

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, November 30, 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
Bruce Johnson	Fire Marshal

**Also Present:**

Barbara Grattan,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Kozakiewicz: "The time of 11:37 having arrived, I would like to have Barbara read the public notice for today's Chapter 54 hearing."

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 November 30, 2000 at 11:30 p.m. regarding Chapter 54 Unsafe Buildings and Collapsed Structures property owned by Mildred Giles, 59 Sigal Avenue, Riverhead."

Supervisor Kozakiewicz: "Okay. I see people out in the audience. Are you here for this particular hearing? Okay. If you would please come forward. Anyone who is going to-- and, Steve, if you want to offer testimony at some point, I'll recognize you so we don't have the same issue with regard to the last hearings in October.

If you would step forward, please, and have a seat. We need to get you an additional one, we'll do that. Okay. Why don't we put everybody's appearances on the record. We'll start-- Mr. Johnson, would you please put your appearance. Is it on? It should be on."

Dawn Thomas: "Do you want me to swear Mr. Johnson in?"

Supervisor Kozakiewicz: "Well, I'd like to just get the

appearances first. Just who is here, just so that we have it on record. Go ahead."

Bruce Johnson: "Bruce Johnson, Fire Marshal for the Town of Riverhead."

Supervisor Kozakiewicz: "Okay. And to your right?"

Andrea Orshan (phonetic): "I'm restoration specialist. We did the (inaudible) up at the house at Mr. Johnson's request."

Dawn Thomas: "Would you spell your last name?"

Andrea Orshan: "Sure. O-R-S-H-A-N."

Supervisor Kozakiewicz: "Okay. And to Mr. Johnson's left, your name?"

Mildred Giles: "Mildred Giles."

Supervisor Kozakiewicz: "Okay. And to your left?"

Martha Giles: "Martha Giles."

Supervisor Kozakiewicz: "Okay. Now I'd like to have Mr. Johnson sworn, please."

Dawn Thomas: "Mr. Johnson, raise your right hand, please? Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Bruce Johnson: "Yes, I do."

Supervisor Kozakiewicz: "Mr. Johnson, in a narrative fashion, if you could, could you please set forth your present employment, in what capacity you are employed, how long have you been employed, and your underlying criteria and background which enables you to bring on this Chapter 54 proceeding."

Bruce Johnson: "Certainly. I have been employed as the Fire Marshal for the Town of Riverhead since April of 1998. I'm a New York State certified Fire Prevention Code Enforcement Official. I hold a Bachelor's Degree in Fire Science. Have done numerous fire inspections and a certified fire instructor in the areas of fire prevention, fire protection systems. I guess that's pretty

(inaudible). I have done- as I said, I've done numerous fire inspections and I'm also a Level II fire investigator which is why I was at the structure in question subsequent to a fire. I was called there by the fire chief to perform a cause and origin investigation."

Supervisor Kozakiewicz: "Okay. When was that when you were called there to perform that cause and origin investigation, if your notes or your record- "

Bruce Johnson: "Yes. Referring to my notes, that was on October 13<sup>th</sup> of this year."

Supervisor Kozakiewicz: "Okay. And, just for the record, where is the property located and what is its tax map number?"

Bruce Johnson: "Okay. The property is #59 Sigal Avenue in Riverhead and the tax map number is 1005-02-026."

Supervisor Kozakiewicz: "Okay. And where on Sigal Avenue would this premises be located?"

Bruce Johnson: "Between Lewis and- what's the other street?"

Supervisor Kozakiewicz: "Lewis and Phillips."

Bruce Johnson: "Yes. Lewis and Phillips."

Supervisor Kozakiewicz: "All right. Okay. Okay, so you were called by the police- I mean the fire department of Riverhead- Riverhead Fire District, to do a cause and origin?"

Bruce Johnson: "That is correct."

Supervisor Kozakiewicz: "Okay. And that was on October 13<sup>th</sup>?"

Bruce Johnson: "Yes."

Supervisor Kozakiewicz: "And as a result of performing that inspection, you then determined that the structure, which we haven't discussed yet what structures are on the property, was the subject or a (inaudible) subject of a Chapter 54. Is that correct?"

Bruce Johnson: "That is correct."

Supervisor Kozakiewicz: "Okay. And could you state what you

observed on October 13<sup>th</sup> and then what you did thereafter?"

Bruce Johnson: "Okay. We had a structure that had a fire that originated in the basement and extended up to the first floor. So we have a fire damage building which is the first point of the Chapter 54. As a result of the fire fighting operations, there are exterior doors that are open or missing, broken windows.

There was also some conditions that were observed in the building that may have been a result of the fire or may have been prior to the fire. But in my observations, I also noted the following, structural leaks. The structure was rotten, in need of repair. There were cracked floor joists, the floor joists damaged by fire. Holes in the floor. Railings missing on stairs. Outside steps in an unsafe condition. Interior in need of painting. Plumbing in disrepair. Broken plumbing fixtures. No hot water, no heat. Faulty wiring. Extensive use of extension cords. Light fixtures not properly supported. Exposed wiring. Determined that the interior of the building was not fit for human habitation and there was water in the building. Overall we found the structure to be structurally unsafe, dangerous and unsanitary.

For point 19, the interior unfit for human habitation. What I observed was that there was a large accumulation of personal belongings stacked in the building so that it was almost impossible to make your way from basically one room to the next. Papers, boxes and the like were in the rooms, in the hallways with, you know, extension cords and stuff kind of running between that. Actually it was such a difficult structure that during the fire we actually had difficulty ascertaining that there was nobody left in the building because firefighters couldn't make a search on the first floor because of all the material that was stored there.

And we also observed some unsanitary conditions in the kitchen that was of concern. So for those reasons we did the Chapter 54 hearing.

And I'd also like to add that at the time of the fire, Mrs. Giles believed that she did have a homeowner's insurance policy in effect for fire insurance. Again, we tried to locate that policy after the fire. Because of the amount of things in the house, we were not able to locate it. I did ask the boarding company to come out which is why Andrea is here. The- they would typically come out and do that and bill the insurance company so that the structure could be made safe from the broken windows and doors that the Fire Department had to open

to take care of the fire at that location.

We subsequently learned that Mrs. Giles does not have a homeowner's policy in effect. So the boarding is something that hasn't been covered right now and there's a question as to whether or not there's going to be any insurance proceeds to repair the fire damage on this structure. And Mrs. Giles, I think, can add more to that in her testimony."

Supervisor Kozakiewicz: "Okay. Question. I don't think we've determined what type of structure and how many are on the premises. Can you tell us what is presently on that premises?"

Bruce Johnson: "Basically we have a single family residence, one story house, wood frame, small size, probably about a 20 by 40, Leroy?"

Leroy Barnes: (Inaudible)

Bruce Johnson: "And just some debris in the back. I don't believe there's any other structures on the property that are subject to the 54."

Supervisor Kozakiewicz: "Okay. Now, I know you referred to a report. Mrs. Giles, have you had a chance to see the report that was prepared by Mr. Johnson as a result of his inspection of the premises?"

Mildred Giles: "Yes."

Supervisor Kozakiewicz: "Okay. Do you have any objection to that report being made part of the record, part of the evidence here today?"

Mildred Giles: "Well, on the park where it says no heat, it does have heat."

Supervisor Kozakiewicz: "Okay."

Mildred Giles: "It's got a new heater that was just put in last year."

Supervisor Kozakiewicz: "All right. So you are objecting to the report coming into evidence- "

Mildred Giles: "It said no heat because it does have heat. It did."

Bruce Johnson: "If I can clarify for Mrs. Giles. Because of the fire, we had the utilities turned off, both electric and gas. So for that reason, there is no heat in the house. And obviously this time of the year that becomes a problem with winterizing. Any water in the house, in the basement from the fire or in the pipes, could be subject to freezing creating another hazard and more danger to the structure."

Supervisor Kozakiewicz: "The report that you prepared as part of your duties as Fire Marshal, it's your usual and ordinary business to prepare this report as a result of your inspection of the premises. Is that correct?"

Bruce Johnson: "Yes, it would be."

Supervisor Kozakiewicz: "And in this case you did, in fact, prepare that in the usual and ordinary course of business?"

Bruce Johnson: "Yes, I did."

Supervisor Kozakiewicz: "And it was prepared at or about the time of your inspection?"

Bruce Johnson: "That's correct."

Supervisor Kozakiewicz: "At this time, I would ask that it be made part of the case and part of the evidence. And Mrs. Giles you can certainly address issues with respect to certain of the findings made in that report. That would go to the substance of it as opposed to the actual admission of it into evidence. All right."

At this point in time, is there anything further from- Mr. Johnson, what is the Town's recommendation as far as what should occur with regards to the structure at 59 Sigal Avenue?"

Barbara Grattan: "He's going to talk."

Supervisor Kozakiewicz: "Yes. He needs to be sworn in."

Leroy Barnes: "I haven't done the inspection on it."

Bruce Johnson: "I think the- I would like to see if Mrs. Giles

does have a plan, you know, that's financially sound to repair the fire damage and bring the house up to code. You know, if there isn't a financial plan to the satisfaction of the Town Board, then my recommendation would be for demolition."

Supervisor Kozakiewicz: "Okay. With that said, I guess what I'd like to do at this point in time is ask Mrs. Giles if she's prepared to testify and we'll have you sworn under oath, Mrs. Giles. Do you wish to offer evidence and testimony?"

Mildred Giles: "Yes, I would like to."

Supervisor Kozakiewicz: "Okay. I'm going to ask that the Town Attorney swear you in then."

Dawn Thomas: "Mrs. Giles, raise your right hand, please. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Mildred Giles: "I do."

Supervisor Kozakiewicz: "Okay. Go ahead, Mrs. Giles."

Mildred Giles: "I would like to have the house repaired and I'd like to know how much time that I could get to have it repaired."

Supervisor Kozakiewicz: "Well, I think the response is going to be how quickly do you think you can get it done as far as- "

Mildred Giles: "Well, I don't know the cost of it because I haven't had it looked at, or no estimates or nothing. I don't about just going in there looking at it myself."

Dawn Thomas: "May I?"

Supervisor Kozakiewicz: "Go ahead."

Dawn Thomas: "Is there a mortgage on the property?"

Mildred Giles: "No."

Dawn Thomas: "No mortgage."

Mildred Giles: "No mortgage."

Supervisor Kozakiewicz: "Okay. And prior to the fire occurring, who occupied the residence? Was it occupied by yourself?"

Mildred Gates: "Any my daughter."

Supervisor Kozakiewicz: "Okay. All right. And your intentions would be to re-occupy it with you?"

Mildred Gates: "Yes. Yes."

Supervisor Kozakiewicz: "Okay."

Dawn Thomas: "Do you have the financial wherewithal to- that would require the funds for a mortgage to pay for the repairs or have your own funds?"

Mildred Giles: "Well, it would have to be out of my own funds."

Supervisor Kozakiewicz: "Okay. So you've determined that there was no insurance policy in effect. Is that what you've come to? Because I know there was some discussion earlier about the possibility there may have been a homeowner's insurance policy with coverage."

Mildred Giles: "Yes, I was thinking there was one but they told me it was lapsed."

Supervisor Kozakiewicz: "It lapsed?"

Mildred Giles: "Yeah."

Supervisor Kozakiewicz: "Okay. I think what I've heard is we're looking to see if there is an ability to arrive at a timetable to have repair work done. Obviously it would require that you, I think, maybe I'm speaking out of turn, would require some submission of some plans that the Building Department can review to make sure that what work is being done to address the damage caused would be in compliance with the State building code standards. And I think that what I'm hearing is there's a willingness to have that done but we need to know some idea of when you see or what you think you can do as far as getting that work accomplished. I mean as far as time element. A month, two weeks? How quickly do you think you could get this going forward?"

Mildred Giles: "Well definitely not in two weeks."

Supervisor Kozakiewicz: "Okay."

Mildred Giles: "I need some months to do it."

Supervisor Kozakiewicz: "In the meantime, you're not occupying the premises. Is that correct?"

Mildred Giles: "No, I can't because there's no heat like you say in there."

Supervisor Kozakiewicz: "Okay."

Mildred Giles: "No. I'm not occupying anything but the woods."

Supervisor Kozakiewicz: "Well, I think we can find that out from is it Andrea who can testify as far as the issue of the- when the building is presently secured and enclosed as far as preventing access and as far as exposure to the elements. I think that's something we can address. I guess what we're trying to really find out, Mrs. Giles, is what's a realistic time element, what you think you think you can do, what we can have as far a game plan from the Town in order to work with you to allow the structure to be repaired and then ultimately to the point where it can re re-occupied. And I guess that's what I'm looking to you to get some feedback on. Right. Right. Okay. Yes. Dawn, do you have some questions?"

Dawn Thomas: "Yes. Mrs. Orshan, would you just raise your right hand, please? Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Andrea Orshan: "Yes."

Dawn Thomas: "Can you tell us what work you or your company or actually who you are actually employed by, is my question?"

Andrea Orshan: "That would be Restoration Specialists."

Dawn Thomas: "Okay. And your duties with Restoration Specialists are?"

Andrea Orshan: "I write up estimates, negotiate with insurance companies to obtain settlements, and we generally contract all the work."

Dawn Thomas: "And you did work on the property located at 59 Sigal Avenue in Riverhead?"

Andrea Orshan: "Board up."

Dawn Thomas: "And can you explain to the Board what exactly the work that was done and what the cost of that work was?"

Andrea Orshan: "The total bill is \$855.72. We boarded up seven windows, secured two exterior holes in the house with plywood, one 3 by 8, one 4 by 8. We secured the front door, supplied a lock and hasp combo and a (inaudible)."

Dawn Thomas: "Okay. And in your opinion is the property safe from- is the property safe- "

Supervisor Kozakiewicz: "Secured."

Councilman Densieski: "Vagrants."

Dawn Thomas: "Secured against vandals or whomever might- "

Andrea Orshan: "A board up is really a temporary thing. It's not meant to be there for long term. Anyone can pry that plywood off. It is meant to be there in the interim. We call the insurance company, we write the estimate, we go in and start the demolition work. It's meant to be temporary."

Dawn Thomas: "And what's the typical length of time that the board up- in your experience, lasts? Well, not lasts, but is it in place?"

Andrea Orshan: "We don't like to see it there more than usually four or five weeks. Sometimes it does end up being longer because depending on the severity of the claim, sometimes we have to file permits, we have to get an architect and get approvals to go in and do the work. But in those cases, we would go back and re-secure which we have not done because there was no insurance on the property so we have not been back there since October."

Dawn Thomas: "In your opinion, what would be required to make that property secure and safe from the public? Safe for the public."

Andrea Orshan: "Well, the- a new door should be put in, the windows should be replaced."

Dawn Thomas: "Is there a way for your- does your company ever secure a property for a period of time that's beyond the four to five weeks?"

Andrea Orshan: "Yes. We do it on foreclosures."

Dawn Thomas: "And how- what would be the extent of doing that kind of securing?"

Andrea Orshan: "That would probably be twice what this was so it would be probably close to \$2,000 to board up the windows to prevent vandals from coming in."

Supervisor Kozakiewicz: "Thank you."

Councilman Densieski: "Excuse me. You said to close up two holes in the exterior of the house, are you talking about holes from the outside right to the inside?"

Andrea Orshan: "I guess."

Supervisor Kozakiewicz: "Okay. Mrs. Giles, I'm not sure if I asked you. You are the owner of the premises, is that right?"

Mildred Giles: "Yes."

Supervisor Kozakiewicz: "Okay. All right. And you indicated there's no mortgage on the premises. Is that right?"

Mildred Giles: "There's no mortgage."

Supervisor Kozakiewicz: "Okay. Yes."

(There was some inaudible discussion among the Board members.)

Supervisor Kozakiewicz: "I think what we need to do is adjourn this and look at some alternatives and we could have Dawn and the Building Department sit down with Mrs. Giles and determine other or possible alternatives and means by which we can get this thing accomplished as far as the reconstruction and the reoccupancy is concerned. I think that's what we're hearing."

Steve, do you have anything you want to offer as far as testimony with regard to this one, 59 Sigal? I know I didn't give you a chance

last time and you weren't happy. You've got to come up here, Steve."

Barbara Grattan: "You've got to come over here, Steve."

Supervisor Kozakiewicz: "You've got to come up to the table so we can get you on the mike, okay?"

Steve Haizlip: "Oh, okay."

Supervisor Kozakiewicz: "All right."

Steve Haizlip: "Steve Haizlip of Calverton."

Dawn Thomas: "I'm going to have to swear you in, Mr. Haizlip."

Steve Haizlip: "Oh, yes."

Dawn Thomas: "Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Steve Haizlip: "I do."

Dawn Thomas: "Thank you."

Steve Haizlip: "My question is, is this Mrs. Giles' primary residence and was it occupied at the time of the fire and if- or if it wasn't occupied, was vandalism or drug addicts or somebody that was in there that caused the fire?"

Supervisor Kozakiewicz: "Well, she indicated when she testified that she was occupying it with her daughter."

Steve Haizlip: "Okay."

Supervisor Kozakiewicz: "Their intention was to occupy it with the daughter. I didn't hear her indicated that anybody else was occupying the premises. Is that correct?"

Mildred Giles: "No. No one else."

Supervisor Kozakiewicz: "There's no one else. I forgot what the other question was, Steve."

Dawn Thomas: "What was the cause of the fire?"

Steve Haizlip: "Yes."

Supervisor Kozakiewicz: "The cause of the fire- originated in the basement."

Steve Haizlip: "Did the Fire Marshal really get the origin and the cause of the fire? Was it electric or spontaneous combustion?"

Bruce Johnson: "The cause of the fire was determined to be accidental."

Steve Haizlip: "Okay."

Bruce Johnson: "It was- I mean I can elaborate more if you'd like, Mr. Haizlip."

Councilman Lull: "I think not for this hearing."

Dawn Thomas: "It's not relevant to the hearing."

Bruce Johnson: "Right. It was accidental and nothing relative to the structure on the cause."

Steve Haizlip: "All right. I'm finished. Thank you."

Supervisor Kozakiewicz: "All right. Thank you, Steve. Unless there's anything else, at this time, I'd like to close this- adjourn it, yes, adjourn it I mean, I'm sorry, for a month and see where we are as far as being able to get it reconstructed and reoccupied."

Dawn Thomas: (Inaudible)

Supervisor Kozakiewicz: "No, we should pick a date and time. All right. We have- we will adjourn this to January 11<sup>th</sup>, 11:30 in the morning. January 11, 2001. Okay?"

Leroy Barnes: "January when, sir?"

Supervisor Kozakiewicz: "11<sup>th</sup>. 11, 2001 at 11:30. That's our first work session in January."

Leroy Barnes: "Would you like me to schedule any other Chapter 54's for that day?"

Supervisor Kozakiewicz: "If you have some others, sure. Yes."

Leroy Barnes: "Just for that one month."

Supervisor Kozakiewicz: "Right. Okay."

Leroy Barnes: "Okay."

Supervisor Kozakiewicz: "Thank you. Thank you everybody for showing and I know we are scheduled to adjourn for lunch. Is there a desire to do any more work before we do that or- "

Councilman Lull: "I don't think we have anything to do."

Supervisor Kozakiewicz: "All right. All right. So we'll adjourn for lunch; we'll reconvene at 2."

Public Hearing closed

*Barbara Stratton  
Town Clerk*