

**TOWN OF WHITEHALL
REGULAR MEETING AT 7:00PM
AND PUBLIC HEARING AT 7:30PM
57 SKENSBOROUGH DRIVE**

NOVEMBER 18, 2020

BOARD MEMBERS PRESENT: John Rozell, Supervisor
David Hollister, Councilperson
Christopher Dudley, Councilperson
Stephanie Safka, Councilperson
Timothy Kingsley, Councilperson

OTHERS PRESENT: Patti Gordon, Town Clerk; Erika Seller-Ryan, Town Attorney; Louis D. Pratt II, Highway Superintendent; Brian Brooks, Deputy Fire Chief WFD; Jay Mullen, Whitehall Times, David Brown, Whitehall Studios, Brian Mercy, Attorney.

Supervisor Rozell open the meeting at 7:00pm with the Pledge of Allegiance to the Flag.

Public Comments:

Deputy Fire Chief Brian Brooks addressed the Town Board and ask for Support from the Town Board to write a letter to Washington County Board of Supervisors on behalf of Second Assistant Chief James Brooks who had a Line Duty injury on Saturday May 2, 2020 that led to his death on September 18,2020.

Motion to draft a letter to Washington County Board of Supervisor in favor of Second Assistant Chief James Brooks made by Councilperson Kingsley and Seconded by Councilperson Safka.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Motion to approve the monthly minutes of the October 21, 2020 Town Board meeting made by Councilperson Hollister and Seconded by Councilperson Dudley.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Heritage Report by Carol Greenough – No Report

Rec. Report by Julie Eagan – Verbal

-There have not been very many kids lately possibly due to the weather change.

-Had to contact the Police Department because someone has potentially been staying in one of the dugouts at nights. Pad locks have been put on the dugouts and police has been patrolling more frequently.

Supervisor Rozell stated he knew that there was a rise in COVID cases her in Whitehall and asked if the school closes for in school classes and we go all virtual that we need to think about if the rec center should close. Rec Leader asked for guidance from the board on the matter. Supervisor Rozell stated if that were to happen, they would have a serious discussion concerning it.

Dog Control Report by Nancy Quell – No report

Compliance Officer Report by Martin Rocque – No report

Town Clerk Report by Patti Gordon - Written

Assessor Report by Bruce Caza – No Report

Town Supervisor Report by John Rozell – Verbal

-The Village received 3.7 million from Stefanik and Rural Development.

-The Governor has also released low interest loans for the 18 houses and 9 businesses affected from the flood in August.

Budget Officer Report & Transfers by Joel Carpenter

Resolution #46 Budget Transfer

Motion to pass budget transfer #46 made by Councilperson Hollister and Seconded by Councilperson Safka.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Resolution will be filed with the Resolution Book and with the minutes.

Planning Board Report by Gregg Chappell – Written

Town Highway Report by Louis D. Pratt II – Written

-Docks have been pulled in and the water has been turned off at the wall and park.

Motion to approve the monthly reports by Councilperson Hollister and Seconded by Councilperson Kingsley.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Open Public Hearing at 7:00pm

Update on Whitehall Studios

Brian Mercy, attorney for David Brown current property owner of the “Whitehall Studios LLC” formerly the Budget Inn addressed the Town Board concerning the current issues at hand. Mr. Brown has owned the property for approximately the last ten months. For the last seven to eight months Mr. Brown has not been able to evict anyone due to the COVID situation, which has been one of the biggest hurdles he faces.

The reason we are here is to respond to the nuisance petition we received regarding the amount of calls to the property. The majority of the calls in fact have to do eviction procedures and eviction calls. Whitehall Studios is set up to accept transient guest. Transients guests are not residents, as long as they do not stay more than 180, they are not entitled to eviction proceedings. The process that Mr. Brown has employed is that if people act up, or commit he is able to lock them out. A lot of the calls that are in your nuisance report is from people getting locked out. Once we have access to the courts again, Mr. Brown will be able to evict the so called “problem tenants”. When Mr. Brown purchased the property, he came in with a new business model. He is no long renting to sex offenders or Section 8, to anyone with obvious criminal history or drug problems.

Mr. Brown has currently put in thousands of dollars to renovate this property. When the property was purchased it was purchased resident that were in there and since they had been there far longer, they were intitled to eviction process which due to the mandate cannot be done at this time. Judge Putorti has actually granted some evictions months ago that were halted days before they were suppose to be removed by the Sheriff’s Department. Mr. Brown stated that he had inherited ten plus years of poor management and deterioration and have only been giving ten months to clean it up. I have plans on completely rehabilitating the entire property said Mr. Brown. The rear building has already been completely renovated.

Compliance Officer Rocque commented that since Mr. Brown has purchased the property, he had been there on eight separate occasions between February and May for various complaints.

Attorney Mercy stated that with the new business model in place Mr. Brown does not need to

rely on the eviction process and is able to “lock-out” guests per say which does generate a lot of the nuisance calls

Supervisor Rozell stated he spoke Mr. Brown before he purchased the property and told him he would work with him because he was not satisfied with the way the was currently being run and would back him 100% if it changed. He does understand now that with COVID it has taken along time to change. He did state that the appearance has improved.

Supervisor Rozell asked if it was classified as low-income housing. Mr. Brown stated that it is classified as transient housing center. New York State does not cap motel zone dwellings. They cannot tell someone they can stay for a max amount of time, however in New York State you do not establish residency until after 180 days. This is vital to the owner to decide if they want the guest to stay at the property. Mr. Brown also stated that it is low income with the rate of \$695.00 per month with everything included. You can stay for a shorter period but it is a month minimum fee.

Supervisor Rozell asked Mr. Brown where he stood at the County Level with Code Enforcement. Mr. Brown stated that he was working with John Graham at the Washington County Code Enforcement. there was a permit application, the drawings and fee but they did not have all the documentation needed to grant the permit. There were alternations to the original plan needed to be submitted. The plans from the engineer will be stamped on 11/19/2020 and that will satisfy code 100%. Mr. Mercy, Mr. Brown’s attorney has also been working with Washington County Enforcement to get the work done properly.

Supervisor Rozell asked the if there were any questions from anyone. Town Attorney Seller-Ryan asked about the evictions granted. Mr. Brown stated those tenants we out at this time. She also asked if he was limiting the number of people per unit. Mr. Brown stated he would like to see two, maximum but is not strictly enforcing it. Councilperson Safka asked if there was an on-site manager present, Mr. Brown stated there is a 24/7 property manager on site. Mr. Brown’s attorney did state they have been calling the police themselves if they see any illegal activities and does not want Mr. Brown to be penalized for calling the authorities because of the Nuisance Law. Councilperson Safka also asked if Mr. Brown owned other properties like this one and he stated he owned two that are similar in the Town of Cambridge. Supervisor Rozell stated that he was pleased about the Public Hearing and that it cleared the air on the misunderstanding and would like to keep an open line of communication in the future. Mr. Brown did state that the electrical inspection has been signed off on since the fire. Town attorney Seller-Ryan suggested that Mr. Brown speak with the neighbors and try to relieve some of the tension. Mr. Brown asked if anyone was in attendance from Mattison’s, they were not. Town Attorney Seller-Ryan stated that this is a Public Hearing that was publicly noted, in which no one attendance was here that had made a complaint against the Whitehall Studios. Mr. Brown’s attorney feels that this was the time for anyone to come forward that had issues and they are not present they waive that, that is their issue. Mr. Brown stated again that he can’t take ten years of mismanagement and turn it around in ten months. Councilperson Hollister would like to know if the Board could receive updates on the progress/completion. Supervisor Rozell stated he has heard from the New York State Police that they are moving forward.

Supervisor Rozell asked three times if there were any more comments or questions three times. There were not. The Public Hearing was closed at 8:10pm

Supervisor Rozell ask the Board what they would like to do at this time with the Whitehall Studios in this situation. He asked the Board about a possible 90 grace period. Councilperson Hollister asked how far can they go. Town Attorney Seller-Ryan said they law doesn’t give a time period you have to have a hearing and an opportunity for them to be heard and then you have options. He is dealing with the code issues and as far as the nuisance calls, it isn’t calls of actual events taken place at

the Whitehall Studio's it is because he is calling for lockouts or that he doesn't want someone there. Attorney Seller-Ryan stated she was surprised that there was no one from the public present at the meeting and that the Board can agree to just the monitor the situation and that they do not need to take an action at this time. Supervisor Rozell asked Town Compliance Officer his thoughts on the matter. He stated he has not had a call since May and that they have complied on what they were asked to do. Seller-Ryan suggested created a committee of two people who are responsible for monitoring it and vet complaints.

Business to Discuss

- Need to start work on the Union Contract, Councilperson Kingsley and Councilperson Dudley are the committee and they will contact the Union Rep. and set up a time to meet.
- Received \$150.00 in donations from the dock wall and pavilion.
- The woman's room shower is completed.

ABSTRACT 11 OF 2020

General Fund V# 1/28 \$11058.86
Highway Fund V# 1/11 \$28425.50

Motion made to approve the monthly vouchers for abstract #11 made by Councilperson Hollister and Seconded by Supervisor Rozell.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Motion to adjourn the Town Board meeting made by Councilperson Hollister and Seconded by Councilperson Safka.

ADOPTED **AYES 5 Rozell, Hollister, Dudley, Safka, Kingsley**
NAYS 0

Adjourned
Respectfully Submitted

Patti Gordon
Town Clerk

