

## PUBLIC SAFETY MEETING

August 17, 2021 @ 6:30

A public safety meeting was held on August 17, 2021 at the town hall to discuss an appeal of fines for the Williams' property located at 605 West Street. Those present were Mayor Nick Smith, Councilwoman Mary Ellen DeBenedictis, Councilman Sean Valentine, Town Solicitor Scott Chambers, Code Enforcement Officer Tom Ford, Chief Carl Hutson, Mr. and Mrs. Bernard Williams Sr., Bernard Williams Jr. and Christine Letterman.

Mayor Smith opened the meeting at 6:30 by saying he would give Mr. Williams a chance to present his appeal and then give Mr. Ford a chance to present what he has. Then Council will consider everything and have the Town Solicitor respond to the appeal in writing.

Mr. Williams stated that the reason for the appeal was the property is in litigation. They do not want to take action on what was not their fault. A couple years ago, a contractor by the name of Charles Gilbert had performed work on the house without his knowledge. Mr. Gilbert didn't get proper zoning to find the property line to determine who owned the property. The contractor thought the property he purchased was the one he was working on and it wasn't. It belongs to Bernard Williams Sr.

Mr. Gilbert started tearing into the back of the structure that has caused damage. No action has been taken to correct the problem because it is in litigation. Mr. Williams is paying a lawyer to try to recoup money from damage done to the property. Mr. Scott asked which court and what the case number was so he can verify. They will move forward after the judgement and take care of their responsibilities. They don't think it is right to rebuild when they had no knowledge that the contractor started the demolition process. The town stopped Mr. Gilbert from doing any more damage and if he would've followed procedure he would have known it was not his property. He owns the small parcel next to the Williams' property with no structure.

Mr. Ford introduced himself as the code enforcement officer and has been here for 4 years. Prior to that, he was a Delaware State Trooper in investigations for 31 years. He provided copies of the appeal letter, copies of pictures of the house so everyone could see the current condition of it. Additionally he included seven different letters of correspondence stating the violations to the International Property Maintenance Code. (Please see attached.) He did stop the demo and since then there have been complaints about broken windows and door access. The town's position is that it is an unsafe structure. The roof is bad, the chimney is bad, there is no siding, and there's a dirt floor. The town uses First State Inspection Agency and they support the decision that the structure is not sound. There is a copy of the letter in the packet. The property sits in a state of disrepair and the town has a concern about the liability as it stands. We would like to see it boarded up and see some action taken to firm up the chimney and make the structure stable pending litigation. The last letter that was sent to Mr. Williams was in March to give him 90 days to take some action. He was issued a fine for \$400 for an unsafe structure, which is very lenient. The town can assess \$100 per day for violations but that was not done.

When Robert Berhorn was the town foreman, one side of the duplex that was condemned was torn down by the town but the chimney was not repaired. Kent County replaced the siding with a grant. Bernard Williams inherited the situation when he became the owner in 1977. Since Mr. Williams is the

owner of the property, he is legally responsible for it. There are property maintenance codes written that everyone has to adhere to. If lightning struck the property or if there were a fire, it's still the homeowner's responsibility.

Mr. Williams stated that Mr. Gilbert didn't get a permit and he wasn't given a summons. He wasn't notified that someone was on his property and did damage. He had to track down who did the damage. On February 18<sup>th</sup> he saw the damage and the stop work order with yellow tape. Mr. Ford and Mr. Gilbert were under the assumption that Mr. Gilbert was the owner of the property. It took a month to discover that he didn't. He purchased a 30 ft. wide parcel, which was actually 603 West St. Mr. Gilbert didn't even know he was working on 605 until Mr. Ford told him. On April 30<sup>th</sup> Mr. Ford talked to Mr. Williams for the first time. Williams asked didn't the town know he owned the property since he was paying taxes on it? Mr. Ford stated the he didn't know the address at the time. Nor did he know it was two different properties. Mr. Gilbert made an agreement to rectify the problems and he never did. Mr. Scott said it sounds like you have a legitimate claim against him.

Mr. Williams asked since he was paying for a lawyer could he have some consideration. His lawyer is giving Mr. Gilbert two weeks for default of judgement. However, some judgements are hard to collect and it could take a long time.

The town has been very lenient since we've been dealing with this for over 2 years. The Williams' are asking for a six-month deadline. They would take action before then. Mr. Ford asked what action will be taken, remodel or demolition? The Williams' stated that more than likely it would be demolished which would be the path of least resistance and a good decision. Mr. Ford asked if they could board up the doors and windows so it would keep the wild animals out and keep the neighbors happy during the probation period.

Mr. Scott stated that there are provisions in the charter where the town can declare it an unsafe structure, have it demolished, and send them the bill. That's not what the town wants. We just want a resolution because the town has an obligation to the citizens to have a safe structure. In addition, if there is an ancillary agreement it's advised to be done outside of appeal.

There was some discrepancy on the grass cutting and being fined, however it was not part of this appeal process. Mayor Smith said he would look into it and it will be addressed separately. The response to the appeal will be in writing.

The Williams' said thank you for your time to the committee and the meeting was adjourned at 7:09.

Respectfully submitted,

A handwritten signature in black ink that reads "Christine Letterman, CMC". The signature is written in a cursive, flowing style.

Christine Letterman, CMC

## Letterman Christine

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**From:** Sue Muncey <smuncey@clayton-delaware.com>  
**Sent:** Friday, July 30, 2021 9:55 AM  
**To:** Letterman Christine; Hutson Carl (Clayton PD); 'Jeff Hurlock'; tom.ford@clayton-delaware.com  
**Subject:** FW: Bernard Williams

See below.

-----Original Message-----

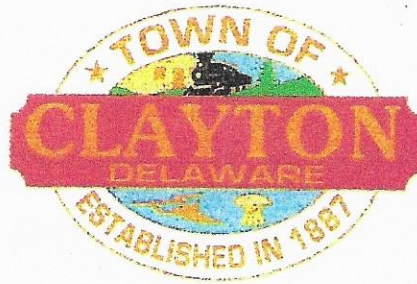
**From:** Scott Chambers <schambers@schmittrod.com>  
**Sent:** Friday, July 30, 2021 9:10 AM  
**To:** Jeff Hurlock <jahurlock@clayton-delaware.com>; Sue Muncey <smuncey@clayton-delaware.com>  
**Cc:** Tom Ford <tom.ford@clayton-delaware.com>  
**Subject:** Bernard Williams

Jeff/Sue, Tom contacted me about this man and his dilapidated property. I understand he has appealed his fines and there will be a hearing. Before the public safety committee. Tom asked that I attend. When you are scheduling please check with me to make sure of my availability. Thanks

Sent from my iPhone

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This email has been checked for viruses by AVG.  
<https://www.avg.com>



414 Main Street, P.O. Box 1130  
Clayton, DE 19938-1130  
Phone: (302) 653-8419  
Fax: (302) 653-2017  
[www.clayton.delaware.gov](http://www.clayton.delaware.gov) 2019

June 18<sup>th</sup> 2020

Mr. Bernard Williams  
35 West Street  
Smyrna, DE 19977

Re: 605 West Street, Clayton, DE 19938  
**International Property Maintenance Code Violations**  
**304.1.1.8 Unsafe roof**  
**304.2 Fail to maintain a Protective Treatment on siding**  
**304.13 Fail to maintain the condition of the building's windows**

Dear Mr. Bernard Williams,

The Town's administration has once again asked me to revisit the condition of the building located on your property at 605 West Street in Clayton. It has now been almost a year since my initial contact with you about the existing "unsafe condition" of that building. During this time period, the Town of Clayton had hoped that there would have been some sort of movement on your part to address our concerns with the overall poor condition structure located on the property. The Town of Clayton still has the expectation that you will accept responsibility for the existing "unsafe conditions" and that you will take action to address the documented violations as soon as possible. Failure to address the documented violations may ultimately require the Town of Clayton to move forward with potential civil actions against you and/or the property.

Once again, I have listed in detail the existing violations of the 2012 International Property Maintenance Code Sections.

**Section 304.1.1.8 states: All roofs shall be maintained in good condition. The roof shall be in sound structural condition and free from defects that admit rain. There shall be no signs of deterioration.**

**Section 304.2 states: All exterior surfaces such as siding, doors & windows shall be maintained in good condition. All peelings, flaking and chipped paint shall be eliminated.**

**Section 304.13 states: All windows shall be kept in sound condition, good repair and weather tight.**

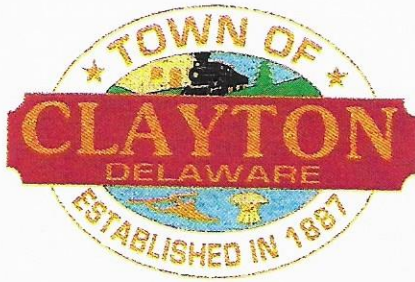
As mentioned previously, in order to avoid any potential enforcement action by the Town of Clayton in the way of fines, formal abatement actions and/or civil proceedings against you and/or your property, corrective measures need to be addressed without delay.

We continue to hope to avoid any sort of enforcement action by soliciting your help and cooperation in addressing the Town's efforts to improve its overall appearance.

If you have any questions regarding this matter, please do not hesitate to contact the town hall at 302-653-8419.

Sincerely,

Tom Ford  
Inspections / Enforcement  
Town of Clayton



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July 7<sup>th</sup> 2020

Mr. Bernard Williams  
35 West North Street  
Smyrna, DE 19977

Re: 605 West Street, Clayton, DE 19938  
**International Property Maintenance Code Violations**  
    **108.1.7 Unsafe Structure**  
    **304.1.1 Unsafe Conditions**  
        **304.1.4 Fail to maintain siding**  
        **304.1.8 Fail to maintain roof**  
        **304.1.13 Fail to maintain brick chimney**

Dear Mr. Williams, ,

As part of my duties as the Town of Clayton's Code Enforcement Officer, I am asked to address the towns most prevalent Property Maintenance Violations here within the Town. Unfortunately, the abandoned structure on the property that you own at 605 West Street here in Clayton, DE, has reached the point of being a significant concern to the Town of Clayton. The years of neglect and the somewhat recent attempt to "remodel" have created serious safety concerns on this property. These concerns have forced the Town of Clayton deem the structure on this property as "UNSAFE".

The Town of Clayton is requesting that you accept responsibility for the existing "UNSAFE" structure that currently exists on this property. Our expectation is that you will take immediate action to address the dangerous conditions being created by the neglected and dilapidated structure. It is our position that this structure has now deteriorated to the point where demolition should be a strong consideration to address the increasing unstable and unsafe condition that this structure creates. Demolition would certainly eliminate the enormous liability exposure you currently have with the structure as it stands now. Failure to address our concerns and these unsafe conditions will likely force the Town of Clayton to consider taking some sort of action. This action would likely begin with civil enforcement fines, only to be followed by potential civil actions in order to have this structure demolished. Eliminating the dangers that this unsafe structure creates requires immediate attention.

I have listed in detail the most significant existing violations of the 2012 International Property Maintenance Code that apply to making the structure on the property located at 605 West Street "UNSAFE".

**Section 108.1.7 states: The structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance.**

**Section 304.1. states: The following conditions shall be determined as unsafe and shall be repaired or replace to comply with the existing building codes.**

**304.1.4 - All exterior siding and masonry must be maintained. All exterior surfaces such as siding, doors & windows shall be maintained in good condition.**

**304.1.8 - Unsafe roof. All roofs shall be maintained in good condition. The roof shall be in sound structural condition and free from defects that admit rain. There shall be no signs of deterioration.**

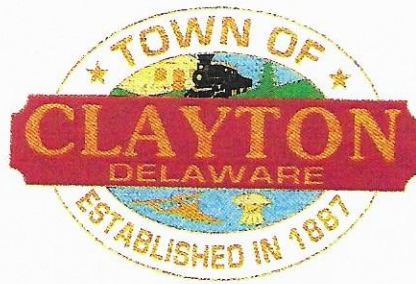
**304.1.13 - Unsafe chimney. All chimneys are required to be structurally sound and in good condition.**

As mentioned previously, in order to avoid any potential actions by the Town of Clayton in the form of fines or civil proceedings against you and/or your property, measures to address the "UNSAFE" conditions on your property need to be addressed without delay.

If you have any questions regarding this matter, please do not hesitate to contact the town hall at 302-653-8419.

Sincerely,

Tom Ford  
Inspections / Enforcement  
Town of Clayton



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August 21<sup>st</sup> 2020

Mr. Bernard Williams  
35 West North Street  
Smyrna, DE 19977

Re: 605 West Street, Clayton, DE 19938  
**International Property Maintenance Code Violations**  
**108.1.7 Unsafe Structure**  
**304.1.1 Unsafe Conditions**  
**304.1.4 Fail to maintain siding**  
**304.1.8 Fail to maintain roof**  
**304.1.13 Fail to maintain brick chimney**

Dear Mr. Williams, ,

We are writing to you in an effort to follow-up on our correspondence dated, July 7<sup>th</sup> 2020, regarding your property located at 605 West Street, Clayton, DE. Since we have not received any response from you concerning your "UNSAFE" property / building we will be forced to begin the initial stages of having the property / building condemned as vacant / nuisance / abandoned property. This property has been vacant and in a poor state of dilapidation for many years. I have documented the continuous neglect and deterioration of this property for the past three years. During this period there has been no effort on your part to maintain or restore any portion of the dilapidated structure. This neglect has certainly enhanced and even accelerated the deterioration of the entire structure, making it "unsafe".

Having this property / structure declared as a vacant / nuisance / abandoned property is a process that the Town of Clayton is willing to now begin. There are many stages to this process. Since you have not responded to our requests for action to address the "unsafe" conditions on this property, we can only assume that you have no interest in the property. As we move forward, we will continue to document the ongoing neglect at this property. Additionally, will begin taking enforcement action in the form civil fines against you. We will be contacting our attorney regarding potential liens against the property as well investigating the options for a court ordered declaration of demolition for the deteriorating and dilapidated structure / house that currently exists on the property now.



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## MEMO:

**TO:** Jeff Hurlock

**FROM:** Tom Ford *TF*

**DATE:** 091520

Sir,

On this date, I received a letter from James Hugget, Esq., who is apparently representing Mr Bernard Williams, who owns the vacant & dilapidated (unsafe) house at 605 West Street here in Clayton. It would appear that Mr Williams and his attorney have taken exception to my (the town's) recent efforts to have Mr Williams take responsibility for this vacant & unsafe structure. In this correspondence, they are advising me to stand down on taking "any" further actions or enforcement against the property owner, Mr Williams. The correspondence from Mr Hugget, Esq. contains several inconsistencies regarding actions or the lack there of taken by the property owner, Mr Williams.

I have included for your review, a copy of Mr Hugget, Esq's letter and my two most recent letters and photographs that I sent to the property owner, Mr Williams. If needed, I have several other letters, violations, notes and photos from past dealings with Mr Williams regarding issues at this address.

Would it be possible to have the Town's attorney review all this most recent documentation in an effort to provide me / us with some guidance on how we should proceed from this point forward.



ATTORNEYS AT LAW  
www.margolisedelstein.com

James Hugget, Esquire  
Direct dial: 302-313-9605

[jhugget@margolisedelstein.com](mailto:jhugget@margolisedelstein.com)

September 11, 2020

DELAWARE OFFICE:  
300 Delaware Avenue  
Suite 800  
Wilmington, DE 19801  
302-888-1112  
Fax: 302-888-1119

PHILADELPHIA OFFICE:  
The Curtis Center  
170 S. Independence Mall W.  
Suite 400E  
Philadelphia, PA 19106-3337  
215-922-1100

PITTSBURGH OFFICE:  
The Oliver Building  
535 Smithfield Street  
Suite 1100  
Pittsburgh, PA 15222  
412-281-4256

SCRANTON OFFICE:  
220 Penn Avenue  
Suite 305  
Scranton, PA 18503  
570-342-4231

HARRISBURG OFFICE:  
3510 Trindle Road  
Camp Hill, PA 17011  
717-975-8114

WESTERN PA OFFICE:  
983 Third Street  
Beaver, PA 15009  
724-774-6000

CENTRAL PA OFFICE:  
P.O. Box 528  
Hollidaysburg, PA 16648  
814-695-5064

SOUTH NEW JERSEY OFFICE:  
100 Century Parkway, Suite 200  
P.O. Box 5084  
Mt. Laurel, NJ 08054  
856-727-6000

NORTH NEW JERSEY OFFICE:  
Connell Corporate Center  
400 Connell Drive  
Suite 5400  
Berkeley Heights, NJ 07922  
908-790-1401

**VIA FAX AND REGULAR MAIL**

Town of Clayton  
Attn: Tom Ford  
414 Main Street, P.O. 1130  
Clayton, Delaware 19938  
Fax (302) 653-2017

RE: Bernard Williams, 605 West Street, Clayton, DE 19938

Mr. Ford:

Please be advised that I represent Mr. Williams in the above referenced action. Please accept this letter in response to your letter dated August 21, 2020.

At this time, I ask that you cease all action related to having the property declared as vacant, nuisance, and/or abandoned property. We ask that you cease this process for the reasons discussed below.

My client inherited the property, 605 West Street, Clayton Delaware 19938 (the "Property") from his parents, and my client is in the process of repairing the property as necessary. In particular, nearly one and a half years ago Charles Gilbert ("Mr. Gilbert") purchased the property adjacent to my client's property. After Mr. Gilbert purchased the adjacent property, Mr. Gilbert proceeded to tear down the wall of my client's house. Mr. Gilbert was under the mistaken assumption that this was part of his property, however, it was not.

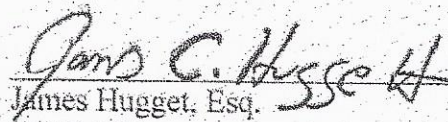
My client and Mr. Gilbert came to an agreement that Mr. Gilbert was to pay for and properly repair the damage. Mr. Gilbert then hired contractors to repair the wall, however, the contractors subsequently stopped working on the project. My client has attempted to contact Mr. Gilbert numerous times demanding the Mr. Gilbert repair the wall on my client's property. My client estimates that there remains \$25,000.00 in damage. At this time, my client has had no success in contacting Mr. Gilbert, and my client is in the process of proceeding with legal action to repair the wall. Any citation for said wall should be immediately eliminated.

Second, at one point in time there was a house attached to the Property, and the Town of Clayton tore down the attached house. In doing so, the Town put up siding on the Property owned by my client. The Town did not repair the chimney after it tore down the attached home, and it is still in disrepair to date. It is my client's position that it is the Town's responsibility to repair said chimney, and any citations regarding my client's alleged failure to maintain a brick chimney are frivolous.

Finally, my client is in the process of repairing the roof to the Property, and any citations for failure to maintain a roof must be removed. For the reasons stated above, please cease all actions taken by the Town to declare the Property as vacant, nuisance, and/or abandoned property at this time, as it is neither vacant, nuisance or abandoned. Failure to cease the Town's process will result in legal action taken by my client against the Town.

Please contact my office should you have any questions. Thank you for your time and cooperation.

Very truly yours,

  
James Hugget, Esq.  
DE Bar ID

Re 07/10/04

CASE NUMBER #21-04-605  
TICKET# CE - 04

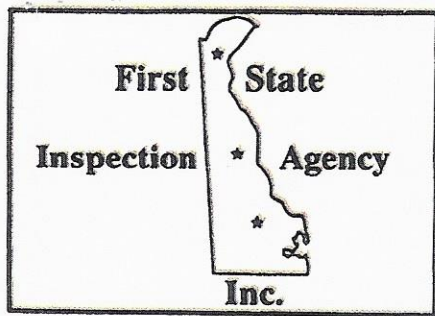
TO:

Town of Clayton  
Tom Ford  
Jeff Hurlock

Property Location: 605 West Street  
Clayton, DE. 19938

The above listed property had been violated by the Town of Clayton and private contractor Charles Gilbert. The first violation occurred when the Town of Clayton demolished the adjacent structure to 605 West Street Clayton, DE. (The Town Of Clayton records will reflect) The Town of Clayton disregarded the right side of house which exposed structure to elements. This in turn disregarded the chimney area (violation 304.1.13) Mr. Williams asked Town to satisfy house by placing siding on side of house which was exposed as well as satisfy chimney area that Town of Clayton exposed as a result of demolition to adjacent structure. (The Town of Clayton records will reflect of demolition, Bob Berghorn/Town Foreman) In all due sincerity the Town is responsible for the demolition as well as structural damage or exposure caused during that period. Mr. Williams is no way responsible for any infractions committee by another party or person.

Addressing property maintenance codes 108.1.7, 304.1.1, 304.1.4, and 304.1.8 that are in violation. The following codes are in violation due to the negligence of private contractor Charles Gilbert. Mr. Gilbert was in violation of codes and by demolishing rear area of 605 West St. without permits or proper zoning. (The Town of Clayton records will reflect) The Town of Clayton had to inform Mr. Gilbert to cease any further demolition of property due to lack of knowledge of codes and property zoning. Mr. Gilbert demolished rear and, right side structure of house which caused significant structural damage. This is no way an infraction, or responsibility of Mr. Williams. Mr. Williams along with attorneys have been in contact by letters to town about legal issue with Mr. Gilbert. The issue of wrongful demolition on 605 West St. is a subject of the court which is now in process to be resolved by the court. Tom Ford character and creditability is at question due to the fact of providing pictures that are dated incorrectly for a violation of lawn upkeep/lawn care. This matter hasn't been resolved for his falsifying of documentation. Mr. Williams is being harassed by Tom Ford. Tom Ford and the Town is fully aware of the legal issues that surround 605 West St. Tom Ford and The Town of Clayton knowingly in the court of law that Mr. Williams isn't responsible for recorded actions taken upon property of 605 West St. Any actions that Mr. Williams were responsible of he took upon himself to satisfy such. Property damage incurred initially by Town of Clayton (304.1.13) and remainder violations by Mr. Gilbert are the responsibility of Town of Clayton and or Mr. Gilbert. (Town of Clayton records will reflect wrongful demolition) Until legal proceedings are resolved Mr. Williams is at no way liable for damages incurred to structure in fact Mr. Williams has been overly lenient to not press



At the request of Tom Ford, Code Enforcement Officer with the Town of Clayton, a visual survey of the structure located at 605 West Street, Clayton Delaware was performed on October 2, 2020. This survey was performed from the grounds of the property. There was no access provided to the interior of the structure. Based on the Town of Clayton adopted International Property Maintenance Code, the following violations were observed:

1. Section 302.1 Sanitation; numerous piles of siding, tree branches, yard trimmings, and construction debris was observed next to the structure.
2. Section 304.1.1 Unsafe conditions; The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the adopted code of Clayton:

304.1.1.2 The anchorage of the walls to areas of the foundation appears to not be capable of resisting all nominal loads. The North East rear side of the structure has siding removed exposing the sheathing and it appears the foundation has been removed in this area.

304.1.1.4 Siding joints between the building envelope and the perimeter of windows and doors is not maintained weather resistant or water tight.

304.1.1.6 The foundation at the North East rear side of the structure appears to be not firmly supported by footings.

304.1.1.8 Roofing components have visual defects that may admit rain to the interior of the structure.

304.1.1.12 The steps at the rear door are not structurally sound.

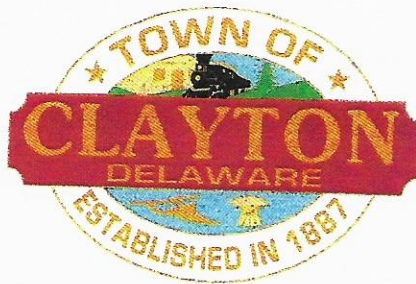
304.1.1.13 The chimney appears to be not structurally sound and shows evidence of deterioration.

304.13 Windows and doors are not in sound condition and weather tight.

304.13.1 Numerous cracks and holes are visible in the glazing materials.

Based on the observations, this structure should be considered as unsafe pursuant with Section 108.1.1

Please contact First State Inspection Agency, Inc. should you require clarification or additional information.



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October 9<sup>th</sup> 2020

Mr. Bernard Williams  
35 West North Street  
Smyrna, DE 19977  
**First Notice**

Re: 605 West Street,  
Clayton, DE 19938

**Ordinance Violation 2.2-2.2:** Concerning Disposition of Rubbish & Debris  
located in the side and back yard at this address.  
**Property Maintenance Code 302.1:** Clean & safe exterior of property.  
**Ordinance Violation 2.2.3-1:** Concerning the control of vegetation

Mr Bernard Williams:

We are sending this letter to inform you that during a recent visit to 605 West Street, I observed two piles of construction type debris and/or rubbish in the side and rear yard of this property. This miscellaneous debris and/or rubbish is in violation of the above listed Town Ordinance and Property Maintenance Code. Additionally, while at this property, I noticed that the grass & vegetation currently exceeds the maximum height. Consequently, this puts the property in violation for failing to maintain it's vegetation as well. I have enclosed a couple recent photographs, which show the described violations.

**Town of Clayton Ordinance concerning the Handling & Disposal of accumulated Trash & Debris, Section 2.2-2.2 (i) states: No garbage, rubbish or debris shall accumulate more than seven (7) days.**

**The Property Maintenance Code concerning Section 302.1 states: All exterior property & premises must be maintained in a clean, safe and sanitary condition.**

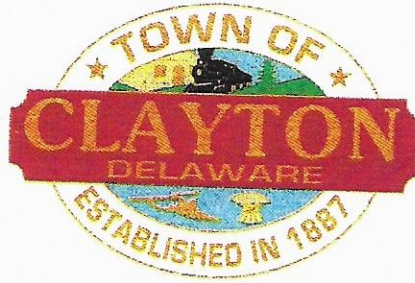
**Town of Clayton Ordinance concerning the Control of Vegetation, Section 2.2.3-1 states: Any person having ownership interest or possession of property in the Town of Clayton shall not have the grass or other vegetation exceed a maximum height of 12 inches from the ground.**

It is expected that you will address each of these violation **on / or before Friday, October 16<sup>th</sup> 2020**. In order to bring this property in to compliance, all of the debris / rubbish must be removed. Additionally, all the overgrown grass & vegetation must be cut. Taking the requested actions, will help to avoid the Town of Clayton activating it's abatement process that will be at your expense.

Any person violating any provision of these ordinances will be subject to a fine of \$50.00 for the first offense and \$100.00 for each subsequent offense. If you have any questions regarding this matter, please do not hesitate to contact the town hall at 302-653-8419.

Sincerely,

Tom Ford  
Inspections & Enforcement



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November 2<sup>nd</sup>, 2020

Mr. Bernard Williams  
35 West North Street  
Smyrna, DE 19977

Re: 605 West Street, Clayton, DE 19938  
**International Property Maintenance Code Violations**  
    **108.1.7 Unsafe Structure**  
    **304.1.1 Unsafe Conditions**  
        **304.1.4 Fail to maintain siding**  
        **304.1.8 Fail to maintain roof**  
        **304.1.13 Fail to maintain brick chimney**

Dear Mr. Williams, ,

As addressed in our previous correspondence dated August 21<sup>st</sup> 2020, the Town of Clayton continues to move forward against the property located at 605 West Street, by having the structure on the property declared as "Unsafe". The dilapidated and poor condition of this structure continues to be of great concern to the Town of Clayton. Subsequently, we continue towards having this vacant, abandoned and dilapidated structure declared as an "Unsafe" nuisance.

As part of this process, the Town of Clayton contacted and contracted with First State Inspection Agency, Inc of 1001 Mattlind Way, Milford, DE 19963, to conduct a visual inspection of the structure located on the property at 605 West Street. On October 2<sup>nd</sup> 2020, a representative from First State Inspection Agency conducted a visual survey of the structure on this property. Since there was no access to the interior of the structure, the survey was limited to it's exterior. On October 28<sup>th</sup> 2020, the Town of Clayton received a written report from the First State Inspection Agency which contained their assessment of the structure located on the property at 605 West Street. This report substantiated and supported the Town of Clayton's initial assessment, that the structure on this property should be considered as "Unsafe". I have enclosed a copy of their report for your review.

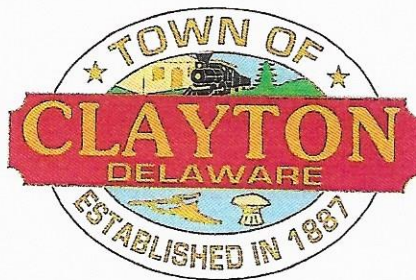
In light of the conclusions from First State Inspection Agency's assessment and the Town of Clayton's initial findings, the town plans to continue moving forward in the process of having this property declared as a "nuisance". This declaration will aide the town in having the structure on this property declared as vacant and "Unsafe".

Once again, you have the opportunity to avoid further civil actions by the Town of Clayton against this property. The Town of Clayton will grant you 30 (thirty) days, until December 1<sup>st</sup> 2020 to either begin substantial structural improvements on the structure or to begin the demolition of the structure located on this property. It will be expected that you will take some sort of action to address the towns documented concerns in an effort to correct or remove the "unsafe" conditions that currently exist on this property. If no action is taken by this listed date, the Town of Clayton will begin taking civil enforcement action against you for noncompliance as it moves forward against the property.

If you have any questions regarding this matter, please do not hesitate to contact the town hall at 302-653-8419.

Sincerely,

Tom Ford  
Inspections / Enforcement  
Town of Clayton



414 Main Street, P.O. Box 1130  
Clayton, DE 19938-1130  
Phone: (302) 653-8419  
Fax: (302) 653-2017  
[www.clayton.delaware.gov](http://www.clayton.delaware.gov) 2019

March 29<sup>th</sup> 2021

Mr. Bernard Williams  
35 West North Street  
Smyrna, DE 19977

Re: 605 West Street, Clayton, DE 19938  
**International Property Maintenance Code Violations**  
108.1.7 Unsafe Structure  
304.1.1 Unsafe Conditions  
304.1.4 Fail to maintain siding  
304.1.8 Fail to maintain roof  
304.1.13 Fail to maintain brick chimney

Dear Mr. Williams,

As of the writing of this notice, there still has been no activity to address the Town of Clayton's concerns at the property located at 605 West Street. The **UNSAFE** structure and the **UNSAFE conditions** on the property still exist. The Town of Clayton's Inspection & Enforcement Section is aware that our attorney has been in communication with your attorney regarding our safety concerns on this property. As previously mentioned, the Town of Clayton has every intention of pursuing a court order to have the structure declared as a Dangerous Building with the subsequent order authorizing its demolition. As part of this order the Town of Clayton will be requesting that the demolition, subsequent clearing and cleanup of the entire property be at your expense.

The Town of Clayton and the Inspection & Enforcement Section is aware that you are in additional litigation with a third party that also involves this property. As a result, we have decided to grant you a 90-day grace period from any additional civil fines. No new civil fines will be issued against you or this property during this grace period. However, beginning on July 5<sup>th</sup> 2021, the Town of Clayton's Inspections & Enforcement Section will resume issuing the maximum civil fines allotted for the listed violations if no action has been taken to address our concerns. After July 5<sup>th</sup> 2021, fines will continue monthly until the **UNSAFE** structure has been removed or an extensive permitted renovation project has been initiated. The maximum fines for non-compliance of the listed violations will be \$400.00 per month.

Once again, you have the opportunity to avoid further civil actions by the Town of Clayton against this property. Our expectation is that you will use this grace period to your advantage by taking the appropriate actions to bring the property in compliance with the Town of Clayton's codes and ordinances.

If you have any questions regarding this matter, please do not hesitate to contact the town hall at 302-653-8419.

Sincerely,

Tom Ford  
Inspections / Enforcement  
Town of Clayton





