

The Town of Moriah Town Board held a Special Meeting on Friday, April 20, 2018 at 10:00am to discuss the Unsafe Structure Law and the fire at 4314 Main Street, Port Henry, NY on at the Town of Moriah Court House, 42 Park Place, Port Henry, New York.

Present: Thomas Scozzafava Supervisor
Paul Salerno Councilman
Matthew Brassard Councilman

Others Present: Jamie Wilson-Highway Superintendent, Frank Slycord-Building Codes, Michael Crane-Crane Associates, Greg and Joan Cunningham, Shannon Wadsworth-ADK Community Works, Rich Lapier-Building Codes, Clem Hacunda, Rhonda Sargent, George Landrie-NYS DOT, Mark Bonfey-NYS DOT, and Rose French-Town Clerk.

Supervisor Scozzafava opened the meeting at 10:00am by saluting the flag. He then read the legal notice calling for the Special Meeting.

86. ON MOTION by Councilman Salerno, seconded by Councilman Brassard, the following resolution was

APPROVED	Ayes	Scozzafava, Salerno, Brassard
	Absent	Anderson, Carpenter
	Nays	0

RESOLVED to send Court Clerk Kimberly Kolodzey and Account Clerk LeeAnn Sprague to the Notary Public class on Thursday, May 3, 2018 from 9:00am to 1:00pm at Adirondack Community College in Queensbury, NY at \$65.00 each and to take the Notary Public Exam on Tuesday, May 8, 2018 at 1:30pm at Clinton Community College in Plattsburgh, NY at \$15.00 each.

Supervisor Scozzafava read the "Notice of Unsafe Building" letter from Rich Lapier, Code Enforcement Officer that was sent to Design Directors, LLC, Greg Cunningham-Adk Community Works and Security Mutual Insurance regarding the fire that took place in Port Henry at 4314 Main Street on March 4, 2018.

(See Attachment)

The Supervisor stated there is a Local Law that is still in effect from the former Village of Port Henry regarding unsafe structures, and this law will remain in effect for three (3) years.

The Supervisor then introduced Greg Cunningham from ADK Community Works. He stated that Mr. Wisell, Design Directors, could not be here today. The Supervisor stated that Mr. Wisell stated Mr. Cunningham does in fact own the building at 4314 Main Street, Port Henry, NY and that he, Mr. Wisell does have a vested interest in the building because he is holding the mortgage for Mr. Cunningham.

The Supervisor stated that there are also two (2) members of the NYS DOT-Essex County here with us today, also Jamie Wilson and a representative from the "Bell" store and Lee House Apartments on Main street-Bruce Mcsarski.

Mr. Cunningham read a statement.

(See Attached)

The Supervisor asked for a copy of the statement and Mr. Cunningham said he had a copy for him.

The Supervisor stated he could appreciate the hardship on everyone. He would love to see the building saved. The Public safety and welfare is his primary concern. The Supervisor stated he read the Engineer's report and he feels it is pretty vague. He would like to see the building and debris taken care of ASAP. The Town is still waiting to hear back from Security Mutual, Mr. Cunningham's insurance. The Supervisor asked Mr. Cunningham point blank if he had the resources to do the work that needed to be done and in the time frame it needed to be done in. Mr. Cunningham stated he would have the work completed by July 1, 2018. The Supervisor told Mr. Cunningham that the Town Board will need something in writing from him with the time

frame for each step of the work. Mr. Cunningham stated he would get that to the Town Board. The Supervisor asked Mr. Cunningham if the Engineer has been in contact with the Department of Labor regarding the asbestos and Mr. Cunningham said yes. The Supervisor asked Mr. Cunningham for a list of references for jobs he has done and have all these projects been with or without insurance and Mr. Cunningham said with. The Supervisor asked Mr. Cunningham if he had the financial resources to get the job done in the time frame and Mr. Cunningham said yes.

The Supervisor stated that the sidewalk project will start next week and they will have to work around the section where the fire was.

The Supervisor stated that he has not been notified what the official cause of the fire was. Mr. Cunningham stated it was electrical. Mr. Cunningham stated he talked to the County the day after the fire and that is what he was told, but he has nothing in writing. The Supervisor stated the cause has not been determined yet. Mr. Cunningham stated that the tenant in unit 3 said the power had gone off three (3) times and she heard a pop and the wall next to the panel box was on fire.

The Supervisor asked Mr. Cunningham if July 1, 2018 was a realistic time frame and that he needed to supply the Town Board with documentation of this. The Town will be following the Local Law and if time frames are not met, it is a \$250.00 a day fine.

The Supervisor asked the Town Board if they had any questions. Councilman Salerno stated his concerns with the time frame, can't always foresee everything, bad weather etc., and the next thing you know we are back to winter. The Supervisor said the Local Law specifically states deadlines and time frames. He does not want to be here in September having this same discussion. He wants to see the building stay there, he wants to work together to get it done. Mr. Cunningham stated it is not in anybody's interest to have the building just sit there. The Supervisor stated he is very concerned about Mr. Cunningham's financial ability to take care of the building in the time frame he is suggesting, he doesn't want the Town to have end up taking the building down. Mr. Cunningham stated he is not interested in Government money, such as grants. The Supervisor asked Mr. Cunningham point blank if he had the financial means yes or no and Mr. Cunningham said yes.

Councilman Salerno asked which Code Officer would be handling this case and Mr. LaPier said he would be and he would be following the Engineers instructions.

The Supervisor reiterated the Town Board needs a specific time frame that is why we are meeting today. Councilman Salerno asked if there would be a need for detours when the work began. Mr. Cunningham stated he will use the area in front of the building for equipment with DOT permits as needed. The front of the building would be the staging area. Councilman Salerno asked about containers for the garbage, where would they go and Mr. Cunningham said behind the building. The Supervisor asked if Mr. Cunningham would be putting up fencing and Mr. Cunningham said yes. The Supervisor stated the Town could leave one lane open to give them room to work. One of the gentlemen from the NYS DOT asked about the Highway Work Permit and Mr. Cunningham stated he already mailed it in; they should have it in their office. He also stated that Mr. Cunningham would have to "close the sidewalk" and "parking lot" with appropriate signage once the work begins and that Mr. Cunningham would have to supply all the materials for that.

Councilman Brassard asked if they would be closing the sidewalk by Macs. NYS DOT said no, they would post "cross here" signs. The Supervisor asked NYS DOT to stay in contact with the Town and they said they would.

Jamie Wilson-Highway Superintendent stated he is very concerned about the possibility of falling debris from the building. He stated his name is on the detour. He is very concerned about public safety. He asked Mr. Cunningham if he would be putting up any barriers. Mr. Cunningham stated he would like to move fast on this project and get it done. He will set up scaffolding beside the building on the street. The Front of the building will be for hand work. Mr. Wilson expressed his concern regarding all the water and sewer lines that are right there in that intersection, they are very complex. The Supervisor asked if all the lines are still on the building and Mr. Cunningham said yes, but National Grid has been contacted to get them down. Mr. Wilson stated that extra barricades are his main concern. The Supervisor stated that work

fencing and scaffolding are a huge issue with OSHA. The Supervisor asked if Mr. Cunningham would have to supply insurance certificates to DOT and they said no.

Councilman Salerno stated he feels for everyone involved. He wants to work together with Mr. Cunningham and he hopes it all works out.

Bruce Mcsarski from HAPEC Inc. owns the Bell Store right next to where the fire happened and he is also in charge of the Lee House Apartments. Two apartments in the Bell Store and the basement of the Lee House were affected by the fire with smoke and water damage. He stated that the Lee House had to be evacuated. He would like to thank the Community and the Red Cross for all their help during the fire. He has three (3) units that cannot return to their homes yet. One at the Lee House (basement) and two (2) in the Bell Store. He needs to get these people back in their homes. It is a huge expense to him and the people to have it cleaned. It still smells really bad of smoke. It will have to be professionally cleaned before anybody can return. Asbestos is still a question and also dust. He worries that when the work starts dust will be a problem. He is concerned that he will have to have it cleaned again. He is also concerned about structural issues with the Bell Store.

The Supervisor stated that Mr. Mcsarski makes some critical talking points. He will have to hire qualified and skilled workers to do the job due to public safety.

The Supervisor stated he will follow up with Rich Lapier-Code Enforcement Officer regarding the asbestos. Mr. Mcsarski stated it is a whole process to do the asbestos. The Supervisor stated that when Hospice was in that building he thought they had the asbestos removed. Mr. Cunningham stated he is addressing that issue. The Supervisor asked Mr. Mcsarski if he has been in contact with Mr. Cunningham's insurance and he said yes. The Supervisor asked Mr. Cunningham if his insurance with Security Mutual had been cancelled and Mr. Cunningham stated it had something to do with a notice that was not done properly, there is an issue there. The Supervisor asked Mr. Cunningham if the insurance does not cover it will he still start the work and Mr. Cunningham said yes. Mr. Cunningham stated he will do the high work on the scaffolding himself. Mr. Cunningham asked Mr. Mcsarski if he would provide him with a list of names and addresses of the tenants so he could include them in any fundraisers.

The Supervisor asked Mr. Lapier what Mr. Cunningham would need to move forward. Mr. Lapier stated he is going to need a demolition permit and a building permit, workers compensation, a schedule of work to be done and a detailed report from the engineer.

Mr. Slycord-Code Enforcement Officer asked Mr. Cunningham how he is going to pay for all the work himself when he can't even afford to have a dumpster emptied. Mr. Cunningham stated payment was not the issue; the driver would not pick up the garbage due to snow. Mr. Slycord stated that Foote's diner sits right there and the customers complain that they have to look at an overflowing dumpster all the time. The Supervisor stated he called Ace and at first they were not going to take the garbage out of it but now they are going to move it. Mrs. Cunningham stated she also spoke to Ace and they are going to send a truck to empty it.

The Supervisor again asked Mr. Cunningham about his financial ability to pay for the work. If there was a lapse in the insurance and a lapse in the mortgage payment, how can he afford it. That is what he and the Town Board are concerned with.

The Supervisor stated that in conclusion, Mr. Cunningham needs to present a specific time frame of work to be done and the financial ability to pay for it.

Michael Crane asked Mr. Cunningham if he has no idea how much the work is going to cost how does he know he can afford it. Mr. Cunningham stated there are too many variables. He has family with the financial backing if need be. The Supervisor stated that is his main concern, no money, also public safety and welfare. Bottom line, Mr. Cunningham needs to provide a specific time frame and the financial means to do it. The Supervisor said Mr. Wisell stated that Mr. Cunningham does own the building but he has an interest in the building because he still holds the mortgage. The Supervisor feels Mr. Wisell is running for cover but still has a financial interest in the building.

The Supervisor stated that the Town Board is not playing games; they need the engineer's plans, a specific time frame of work to be done and the financial means to do it.

Mr. Cunningham stated he will provide whatever is legal. Councilman Brassard told Mr. Cunningham he should double check his plans before he gives the Board a specific time frame. The Supervisor asked Mr. Cunningham if he was going to save the building and he said yes.

Mr. Lapier told Mr. Cunningham that he could get the demolition and building permits at the Town Hall. The Supervisor stated that Mr. Lapier will be the front man on this project to make sure everything is in order. Councilman Salerno asked if John Silvestri, Attorney for the Town will be there if the Board needs help and the Supervisor stated he has already been on board.

Mr. Lapier asked if Mr. Cunningham had any other help and Mr. Cunningham stated that has not been determined yet.

Mr. Lapier stated that the Town will need a Worker's Compensation Certificate. Mr. Cunningham said he was aware of that. A spokesman for NYS DOT asked the Supervisor if before the demolition would Mr. Cunningham need to get a permit from the Town and Mr. Lapier said yes. Mr. Slycord stated he would have to get that before any cleanup is started. Mr. Cunningham stated he started some clean up as a courtesy.

Mr. Mcsarski asked if he could get a copy of the engineers report and the Supervisor said yes. The Supervisor read a letter from AARCH in support of Mr. Cunningham reconstructing the building. He also does not want to see the building demolished, he would like to see it saved, but his main concern is public safety.

The Supervisor stated he got a call from Mac's Supermarket; they are concerned about the thru traffic. To alleviate the situation, the Town made one lane of traffic on Cedar Street and St. Patrick's Place. Mac's may still put up a barrier and/or signage.

The meeting adjourned at 11:03am.

Town Clerk