

VILLAGE OF CANASTOTA  
MINUTES  
ADMINISTRATIVE HEARING  
July 23, 2025

Mayor Warner called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

PRESENT: Mayor Rosanne Warner; Deputy Mayor Doug Gustin; Trustees Lori Torrey, Jeff Watkins and Bill Haddad; Code Enforcement Officer Michael Adsit; Deputy Clerk/Treasurer Caitlin Farr; Paul Smyth, Esq.; Jacob Smith; Melanie Stinger; Gerald Stinger; Joe Verro; Kirby Phillips; Jake Phillips; David Sadler; Frank Ilacqua

ABSENT: Village Administrator Jeremy Ryan

Motion by Trustee Haddad, seconded by Trustee Torrey, to open the public hearing at 7:00 p.m. Passed 4 to 0.

**Presentation by Paul Smyth, Esq. and Michael Adsit, Code Enforcement Officer, of documentation requesting that the Village Board declare the property located at 116 Mill Street, Canastota, an Unsafe Structure in accordance with Chapter 73 of the Code of the Village of Canastota, as amended.**

Attorney Paul Smyth reviewed the status of the property located at 116 Mill Street, owned by Heath Ward, with the Board. He noted that the property was the subject of a fire occurring on May 1, 2025, and should be un-occupiable, but Mr. Ward has been living there.

Attorney Smyth questioned CEO Adsit on his time as a Code Officer with the Village of Canastota. Mr. Adsit has been the Code Enforcement Officer since 2004. It was established that this is a proceeding under Village Code Chapter 73 Unsafe Building Structure. Schedule B of the Notice of Hearing, consisting of the request of CEO Adsit dated May 5, 2025, to have a public hearing to order the property demolished was reviewed. The Origin & Cause Report of Fire Investigator Mike Sudol was reviewed. The report states that the fire was accidental and started in the basement as the result of an unattended candle as the heat source. The report estimates the amount of damage to be \$68,500, which is the value of the property today. Schedule D of the Notice Packet is a Condemnation Letter from Sheila Weed, an Architect with Group 1 Design. CEO Adsit summarized her report, noting that she declared the property a safety and health risk and must be condemned and the building demolished. CEO Adsit then reviewed other code violation issues that we have had with the property owner. He advised that violations on this property have been heard by the Court twice and orders to clean up the property were issued. The costs of the cleanup undertaken by the Village total almost \$15,000 and have been relieved to the taxes on the property.

Attorney Smyth advised that the Notice to Interested Parties was sent by his office and that no one has appeared here today. Attorney Smyth asked CEO Adsit if the property can be repaired. CEO Adsit replied that cannot and it is his opinion that it should be torn down and cleaned up.

Attorney Smyth advised the Board that the Code requires that we give the property owner some time to clean it up and take it down. The Board must determine that amount of time. Attorney Smyth reminded the Board that Mr. Ward is not here and has not shown any past performance that he will comply with the Board's orders. It is Attorney Smyth's recommendation that the Board does not give Mr. Ward a long period of time.

Mayor Warner reviewed the SEQRA Part 1 and Part 2 questions and answered them with the Board. The answers to all Part 2 questions was "No or Small Impact to Occur".

Attorney Smyth advised the Board that an asbestos survey will be required prior to demolition and the cost can also be assessed to the property owner in the event that the property owner does not comply with the Order of the Board. The language regarding the asbestos survey will be added to the final Declaration and Order that attorney Smyth will prepare and send to the Village Clerk tomorrow.

Mayor Warner asked for public comments.

Kirby Phillips spoke against giving the property owner more time and noted that the property owner is bringing in more stuff every day.

Gerald Stinger stated he had the same comment as Kirby Phillips.

Jake Phillips believes that the structure on the property is a danger to his kids.

Joe Verro stated that he believes that the property owner will pitch a tent on the property after. Mr. Verro stated that the owner has stripped the property of everything and believes that he is living in the back apartment of another property on the street and possibly in another house.

Village Historian David Sadler asked about the location of this property.

Frank Ilacqua asked if this is the house on the side of Railroad Street.

Jake Phillips stated that this used to be a safe neighborhood and how he feels unsafe.

Melanie Stinter noted that it is pretty scary there.

Jake Phillips stated that the property owner has come on his property demanding food, water and other things. He also advised that the owner was stealing power from a neighboring property.

Mayor Warner advised that the Board was surprised that after the Village cleaned up the property, the owner went out and brought in more stuff.

Mayor Warner asked if there were any more public comments.

Motion by Trustee Gustin, seconded by Trustee Haddad, to close the public hearing at 7:20 p.m. Passed 4 to 0.

Motion by Trustee Haddad, seconded by Trustee Torrey, to approve the attached Resolution (Declaration and Order) determining that the property located at 116 Mill Street, Canastota, is: 1) an Unsafe Structure in accordance with Chapter 73 of the Code of the Village of Canastota, as amended; 2) that the Village Board shall act as lead agency in this matter and declaring that the proposed abatement, or demolition, of the potential unsafe structure on the Property is an unlisted action for purposes of environmental review under SEQR; and 3) that the property owner take the corrective action as set forth in said Resolution subject to the changes that were made today. Passed 4 to 0.

The Board discussed how the notice will be given to the owner. Attorney Smyth advised that once approved by the Village Clerk, his office will file the Declaration and Order with the County Clerk and then serve the interested parties. The date by which the structure must be torn down is July 28, 2025.

The residents in the audience asked about procedures for getting the structure taken down after the property owner does not comply. The process was discussed. CEO Adsit believes that there is asbestos on the property. Attorney Smyth once again advised that all of the costs can be assessed to the property owner.

Motion by Trustee Gustin, seconded by Trustee Haddad, to adjourn at 7:27 p.m. Passed 4 to 0.

Respectfully submitted,

*Catherine E. Williams*

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Clerk/Treasurer