

**WARRENSBURG TOWN BOARD, SPECIAL MEETING, JULY 31, 2019**

A special meeting of the Warrensburg Town Board was held on Wednesday July 31, 2019 at the Warrensburg Town Hall at 4:00 p.m. with the following members present:

<b>PRESENT:</b>	<b>Supervisor</b>	<b>Kevin B. Geraghty</b>
	<b>Councilperson</b>	<b>Linda Baker Marcella</b>
	<b>Councilperson</b>	<b>Donne-Lynn Winslow</b>
	<b>Councilperson</b>	<b>Bryan Rounds</b>
	<b>Councilperson</b>	<b>John Alexander</b>

**OTHERS PRESENT:** Donna A. Combs, Town Clerk; Jim Hull, Code Enforcement Officer.

**RESOLUTION #123-19**

**RESOLUTION CONCERNING NEW YORK ENVIRONMENTAL FACILITIES CORPORATION GRANT FOR LIBRARY AVENUE SEWER DISTRICT EXTENSION STUDY**

On motion of Councilperson Alexander, seconded by Councilperson Baker-Marcella, the attached resolution was **ADOPTED**

**AYES:** Geraghty, Alexander, Rounds, Baker-Marcella, Winslow

**NAYS:** None

**RESOLUTION #124-19**

**RESOLUTION APPROPRIATING MONIES TO PAY COST OF PREPARED MAP, PLAN AND REPORT FOR PROPOSED LIBRARY AVENUE SEWER DISTRICT EXTENSION**

On motion of Councilperson Winslow, seconded by Councilperson Rounds, the attached resolution was **ADOPTED**

**AYES:** Geraghty, Alexander, Rounds, Baker-Marcella, Winslow

**NAYS:** None

**RESOLUTION #125-19**

**RESOLUTION AUTHORIZING OUT OF DISTRICT SEWER AGREEMENT WITH LAWRENCE LAWLER AND JEANINE LAWLER**

On motion of Councilperson Baker-Marcella, seconded by Councilperson Alexander, the attached resolution was **ADOPTED**

**AYES:** Geraghty, Alexander, Rounds, Baker-Marcella, Winslow

**NAYS:** None

**DISCUSSION – UPDATES ON PROPERTIES LOCATED AT 22 COMMERCIAL AND 9 SOUTH STREET.**

Supervisor Geraghty opened discussion giving updates for the 22 Commercial Avenue and 9 South Avenue properties. Supervisor Geraghty said that the Engle Brothers have signed off on the properties; they want no rights to the properties and that they will allow the Town to go in there and clean them up, so the Town can condemn them and tear them down.

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**Supervisor Geraghty said their lawyers have agreed and our lawyer has agreed to allow the Town to go in there and allow the Town to do what they need to do. Supervisor Geraghty said they have the legal rights to the property, the other party never showed up in court.**

**Councilperson Baker-Marcella asked who owned the property. Supervisor Geraghty said the Engle Brothers do.**

**Jim Hull said they will also own it when everything gets torn down. Supervisor Geraghty and Jim Hull explained that all of the clean-up goes back on their taxes.**

**Councilperson Rounds said he had driven by and the properties do not look that out of character from the rest of the neighborhood right now. Councilperson Rounds said it was obvious the message was received by the people who are living there and they cleaned up. Councilperson Rounds said as far as the South Street one goes, there is an old Chevy Van there that is almost a collector's item and they have taken the boat out so somebody is making an effort to clean up.**

**Jim Hull said they are nervous because the guy is cleaning up 7 South Street. Councilperson Rounds asked if it was the bank that is cleaning that up and Mr. Hull told him it was the Town's contractor.**

**Councilperson Rounds asked what the Town's real beef is now that the yards are cleaned up. Supervisor Geraghty said from what he has been told he does not think the trailer is livable. Jim Hull said the trailer and the house are going to be condemned, they are done, urban renewal.**

**Councilperson Baker-Marcella asked Councilperson Rounds what his concern was. Councilperson Rounds said that there are people living there and Austin Markey is the owner of these properties. Councilperson Baker-Marcella said he was getting her confused, she thought the Engle brothers were the owners. Councilperson Rounds said Cal Engle died and Austin never filled his deeds, the last owner of record is the Engle Family, that is why the Engle's wanted nothing to do with it because they had been paid in full for the properties and for whatever reason Austin Markey didn't file the deed.**

**Jim Hull said he did not show up in court. Supervisor Geraghty said he did not show up, we had no choice, we had to deal with the Engles.**

**Jim Hull said that the people who are there are going to get evicted. The house inhabitable, they have already looked at it and it is going to be done.**

**Supervisor Geraghty said we did this all by the book, and, now we are trying to clean up. Supervisor Geraghty said that street is still pretty rough, there are some across the street the Town has to get to, too. Supervisor Geraghty said this property we have worked on was a mess, and Bobby Neuweiler walked away, and, the bank has not done what they are**

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supposed to. Supervisor Geraghty said he received another complaint about 9 South Street yesterday.

Councilperson Rounds said if you look around down there they all pretty much look the same to him. Jim Hull said you have to start somewhere, if you do not it becomes a perpetuating disease.

Supervisor Geraghty said he guessed Mr. Markey needs to do what is right by him because right now he has no standing with the Courts, according to what he was told and he did not even fight it. Supervisor Geraghty said he asked the question, what about the other party, he has no legal standing so if he wants to do something at the eleventh hour he should. Supervisor Geraghty said we have been fighting this thing for two years to clean it up, we have begged for two years.

Councilperson Rounds said now we are actually seeing some action there, the outsides of the places look a lot better than they did, so.....

Supervisor Geraghty said he went by the trailer yesterday and it looks like they have stopped running the four wheelers but they have not mowed or done any of that stuff. Supervisor said the garbage is gone, but, if the third party wants to partake he should have been there; he walked away from it.

Councilperson Baker-Marcella said she wished to be clear about what Councilperson Rounds was suggesting; you are saying they cleaned up some but it does not sound like they did-it sounds like we did. Jim Hull said she was talking about 7 South Street.

Councilperson Rounds said Austin owns the house and the trailer, that is what he bought from Cal Engle years ago, granted they do not look charming but the people, since we started this process, someone has made a conscious effort to clean up this so they have certainly gotten the message. Councilperson Rounds said all of the stuff on the porch has been cleaned out and is gone. Councilperson Rounds said he did not know what the inside of the house looks like but he trusted Jim's point that it might be pretty ram shackled but he thinks they are on a slippery slope if they go in and tear down somebody's property when there is already a haze about the ownership of it.

Councilperson Alexander said Austin should do his due diligence making the people he collects rent from stay on top of the property that had some kind of value.

Jim Hull said that Austin Markey doesn't own it and if he was concerned about his ownership he would have filled the deed when Cal Engle dropped dead.

Councilperson Rounds said that was not true, you can file a deed whenever you want or you never have to file a deed, that is your own prerogative.

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**Jim Hull said they were all served notice by the Town Attorney and Austin Markey was served notice and he never showed up, if he was concerned about it he should have shown up the day they had the hearing.**

**Councilperson Baker-Marcella asked Councilperson Rounds if he was saying that because it is already cleaned up we should not pursue it any further.**

**Councilperson Rounds said what he was saying was we should tread carefully because if they were to think back twenty years ago to Olmstedville when Kent and Glenda had a place there that the County rushed to tear down their property which resulted in some problems there.**

**Councilperson Baker-Marcella said if the house is in a condition that it can be condemned, and we are not the ones who condemn it...Jim Hull said the people who own the property legally are Steve and Brian Engle, not Austin Markey, they have signed off with their lawyer and said go on the property and do whatever you have to do, we want nothing to do with it. Jim Hull said when it is all said and done, the Engle's still own the property, not Mr. Markey.**

**Councilperson Rounds said so here is the problem, we go in and tear it down based on that theory, then after it is all cleaned up and Austin Markey goes in and files his deed with all of the paper work he has proving he paid for the property in full, and, the County has not taken ownership of it because the taxes have been somewhat paid.**

**Councilperson Baker-Marcella said that if the deed has not been filed at the date of the action....Councilperson Rounds said means nothing. Councilperson Baker-Marcella said that if he wants to be protected he should file his deed. Councilperson Rounds said he can file it the day before they start demolition. Councilperson Baker-Marcella said that may well be. Councilperson Baker-Marcella asked if the Board was talking about if they condemn it or not, if that is the issue.**

**Jim Hull said it has already been looked at and they are going to condemn it. Councilperson Baker-Marcella asked how that was any different than the lady on Marion, hers was condemned and they took it down. Councilperson Baker-Marcella said someone could have something in the closet but if they do not come back and file it?**

**Supervisor Geraghty said he heard what was being said but this was filed in Supreme Court, he did not show, he was sent the notice to appear in court. Supervisor Geraghty said first Brian hired an attorney and then Steve joined him, they have met with the Town Attorney, he has not shown any interest in this, they know exactly what we are going to do and they are fine with it, they are going to sign the agreement and they are the rightful owners.**

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**Councilperson Rounds replied that he was just saying that they should tread lightly because someone is making a conscious effort there to clean up the property. Supervisor Geraghty said well good, we will look at it at the proper time but he would not say that 9 South Avenue is looking too much better; that he noticed that the garbage is gone in front of the trailer.**

**Jim Hull told the Town Board that Markey has to go after the Engle boys?. Supervisor Geraghty said that he should, before the Town finalizes this action.**

**Councilperson Rounds said actually all he has to do is go and file his deed.**

**Jim Hull told Councilperson Rounds he was confused; that he has talked to the Town Attorney's about this. Jim Hull said the Engle brothers own this period, if Mr. Markey has a claim on that property he needs to come forward and go to the Engle brothers, not to the Town of Warrensburg.**

**Councilperson Rounds said he was sure that he has a note satisfying his debt to Cal Engle so he is paid in full.**

**Jim Hull said that the Engle boys are the trustees of the estate and they do not have that, they did not file it and he would suggest if Austin has that he file it asap.**

**Supervisor Geraghty said we are going ahead with the action, we have already agreed to do this, we have spent money on an attorney. Councilperson Rounds said this was paid off long before Cal Engle died.**

**Councilperson Rounds said he did not know what Austin is going to do, he does not talk to him that much, he is sure he is holding a document that says he is the owner.**

**Jim Hull said it has nothing to do with the Town of Warrensburg. Supervisor Geraghty said it has nothing to do with the Town of Warrensburg, it is between him and the Engles.**

**Councilperson Rounds said it is actually between him and the County Center, once the County gets notice of this record. Councilperson Rounds said the Engle boys were never actually involved because their father had sold it before he died. Jim Hull said that if that is true, if he has his paperwork, when he was summoned by the court why didn't he go to court.**

**Councilperson Rounds said he had no answer to that.**

**Councilperson Baker-Marcella said that Austin does not have to do anything only file his deed. Councilperson Baker-Marcella said it is like a big judgement got filed, if someone**

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were to get killed they would slap it against that property, and then that judgement would be against whoever has this deed in the closet.

Councilperson Baker-Marcella said this is a plight against the whole Town of Warrensburg, it is not fair to the rest of the property owners who pay their taxes and clean up their property.

Councilperson Alexander said we have to start somewhere and we have a property Maintenance Law, then we have the Tent Guy across the road, he is not fair to the property owners who live around him.

Jim Hull said that this all came about because a letter was sent to Brian Engle, when the complaints came in on those properties he researched it and the deed went back to Cal Engle, he thought that was strange because Cal has been dead for six or seven years. Jim said he sent Brian a letter and said Brian Engle are you aware that these two properties are still in your Father's name and the Town has to clean them up. Jim said Brian came down to the Town Hall and met with he and Kevin, Mr. Markey would not take ownership and the Engle boys said it was not them so this whole action started to bring those three people into court to find out who legally owned the properties so the Town could go after them under Code Enforcement. Jim Hull said the Engle boys showed up, Markey did not show up, the Engle boys claimed the property and told the Town they could go in and do whatever you want to do.

Supervisor Geraghty said he asked the question about the third party and the third party has no right to this property because he did not show up, they are dealing with the people who are owner of the record. Supervisor Geraghty said he did not want to take anybody's property but he was not going to sit there as Supervisor of this Town and let that crap go on. Supervisor Geraghty said there is another property that sat there on the corner and the owner walked away and now the bank is being dealt with. Supervisor Geraghty said people are a lot happier now that they see something happening on that street but he drove by 9 South Avenue yesterday and there are two boats in the yard now.

Councilperson Rounds said there is one boat now and a Chevy Van, somebody is actively working on it. Councilperson Rounds said he understood that Austin Markey did not come to your meeting and that he is not the owner of record because of the deed but what he was saying is if you go forward with your action and then he files his deed and then they file for this and we all know that he is the owner and then he shows that he is the owner, then we say wow, did this Town Board really do their due diligence or where they just looking to settle old scores.

Councilperson Baker-Marcella said that the Judge is going to say were you not served and did you appear?

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**Councilperson Rounds said his point was when we are taking this bold of a step, something that has never happened in the history of Warrensburg where we have ever gone in and razed a property because we deem it to be unlivable which is a discrepancy thing, shouldn't start based on a foundation of what we already know is a grey ownership area.**

**Supervisor Geraghty asked Councilperson Rounds what he would suggest. Councilperson Rounds said he did not know. Supervisor Geraghty told him he was on the record. Councilperson Rounds said he would reach out to Austin one more time, in the past he has not given any solid answer other than he was getting a lawyer and that he was going to have them show up. Councilperson Rounds said he would reach out one more time. Supervisor Geraghty asked Councilperson Rounds to let them know what the intentions are at the August 14<sup>th</sup> Town Board meeting.**

**Councilperson Rounds said that his thing is that in this world that ownership of real property is such a right of America. Councilperson Baker-Marcella said no one was a stronger proponent of property rights than she was and this is the beginning, we need to have the rest of the people down there served notices. Councilperson Baker-Marcella said they do not need to live the way she does however, clean up, be fair to your neighbors, keep it safe, no vermin and no fifty cats running around.**

**Supervisor Geraghty said they owe it to their neighbors to keep decent looking properties, that when George Ward lived down there he kept a decent looking property, Mrs. Reed lives down there and she keeps a decent looking property as do Gary and Darcy Baker.**

**Councilperson Rounds said he drove by today because he knew it was on the agenda and he saw where some mowing had taken place.**

**Jim Hull asked that he be notified on August 14<sup>th</sup> so he can make out the paperwork to the right guy.**

**On motion of Councilperson Winslow, seconded by Councilperson Baker the meeting was adjourned at 4:30 p.m.**

**Respectfully submitted,**

**Donna A. Combs, Town Clerk**

