at one particular year, probably around two or three years ago, and the other done, well, maybe four years ago and two years ago."

Councilman Densieski: "Did you have a building permit for those extensions?"

John Hatton: "No, I did not."

Councilman Cardinale: "So it's a little over 1,000 square feet?"

Bruce Johnson: "Sounds about right."

Supervisor Kozakiewicz: "Mr. Hatton, you've heard the recommendation from the Fire Marshal. Are you- is it your testimony that you have no alternative means to vacate the premises to do all the work in the fashion suggested as opposed to a band-aid approach?"

John Hatton: "It would certainly be a hardship for me to move my wife and daughter to another living unit. It would certainly be a hardship."

Supervisor Kozakiewicz: "Do you own any other units in the

location?"

John Hatton: "I own a trailer number eight which is- okay. No."

Supervisor Kozakiewicz: "Well, you started to testify that you own another unit, trailer eight. Do you not own it or do you own it?"

John Hatton: "No."

Supervisor Kozakiewicz: "What is- "

John Hatton: "My relationship is that I was going to renovate it to be able to rent it and that day has not come yet."

Lorna Kiley: "Mr. Hatton- I actually- it's on our mobile home park property. Mr. Hatton was going to purchase it and he started renovations. We then- he then needed the money to do his own renovations and I took the- we decided not to have the purchase go through."

Supervisor Kozakiewicz: "There was a contract for the purchase of that particular unit?"

Lorna Kiley: "There was a verbal agreement. There was no contract signed. He had started some work and he is being reimbursed for what work was done there."

Councilman Densieski: "You confer with that, sir? Is that- "

John Hatton: "Yes."

Supervisor Kozakiewicz: "Does either side want to offer any additional testimony at this point in time?"

John Hatton: "If I may, yes. As far as the diameters of the doors necessary to come up to code, I don't recall being told that I had to make the doors wider. If I was told that I had to make the doors wider, I would have- "

Councilman Densieski: "That's the building permit process, sir. That's why you get a building permit and they tell you the size door that you need to have. That's why we go through that process."

John Hatton: "Okay."

Councilman Densieski: "And to collect fees. Just kidding about that."

John Hatton: "Well, these were- "

Supervisor Kozakiewicz: "In other words, I think- to put in other words, unless you submit the plan of what you intend to do, there's no ability for the Building Department to review the plans, find out whether they're in accord with the New York State Building Code, and then to advise you whether they need to be done. Apparently you've been doing this work piecemeal or in a band-aid fashion as referred to, and, therefore, it's- the reason why there's been an inability to review the plans ahead of time. You're proceeding at your own risk by not filing the necessary permit, having them reviewed in the proper fashion. So it's not the town's fault as you're trying to shift the blame, I think. It's your failure to file the necessary paperwork so that they can be reviewed."

Councilman Densieski: "Mr. Johnson, looking at the structures that were added on without building permit, does this look like something that would be permitted and does it look like it's up to code. I'm sure you didn't examine it, but I mean do these look like the things that would be permissible and do they look like they're built to code?"

Bruce Johnson: "Some concern with what's inside in terms of new interior corridors and the width of those corridors and certainly the exit doors. Smaller than normal exterior doors were used. So I think there may be some difficulties and some of what has been done may not be to code and it would have to be rejected. And I think there's also, you know, concerns structurally just besides some of the cosmetics but, you know, the size of the window, how much structural members were, you know, cut away for adding larger windows and, again, how much was cut away in terms of structural support putting in new doors and whether the trailer was designed and whether the proper framing and structural weight bearing loads, snow loads for the roof, and stuff are all calculated in those. That, again, is really beyond our abilities as building inspectors. That's what an engineer needs to do and make sure that those construction features and structural support is there. And we don't have, you know, plans to- even from an architect to see whether that looks reasonable at this point. So that's a concern."

And I still have the concern for Mr. Hatton and his family, you know, even with some of the improvements and some of the more serious

violations being corrected at this point, you know, if there was to be a fire or some other problem in this building, you know, there could be some tragic results if they continue to stay in there until this is really brought up to code."

Supervisor Kozakiewicz: "Mr. Hatton, is there a reason why you do not wish to submit the plans from an architect or engineer so that this type of review can be done?"

John Hatton: "No, I wasn't aware that I had to. I- when I made my application for building permits, I submitted my own personal survey of the lot and the extension and the dimensions that it occupied in addition to the normal 12 by 62. I wasn't aware that I needed more professional consultation.

If I may also just for one moment say Mr. Johnson mentioned corridors. If I would have known that a subsequent reinspection could have been done, should have been done prior to our meeting today, I would have arranged for that and the problem- the potential problem of small corridors has been alleviated because I took down the wall that was creating that hallway. So the bottom line of what I'm saying is I would believe that if the town would come and reinspect the structure, they would not have a problem with access to egress. That's- "

Councilman Densieski: "I just want it to be clear from this point further on any structures that you own in the Town of Riverhead are subject to permits. Also, I'm not as concerned about the architectural thing. I think we have a little bit of time for that but I am very, very concerned about the possibility of a fire trap and I would like to recommend that we get an immediate appointment to see if this is a fire trap now. And if it is, I think we need to take, you know, take action."

John Hatton: "Okay."

Councilman Cardinale: "In addition to the reinspection which I concur is a good idea, the permit is before the town, the application for a permit now, right?"

Bruce Johnson: "That is correct."

Councilman Cardinale: "How is- can you tell us what's deficient in the application for the permit? Because that's really what he has to then do. He has to make it adequate so that the permit can be

issued."

Bruce Johnson: "If I may, we can have a copy of this submitted into the record. I have a letter dated September 26, addressed to Mr. Hatton at 3 Carl's Place. It's signed by Richard Podlus, our Residential Inspector, and it reads: Please be advised that we are in receipt of your application for the above and references application for a permit, Old Country Road, Riverhead with the tax map number.

At this time, we must request that an engineer's report be submitted to this office confirming that the above mobile home meets all New York State Fire Prevention and Building Codes before a permit can be issued.

If you have any questions, contact the office, extension 264, for Mr. Barnes."

Councilman Cardinale: "That's a-- is that a- "

Bruce Johnson: "So that's what we're waiting for now."

Councilman Cardinale: "What is the date of that letter?"

Bruce Johnson: "September 26th."

Councilman Cardinale: "Okay. But is that an additional requirement or is that a normal requirement of a permit?"

Bruce Johnson: "That's a normal requirement."

Councilman Cardinale: "That you request this of everyone?"

Bruce Johnson: "For the extent of work that's being requested here, yes."

Councilman Cardinale: "So that- the reinspection as indicated by Ed and the completion of the permit application by the additional of that material would put us in a position to know whether it is safe for him to remain there and it would also put us in a position they would be undergoing or undertaking a legal alteration at that point."

Bruce Johnson: "That is correct."

Councilman Cardinale: "So I would think that- since it seems to me that from the testimony of the efforts he made, I haven't seen any

photos. Do you have any?"

Bruce Johnson: "No, we do not."

Councilman Cardinale: "But the efforts that have been made have been substantial if not professional, that it is probably not very likely we're going to tear this thing down so what we really want to do is make sure it's habitable and get the permit issued if that- with the proper information. And the reinspection has not been done since August 9th so that's why we're- "

Supervisor Kozakiewicz: "Well, I think you said there was a subsequent inspection after August 9th."

Bruce Johnson: "Right."

Councilman Cardinale: "Yeah, what date was that?"

Bruce Johnson: "I don't believe I have those notes with me. It was within a week of the original inspection and the posting of the Chapter 54 notice and the order to vacate."

Supervisor Kozakiewicz: "So there was a subsequent but after that there's been no further inspections by yourself or by anybody else representing the Town of Riverhead. Is that fair to say?"

Bruce Johnson: "That is correct. Yes."

Supervisor Kozakiewicz: "To your knowledge?"

Bruce Johnson: "To my knowledge."

Councilman Cardinale: "That's about 40 days. So that may explain the disparity between the work he says is done and what your report does not reflect."

Bruce Johnson: "Yes, it would."

Councilman Kent: "Procedurally, can we put this over to another day for when we have Chapter 54's and Mr. Hatton can try to work to comply with all the requirements in the Building Department and have the reinspection done- "

Supervisor Kozakiewicz: "But I think the concern is that we at least get some sort of confirmation at this point in time in the

proper fashion whether there is a hazard out there or not."

Councilman Kent: "I think the Building Department has to go back out- "

Supervisor Kozakiewicz: "Yes, Mr. Hatton?"

John Hatton: "This is the receipt for the electrical work that I had done on the home. It says repaired PFCI in the kitchen, replaced two lights in the livingroom and the bedroom, repaired the ground to the kitchen, repaired, excuse me, repaired- I think it's switch in bedroom, remounted two receiving- I'm sorry, two, I think it's lights in the livingroom, replaced the refrigerator outlet, removed faulty wire to track lighting in the livingroom. That's the extent of the K. Mack Electrician or which in my opinion and my perception had addressed what were the concerns for electrical safety."

Supervisor Kozakiewicz: "When was that work done?"

John Hatton: "Two dates, one subsequent to the initial inspection and the second- "

Supervisor Kozakiewicz: "What dates? I'm asking what dates in particular?"

John Hatton: "I'm sorry, this is not dated but I can say- "

Councilman Densieski: "Approximately."

John Hatton: "-with certainty it was done within the last eight days."

Supervisor Kozakiewicz: "Last eight days?"

John Hatton: "Eight days."

Supervisor Kozakiewicz: "Okay. And you have not called for an inspection by the electrical inspector? You have not asked- you have not contacted the Building Department to ask Mr. Gadzinski, the Electrical Inspector, to come out and verify this work and make sure it's in compliance? Yes or no?"

John Hatton: "I'm not sure- no."

Supervisor Kozakiewicz: "Okay."

John Hatton: "May I?"

Supervisor Kozakiewicz: "I think what we need to do from what we're hearing is we need another inspection to be done. We need you to comply with the letter of September 26th from Mr. Podlas. If it requires you to meet with the Building Department to verify what you need to have done, that's what has got to be done."

John Hatton: "Certainly."

Supervisor Kozakiewicz: "There's no need for further delay, no more commentary. I mean we're going on and on but the problem is not being cured here now by having this hearing. The problem is going to be rectified by you submitting the necessary paperwork to the Building Department and if there's questions on what you need to submit to the Building Department, meet with them, they're here, they're available, they can tell you what you need to do."

Councilman Densieski: "Mr. Supervisor, I would like to recommend that we set a date right now for the fire inspection because I don't want on this Board's conscience, if there's a fire trap and they have a fire. And also, I'd like to recommend that we request an engineer's report to see if this structure that's been altered- "

Supervisor Kozakiewicz: "That's been asked for in that letter of September 27th."

Councilman Densieski: "Okay. That will be fine. When can we have the inspection by the Fire Marshal, which I think is critical right now."

John Hatton: "Ten minutes from now."

Bruce Johnson: "One request that we have just conferring with Mr. Barnes, because, you know, the issues are very inter-related, you know, in terms of the structural issues, you know, the electrical issues. We would like to make that inspection after we receive the engineer or architect's plans and drawings. Basically, they should start with, you know, where we are at this point in construction with, you know, whether stuff is in or out and walls have been changed and moved because I think we need to address structural integrity, you know, along with just some of the basic fire safety issues."

If we could have those plans and we can go in and make an inspection and I think give a more accurate report as to the overall safety of this building and whether or not it should be vacated or Mr. Hatton and his family be recommended to allow to stay in the building. We'd like to have that engineer's report prior to making that inspection. We'll be available to make the inspection as soon as we have the engineer's report."

Supervisor Kozakiewicz: "But the problem with that, I guess from our standpoint because I think we'd probably all agree we don't want to have a tragedy or something similar to that occur. It may not be a tragedy but certainly there could be injury. We don't want that occurring while we're waiting for an engineer's plans to come in."

Bruce Johnson: "Well, I also think, you know, I guess there's some professional issues and certainly concern about liability. There's a lot of things that, you know, we can't really look at at this point, you know, certainly electrical wiring, you know, what has and hasn't been corrected, what's hidden in walls. Again, some of the structural issues. I don't feel comfortable as a Fire Marshal going through, doing a walk through, looking at things on the outside in 10 minutes and then making a report back that I'm going to declare this building safe."

I mean, I basically would have to tell you that, you know, without all the information which includes that engineer's report, my recommendation would have to be for the vacate until we have a clear picture of where we are and that this building is built to code, structurally, electrically, you know, otherwise for me to do anything less than that, I think, would be negligent."

Councilman Cardinale: "Let me ask you this. You refer to the building to code. The existing 70- 62 or 65 by - "

Supervisor Kozakiewicz: "12 by 65 is the original."

Councilman Cardinale: "-- by 12- isn't that- that preexisting- that probably isn't the code and never will be. Is that reality?"

Bruce Johnson: "Well, I guess that- right. And that complicates the issue because so much has been done and walls have been added and taken down and, you know, bathrooms have been started and not completed and doors have been put in that we really have a very challenging situation here. And I certainly don't want to go on record after a brief or even a thorough exterior examination of this

building to declare it safe."

Councilman Densieski: "Ma'am, did you want to add something? You had your hand up."

Lorna Kiley: "No, I agree with what he said about fire safety."

Supervisor Kozakiewicz: "Mr. Hatton?"

John Hatton: "As far back as three, four years ago, I had the electricity updated in that the existing fuse box that was servicing the house, I had them take that out and install a circuit breaker box. As far as the- any alteration to electrical work, other than, you know what was the standard on the mobile home, that remains. I didn't like- I didn't tap into any lines. As far as being able to evaluate the electrical work, the walls are open. They are- there's two by fours and the outlets are visible, the wiring is visible. Access to the additional work done by K. Mack in the addition is observable. I didn't sheetrock walls. The walls are not obscured."

Councilman Cardinale: "This unit that you own is your unit, right?"

John Hatton: "Yes, yes."

Councilman Cardinale: "But the land underneath it is not."

John Hatton: "It belongs to R&R Mobile Home Park."

Councilman Cardinale: "So, you're actually building an extension of 210 square feet or have built."

John Hatton: "Have built."

Councilman Cardinale: "On property that you are renting?"

John Hatton: "That's correct."

Councilman Cardinale: "I get the picture. I think I've got the whole picture now. I think the real- what you're saying is you can't do a proper inspection unless the complete permit application is in."

Bruce Johnson: "Yes."

Councilman Cardinale: "How quickly can we get that? In fairness to him, he would only have gotten the letter this morning."

John Hatton: "Yeah, I was going to mention I didn't get any letter."

Councilman Cardinale: "September 26th letter. How quickly can we get that? How about Ken Testa? If it's such a critical situation maybe the town could with the permission of the landowner bill to his tax bill the services of our engineer. The bottom line of it is somebody has got to look at it and quickly."

Supervisor Kozakiewicz: "Well, we can take that up. Yes?"

John Hatton: "Whatever we have to do to facilitate that is fine."

Lorna Kiley: "That's not it- in some more expensive. I took over this property a year and a half ago and- "

Councilman Cardinale: "Well, these aren't your expenses anyway. They are- "

Lorna Kiley: "Well, you're asking for it to be put on to my tax bill."

Councilman Cardinale: "Well, oh, I see your point. Yeah, that would be to you right because this is a unique situation."

Supervisor Kozakiewicz: "Yeah."

Councilman Densieski: "Is there any- "

Councilman Cardinale: "You own the land underneath it."

Councilman Densieski: "I'm sorry, Phil. Is there any possibility of getting somebody like Salvation Army or something to put in a mobile home or is there an organization that can help this gentleman that obviously has a problem? Sir, I don't want you to think that we're working against you but I don't want to see your family perish because it's out job to make sure and it's his job to make sure that you are safe. It's our responsibility."

John Hatton: "Yes, that's correct. I had the professional people come in and address everything that I was told to address."

Supervisor Kozakiewicz: "Well, you had the professional people which is plural. You discussed- "

John Hatton: "Yes."

Supervisor Kozakiewicz: "--the electrical work that was done which is one company. That's singular."

John Hatton: "I've done that- okay."

Supervisor Kozakiewicz: "So I'm at a loss here. Where does the plural come from or the other work. Because it sounded like- you said professional people."

John Hatton: "Okay. I had a professional carpenter come in and build a- it's got to be 42 inches in its diameter, CCA ramp."

Supervisor Kozakiewicz: "Oh, that's right. You did talk about the ramp. You had it done, I'm sorry. You are correct. But I think- I don't think it's so much the exterior; it's the ability to exit the building that is of concern especially in light of the fact that your wife is disabled and confined to a wheelchair. I think that's the concern. Am I correct in that?"

Bruce Johnson: "Yes, you are."

Supervisor Kozakiewicz: "Okay."

John Hatton: "Okay. Then why didn't you guys tell me to build another exit ramp with a ramp."

Supervisor Kozakiewicz: "Well, obviously she has to get out once she gets to the exterior section, but, still we have problems here and we're going around in circles. We're not accomplishing anything here today, I can tell you that, Mr. Hatton. We're not getting anywhere because you're apparently not ready to jump and take on the engineer's report, not ready- you've been doing this work without permit, which is evidence to me that you're going to- that you haven't listened to what's been stated to you in the past by the Building Department. There was an inspection done August 9th, you were aware of the fact that there was going to be a Chapter 54. Eight days prior to the hearing or thereabout, you had the electrical work done. Right? That's what you testified to."

Lorna Kiley: "The electrical work was being done all along."

The last bit of work was done- "

Supervisor Kozakiewicz: "Well, I asked when exactly was the work done? And I was told within the last eight days. I'm either not listening or I'm confused."

Lorna Kiley: "He does not speak in a very clear cut manner sometimes."

Supervisor Kozakiewicz: "Because August 9th was when this inspection was done. The property was posted within about a week thereafter- "

Bruce Johnson: "Within two days."

Supervisor Kozakiewicz: "Okay. So that's the second week in August. We're sitting now in the last week of September."

Lorna Kiley: "He had the work- electrical work ongoing. The last time the electrician was there was within the last eight days. It was ongoing work."

John Hatton: "If I may, sir. Initially I had the K. Mack electric people come in and they did a great amount of work. Subsequently someone from the town came and said John, the GFCI in the kitchen is not right. Have them come back. I subsequently had them come back and I thought that there was going to be another inspection before this date."

Supervisor Kozakiewicz: "What made you think that? Did you call for another inspection?"

John Hatton: "No. I didn't realize I had to call."

Supervisor Kozakiewicz: "How do they know that the work is done unless you call for an inspection? This is ridiculous."

Lorna Kiley: "I think he called but days ago."

John Hatton: "If I may, sir?"

Lorna Kiley: "John, didn't you call two days ago? I asked you about that. I asked you about calling. You said you called- "

John Hatton: "I spoke with Bruce and I told Bruce that I had

the work done. And I was not made aware that I had to re-call someone else for another inspection. When this gentleman from the town came to the house and checked the ground in the kitchen, I was not made aware that I had to re-call back again after I had K. Mack. He just said have them come back and take care of it. So I said okay, fine, I will. And I did."

Supervisor Kozakiewicz: "Understood. I don't disagree. I don't disagree or I'm not saying that what you are saying to that point in time is wrong. But an inspector says have the work done. The point that I'm trying to make is at a certain point in time, how do we know that work has been done unless you ask for someone, the electrical inspector, to come back and see. The call is hello, this is John Hatton. I had an inspection done on a certain day, the inspector was here. He had troubles with this work. I've now performed the work. Can he come out and take a look at the work I've done? Or come into the Building Department and ask for that to be done.

I- we're going around in circles. We're not getting anywhere."

Councilman Densieski: "Mr. Supervisor- "

Supervisor Kozakiewicz: "We need an engineer's report. We're concerned about the safety of your family. What I'm looking for is how do we get to the point where- "

Matthew White: "Sir, may I approach the Board, please?"

Supervisor Kozakiewicz: "Yes. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Matthew White: "I do. Officer White, Riverhead Town Code Enforcement, employed by same since July of 1999. Also a police officer with the Town of Riverhead, part time.

Understanding that the building industry and engineering industry is extremely busy right now town-wide, understanding that this is an exigent situation as Councilman Densieski has pointed out, I personally recommend that we give Mr. Hatton seven to 10 days to find an engineer. If an engineer cannot come out in seven to 10 days, I don't feel the town will have a choice but to have Mr. Testa take a look at the situation and bill it to the tax bill of the trailer park and/or Mr. Hatton. I feel it's the only way it probably can be done expeditiously and get this done as quick as possible.

With an engineer's or architect's signed and sealed plans, the Fire Marshal can then look at it and do a thorough and pertinent inspection to get this done and over with."

Supervisor Kozakiewicz: "Yes, for a second, Councilman Densieski."

Councilman Densieski: "Mr. Hatton, would you be opposed to applying to Social Services for emergency housing? I believe that under the conditions that the Fire Marshal has described and now we're rushing around trying to hurry up and get things done, I believe with the paperwork documented by the town that you would be available for emergency housing for your family. Safe housing that would be supplied by Social Services. Would you be opposed to applying for that so that we can get the engineer's report, we can get the Fire Marshal's report to make sure that you have standardized living."

John Hatton: "Okay."

Councilman Densieski: "Would you be willing to do that, sir?"

John Hatton: "Yes."

Councilman Densieski: "Well, I strongly recommend that we take the Fire Marshal's concerns to heart and have Mr. Hatton apply to Social Services emergency housing. Because I firmly believe he needs it."

Supervisor Kozakiewicz: "Mr. Hatton?"

John Hatton: "Instead of, you know, billing the mobile home park for this engineer, please bill me."

Supervisor Kozakiewicz: "I'm not so sure we have to do that if you can find an engineer or- that's an alternative. If you can- we're going to- the suggestion is that you seek out and retain an engineer or an architect and then only in the event that you can't do that, that we take that step."

Councilman Densieski: "If you insist on living there and we are forced to act, then it would go to the property owner's tax bill. If you are in compliance, there would be no forced bill on the property owner. But I recommend, sir, and I strongly recommend that you- heed out advice. That you need emergency housing and to get your issues in order."

Supervisor Kozakiewicz: "Anything else, Board members? Okay. Thank you. The time of 12:55 has arrived. Close the public hearing."

Public Hearing closed: 12:55 p.m.

Public Hearing opened: 12:55 p.m.

Supervisor Kozakiewicz: "I know we have one more, right, Barbara?"

Barbara Grattan: "Yes."

Supervisor Kozakiewicz: "All right. The time of 12:55 having arrived, open for public- final Chapter 54 for today."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, September 28, 2000 at 11:40 a.m. regarding Chapter 54 Unsafe Buildings and Collapsed Structures, property owned by Lorna Kiley d/b/a R&R Mobile Home Park, Inc., Post Office Box 2138, New York. The trailer is number 11, 235 Old Country Road."

Supervisor Kozakiewicz: "Thank you."

Matthew White: "Still sworn in, sir?"

Supervisor Kozakiewicz: "You're still considered sworn in."

Matthew White: "Okay. It is the recommendation of the town Building Department, Miss Kiley has complied and has had the trailer demolished. Therefore, we withdraw the public hearing."

Supervisor Kozakiewicz: "I like this one. Thank you."

Matthew White: "Thought you would."

Supervisor Kozakiewicz: "The recommendation is granted. Withdrawn. The time of 12:56 having arrived, close the public hearing."

Public Hearing closed: 12:56 p.m.

Barbara Grattan
Town Clerk