

SPECIAL MEETING of the CORNWALL TOWN BOARD was held on the 1st day of March, 2010, in the Second Floor Conference Room, 183 Main Street, Cornwall, NY 12518

PRESENT: Supervisor
Councilpersons

D. KEVIN QUIGLEY
J. KERRY McGUINNESS
RANDOLPH CLARK
MARY BETH GREENE-KRAFFT

ABSENT: Councilman

ALEXANDER MAZZOCCA

Also PRESENT: ATTORNEY, STEVE GABA, representing attorney for Town, JAMES R. LOEB Esq.

Supervisor QUIGLEY opened the meeting at 7:10 P.M.

Town Engineer, MARK EDSALL gave a report of the structural collapse of 292-294 Main Street. Mr. EDSALL'S findings were as follows:

1. The building is unsafe for any type of occupancy.
2. The damaged/failed roof structure should be immediately removed as it poses a hazard for potential falling debris.
3. The owner should be directed to immediately hire a professional engineer and/or registered architect to perform testing to determine if the deterioration evidenced in the roof framing has occurred within the wall structural framing.
4. The perimeter area around back is deemed hazardous because of debris and chimney collapse.
5. Suggested that immediate steps be taken to remove collapsed roof and install temporary sloped roof for safety purposes.

Building Inspector, GARY VINSON also submitted a memo advising that it is his opinion that an imminent danger exists, and since he could not contact any of the owners, he recommends that the Board declare this an emergency and take immediate action to proceed under Section §72-11 of the Code of The Town pursuant to the Unsafe Building Law.

Attorney, STEVE GABA advised that the Town may declare this an emergency and later charge back for any action taken. Mr. GABA further advised that he received a letter from Mr. Brian Quinn of Hudson Valley Renaissance, LLC on behalf of one of the owners, Toby Conner. The letter stated that the portion of the original canopy must be removed on the street side and the collapsed roof can safely be removed to the rear of the building. It is Mr. Quinn's belief that other than this, the structure of the building is sound. However, the letter stated that a structural engineer did not evaluate the premises as of yet, but could be arranged for a fee of \$1,250.00. After much discussion, Attorney GABA read the following Resolution: WHEREAS, on or about February 26th 2010, a two story building located at 292-294 Main Street in the Town of Cornwall collapsed; and WHEREAS, a portion of the collapsed structure is overhanging Main Street and the public sidewalk; and WHEREAS, it appears from public records that the record owner of the said property is Laura Cerasoli, who died on October 19th 2009; and WHEREAS, the said condition of 292-294 Main Street presents an imminent danger to public safety such as constitutes an emergency situation; and WHEREAS, the Town Board has received a written report for the Building Inspector opining that it is necessary for the Town to take immediate action to secure the said premises in order to protect the public from the imminent danger pursuant to Town Code §72-11; NOW, THEREFORE, BE IT RESOLVED as follows:

1. That pursuant to Town Code Chapter 72 the Town Board does hereby declare that the two story building located at 292-294 Main Street in the Town of Cornwall is unsafe and dangerous; and
2. That pursuant to Town Code §72-11 the Town Board does hereby declare that an emergency situation exists and directs that the following measures be taken to secure the site in order to prevent injury to persons using the sidewalk and street, and the public from imminent harm: Removal of the collapsed roof structure and loose materials and installation of a temporary sloped roof to the satisfaction of the Town Engineer and Building Inspector.
3. That the Building Inspector is further authorized to immediately cause such measures to be undertaken pursuant to the terms of such agreement or agreements as the Town Supervisor shall execute. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Town Code §72-10; and
4. The Town Board hereby authorizes the Supervisor to execute any and all documents necessary to effectuate the said repair and or demolition.
5. The Town Board does hereby direct that dangerous structure proceedings be commenced against the said property.

Motion to adopt the Resolution was made by Councilman CLARK, seconded by Councilwoman KRAFFT.

ROLL CALL VOTE: Unanimous Aye.

A motion to close the Special Meeting and go into Work Session was made by Councilman CLARK, seconded by Councilman McGUINNESS.

ROLL CALL VOTE: Unanimous Aye.

A motion to go into Executive Session with no action to be taken was made by Councilwoman KRAFFT, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Renata McGee
Stenographer/Deputy Town Clerk
(Transcribed from recording)

Elaine Tilford Schmeer
Town Clerk