

**Public Hearing – Omphalius Rd Channel 2 News**  
**By Councilman Jason Keding**

- I am here to represent the taxpayers as I want to ensure everyone is treated fairly and well represented. To start, please note I am seeking first to understand, my intention is to not place any blame on any person. First, were all the processes, procedures and documentation reviewed to make sure that all are followed and how do we make sure that this never happens to a taxpayer again? Also, I feel we need to look at the precedents that we are setting. As a taxpayer, I'd rather have fines and proper assessments, not bills for demolition and loss of tax roll.

Next, as a Councilman:

- May I ask, who *approved* the Professional Services for Lipsitz (lip sits), Green, Scime (sha may) and Cambria Law Firm Vendor#1657?
  - There was no board approval, nor discussion in public regarding the retaining of Professional Services. (email Aug 11, 2016) **\*\*Possible Violation of Open Meeting Law? Other law violations?\***
    - Who was involved in retaining the services of Mr Cambria?
    - What justified the reason for the retainer, I was advised you were only seeking advice? (email Aug 17th 2016)
    - When was the first contact, and, when were legal services officially retained?
    - Why did the senior board members retain another attorney without properly involving the other two elected officials?
    - Where is the supporting documentation, ie: Code Enforcement Report as noted in the Public Notice? It is not available to FOIL nor provided to me per the Law.
    - How is the money for these services budgeted? Will this be another Nunc Pro Tunc resolution by you?
      - September 7<sup>th</sup> \$2,875
      - October 5<sup>th</sup> - \$2,134
      - November 2<sup>nd</sup> - \$2,526
      - December 7<sup>th</sup> - \$2,912
- ✓ **Total thus far for 2016: \$10,447**
- FOIL requests for the Code Enforcement report were not fulfilled due to “no information”. Is this the envelope the Town Supervisor wanted me to pick up? (Aug 11, 2016 email)

**Code Enforcement Concern:**

Why wasn't the Code Enforcement Officer interviewed? My opinion, a pretty one sided story.

1. The inspection has to be performed by the Code Enforcement Officer or the Deputy Code Enforcement Officer. The report of the inspection must be filed with the Town

Board. Therefore, if the inspection was conducted in calendar year 2016, all Board members should have received a copy of that report.

2. The Town Board must serve notice to the owner of the property. The notice provided for in Chapter 47-3 of Boston Town Codes “shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring same to be made safe and secure or removed.” Did Jennifer Mule’ receive such notice, either served manually or via registered mail?

3. Town of Boston Code Chapter 47-5: “Town Board shall provide, in the notice provided for in Chapters 47-3 and 47-4, for a period of time within which the person so served with such notice may commence the securing or removal of such building or structure.” Did Jennifer ever receive such notice? This matter seems to have come to the surface very quickly. Either the land owner has been aware of this for a period of time, or the Town Board is not properly following the chronology for such matters as specifically spelled out in Chapter 47 of the Town Code Manual.

I cannot comprehend any town board suddenly (within 30 days), and without any previous action of the board, deciding to hold a public hearing on an alleged code violation. I am also concerned and trying to determine if this scenario will set a precedent regarding our town code and laws. My biggest concern is that decisions were made without my vote or approval as a town board member.

### **Assessor Concern:**

Why wasn't the Current Assessor, and former Assessor interviewed? Again, in my opinion, a pretty one sided story.

Correct me if I am wrong, if the reporter, Erica Brecher – Channel 2 news and the outside council, Michael Schiavone had interviewed one of the Assessors, they may identify that the Assessor's Job is to discover and value property in their current condition annually. Also, to my understanding before a foreclosure sale, the County Director asks for a review of the property because due to vacancies, it often in disrepair. The sale of \$5,000 coupled with the Town Board Minutes at that time support that the building needed repair. One would presume the Building Inspector knew the structure was being upgraded if she lived in it and a permit was obtained for a deck. Also, there is documentation that the Assessor at that time inspected it and had pictures of the damage.

Taxpayers only go to grievance if issues cannot be resolved. A property owner does not need to file a grievance to get his assessment lowered. I do not understand how the attorney on the news segment could advise otherwise. However he practices law and I only read it. I found information supporting my comments at; [www.tax.ny.gov/star](http://www.tax.ny.gov/star) . There is also a good YouTube video titled “Contesting Your Property Assessment” published by the NYSTaxDept.

In closing, I feel that the public hearing was based on selective enforcement.

I personally feel that this is continued harassment of the Town Clerk unless there is supporting documentation to show otherwise. As a Town Board member and as I advised

in a previous email, this is a situation that should be handled by an attorney with the findings then brought to the board. I have seen no documentation warranting this to date.

I advised of the perceived retaliation towards the position of Town Clerk (email Aug 16, 2016) and the executive session.

These types of actions alone by members of the Town Board continues to bring great concern to me of malfeasance followed by unethical behaviors such as continued bullying and harassment of not only the Town Clerk but to include myself. Thus in my opinion, there are many concerns of an appearance of impropriety.

The one part I do agree on from Channel 2 news reporter, Erica Brecher's news segment is when the Town Supervisor advised that ".. the truth.." will come out in this.

#### Speaking Points:

- There is no way for a Town Clerk to get into the assessment system based on Admin rights, (software administrator rights).
- Run Adhoc report showing user login w/dates and times. Showing who did what and when followed by any notes.
- Home values are done by the assessor ONLY
- The town needs to look at "who" had Admin access at that time.
- A citizen CANNOT contest another property's value. Thus, since Jennifer Mule was not the owner at the time of sale she could not contest the value.
- If a property did burn, the value would change. An Assessor is the only town representative who would assess the value of a property. Should the Assessor at the time had decided, or not, to perform incremental assessments, which is a provision of the law, it is rarely done. That onus falls on the position of the Assessor.