COURTS AND LAW ENFORCEMENT COMMITTEE MEETING
July 12, 2018

Present: Legislators Larry Dolhof, Greg Kulzer, Jerry King and Ron Burns, County Manager Ryan Piche, Code Officer Don Mallette, Probation Director MaryJo Burkhard, EMS Assistant Jennifer Maracchion, District Attorney Leanne Moser and Investigator Richard Knight. Reporter Nick Altmire

Legislator Kulzer called the meeting at 8:30 a.m.

Legislator Burns made a motion to approve the 6/14/18 committee meeting minutes, seconded by Legislator King and carried.

Mr. Gary Buckingham, Jr. of New Bremen voiced his objection to a letter he received addressed from Sr. Code Officer Ward Dailey regarding two mobile homes that he rents out as a landlord. Two of the tenants have caused extreme problems. One of which advised Ward of problems in 2017 with the respective mobile homes. One of the tenants has since been evicted. Mr. Buckingham reports that all of the complaints were unfounded as proved by inspection reports by the NYS Dept. of Health and other regulatory agencies.

He termed the letter “militant” especially because he has known Mr. Ward for many years and feels he has a good relationship. “We are not in New York City”, he declared, suggesting that codes are interpretive. He invites inspection of the homes at any time. Mr. Buckingham inquires what can be done to avoid and finalize the persistent complaints from disgruntled tenants about his properties.

Mr. Buckingham offered copies of reports from Lewis County Opportunities, Inc. for inspections they had completed on both of the mobile homes in accordance with HUD regulations.

Legislator King stated that Mr. Ward must respond to written complaints, regardless of the name of the property owner or complainant.

Code Officer Don Mallette explained that he generally calls a property owner to alert that a letter is forthcoming in response to a written complaint, adding that many instances involve unpaid rent. Homes must be maintained in a sound condition, he said. The items listed in the letter to Mr. Buckingham were standard maintenance issues. However, he said, he would not be able to determine proper maintenance of the manufactured homes in question, unless he could review the owner’s manual. The homes are regulated by the U.S. Housing & Urban Development (HUD).

Mr. Buckingham relayed that Ward Dailey had told him the mobile homes in question were not at risk for being condemned.

Ryan Piche reiterated the requirement to respond to written complaints for the record.

Don Mallette stated that complaint letters require a response within 30 days.

In response to Legislator Dolhof, Mr. Buckingham reported the HUD inspections of each mobile home had been done in the fall of 2017 and spring of 2018. Only one the homes is currently occupied.

Mr. Buckingham really wanted better communication with Ward Dailey, citing his long-term relationship and historical willingness to respond to inquiries and/or comply with inspection results.

Mr. Piche could see no reason there would be a problem and would follow up with Ward on behalf of Mr. Buckingham.
Ward John Dailey
Sr. Code Official
warddailey@lewiscounty.ny.gov

Donald Mallette
Code Official
donmallette@lewiscounty.ny.gov

Timothy Widrick
Code Official
timwidrick@lewiscounty.ny.gov

June 18, 2018

Gary Buckingham Jr.
6751 Tillman Road
Lowville, New York
13367

Mr. Buckingham,

Section 11 of County of Lewis local law No. 9 of the year 2006 directs that this department investigate all written complaints that allege or assert the existence of conditions or activities that fail to comply with the Uniform Building Codes, this local law or any other law or regulation adopted for the administration and enforcement of the uniform building codes.

On June 18, 2018, a written complaint was received that alleged conditions within two (2) structures identified as 6747 and 6769 Tillman Road violate the Property Maintenance Code. Specifically the complaint asserted the presence of:

- Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue,
- A roof system roof and flashing that is not sound and tight; with defects that admit rain. And is not adequate to prevent dampness or deterioration in the walls or interior portion of the structure.
- Leaks in the ceiling
- Windows that are not in sound condition or good repair and weather tight, that windows are readily openable
- Both Manufactured homes inadequately or improperly supported
- Lack of adequate heat
- Plumbing supply and drainage lines that are broken
- Lack of deadbolts on the interior of egress Doors
- Interior surfaces, including windows and doors that are not maintained in good, clean and sanitary condition. and the presence of defective interior wall ceiling and floor

Mr. Buckingham, this is the second written compliant pertaining to conditions of these two (2) structures in which in essence assert the same violations in less than one (1) years time.

A complaint filed on July 6 2017 involving a manufactured home located at 6747 Tillman Road in the Town of New Bremen was investigated on July 10, and the complaint found to have merit. You were served notice of those violations; however, Correction of violations was postponed due to ongoing litigation, along with the tenant hindering your ability to access the structure to effect repairs.

County records indicate that this matter was never resolved.

Lewis County is an equal opportunity provider, and employer. Complaints of discrimination should be made known to Lewis County Board of Legislators.
On July 10 2017, I documented readily observable Violations of the uniform codes within the interior structure and premises along with the exterior property of 6747 Tillman Road, Town of New Bremen.

There is no statute of limitation on a code violation; once a violation is observed and documented, the violation must be corrected. Time does not in any way eliminate or absolve responsibility for a violation to be remedied.

This latest complaint of June 18 2018, indicates that the violations cited during the July 10, 2017 inspection were not corrected and that similar violations exist within the manufactured home located at 6749 Tillman Road, Town of New Bremen.

I provide note that should these conditions cited in the compliant exist a Notice of Violation along with An Order to Remedy will be issued. Subdivision 2 of Section 382 of the New York State Executive law, Title 19 New York Code of Rules and Regulations(NYCR) Section 1203.5 directs in part, that the time within which compliance with an Order to Remedy is required is fixed at thirty (30) days following the date of the order.

Mr. Buckingham, within Seven (7) days of receipt of this notice you are lawfully directed to contact me to schedule an onsite inspection for the expressed purpose of refuting or verifying the merits of this compliant.

Regards,

Ward John Dailey
Sr. Code Official
County of Lewis
7660 North State Street
Lowville, New York
13367