

JOHNSON SELECTBOARD
DILAPIDATED BUILDING HEARING
VERMONT STATE UNIVERSITY – JOHNSON
THE ELLSWORTH ROOM, WILLEY LIBRARY
MONDAY, FEBRUARY 21, 2024

Present: Selectboard members: Beth Foy, Duncan Hastings, Eben Patch, Shayne Spence (remote), Mark Woodward
Others: Tom Galinat, Rosemary Audibert, Dean Locke, David Williams (remote)

Beth Foy called the hearing to order at 6:10 p.m. She said this hearing is to act upon the inspection of the property at 157 Route 100C owned by Edward P. Manturuk and to allow testimony and evidence from the property owner; town officials, agents and employees; and the public. She noted that the property owner was not in attendance.

Beth swore in town health officer Dean Locke.

Dean submitted to the board photos taken of the site, a copy of his inspection report for the property, a copy of the certified registered letter sent to try to communicate with the property owner and a narrative outlining the timeline of communications regarding the property.

Dean read through his narrative. In February 2023, the building was burned by presumed arson. On January 18, 2023 Eugenia Zacks-Carney reached out to town administrator Brian Story saying the owner wanted to make sure to comply with any town ordinances and inquiring about any possible financial support for the owner in managing site cleanup. On April 28 Dean reached out to Chris Manturuk, son of the owner. He left a message and missed Chris's return call. On May 2, after several phone calls, Chris requested a copy of the town dilapidated building ordinance so his lawyer could review it. Dean mailed it on May 3. On May 12 Dean called and left another message. Dean spoke to Chris in June and Chris agreed to a deadline for site cleanup of July 19. Dean observed several days of work being done on the site around June 13. He attempted contact with Chris during this timeframe to check in. Johnson flooded on July 11. The flood did not impact this property but it brought Dean's and the town's focus to more immediate needs and concerns of the community. In November 2023, at the direction of the selectboard, Dean focused on reaching out to Edward Manturuk as the owner to give notice of an impending inspection. After researching the grand list and lister cards of Johnson and Hyde Park he found an address for the owner – a P.O. box in Hyde Park. He sent certified registered mail to the address on November 14. The letter was returned unclaimed on December 1. An on-site inspection was done in November. On January 12, 2024 Dean attempted to contact Chris Manturuk by email to ask for his father's contact information. On January 21 Chris replied. He confirmed that he was not the designated executor of the property. (Dean had asked for clarification on that.) Chris stated that he would pass Dean's contact information to his father. That was the last communication on this matter.

Beth asked if Dean ever communicated with Chris or Edward on a plan for property cleanup. Dean said yes. The conversation on the plan started with Dean and past town administrator Brian Story. Before the fire this building was designated as a building the town was going to focus on with the dilapidated building ordinance and then the fire occurred shortly after the town started the process of reaching out to the owner. After the fire Dean and Chris Manturuk discussed what Dean was asking the owner to do at the site by the deadline Dean imposed.

Duncan said one of the questions asked on the inspection report is whether the property is an attractive nuisance to children. Dean answered no. Duncan asked Dean to explain his thinking. Dean said his thought was that what is there now is not part of a dwelling or structure. It is basically cellar hole remnants with materials around it. Because there is not a building someone can get into and vandalize he felt there was not much there for youth to be a nuisance with.

Duncan said the definitions section of the ordinance refers to “any physical condition or occupancy of any premises or property considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences and structures.” Dean’s take would be that this property does not meet that threshold? Dean said yes.

Mark asked about Eugenia Zacks-Carney’s role. Dean said she was a realtor in Michigan who was well known to the family. She started the conversation with Brian Story. He is not quite clear why she was involved.

The board suggested that Dean scan all the evidence he had submitted to the board and send it to the email address of the owner’s son.

It was agreed to deliberate after the selectboard meeting that was to follow the hearing.

Duncan pointed out that it is critical to notify the owner of the appeal process after a decision has been made.

Tom said the board will issue a written decision. The selectboard can direct the owner to submit a plan. If the plan is accepted, the owner must implement it immediately. If the owner fails to submit a plan the town will proceed to enforce the ordinance.

The hearing was closed at 6:32.

Minutes submitted by Donna Griffiths