

SPECIAL TOWN BOARD MEETING

The Special Meeting of the Town Board of the Town of Cortlandville was held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, with Supervisor Tupper presiding.

Members present:

Supervisor, Richard C. Tupper
Councilman, Theodore V. Testa
Councilman, Ronal L. Rocco
Councilman, John C. Proud
Councilman, Gregory K. Leach
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer; Town CEO, Tom Williams; Town CEO, Desiree Campbell; Representatives from the Village of Homer: Mayor Genevieve Suits, Lou Ann Randall, Paul Gower, Andrew Brush, Village Attorney, Patrick Perfetti; News Reporters: Tyrone Heppard from the *Cortland Standard*, and Eric Mulvihill from WXHC.

Supervisor Tupper called the special meeting to order. He indicated that the purpose of the special meeting was to discuss the fire at the Budget Inn.

Code Enforcement Officer, Tom Williams stated that last Thursday night he was on scene at the Budget Inn fire. When he was on scene it was evident that the buildings would not be salvageable. Sunday he took photographs which were provided to the Board. On Monday, he had Chuck Feiszli, PE from Resource Associates examine the Cortlandville side of the building. For the record, CEO Williams explained that part of the building is in the Town of Cortlandville and the other part is in the Village of Homer. The Cortlandville side contained the office/residence and an “L” shaped portion of a building. There was also an “L” shaped portion of the building in the Village. The fire was in the office area and the southeast corner of the “L” shaped building where they intersect. The fire was started in the two-story portion of that building.

CEO Williams provided the Board with Mr. Feiszli’s report, in which they concurred that the office is damaged to the extent that it is structurally unsound. He stated it was in extreme, eminent danger of collapse, which could be a danger to the public or to fire personnel if the buildings reignite. The two-story portion of the “L” shaped building in the Town is also damaged to the extent that the roof is gone, the 2nd story is gutted, half of the downstairs is fire damaged and the rest is water damaged. Both Mr. Feiszli and CEO Williams were of the opinion that it was dangerous to leave up.

CEO Williams also directed the Board to a copy of the portion of the Town’s ordinance, which he asked Attorney Folmer to address, which gives the Town the authority to act in an emergency and order it to be demolished.

Councilman Rocco questioned how the investigation regarding the fire would fit in. CEO Williams indicated that the local State Fire team was on scene the night of the fire and stayed through the early morning. He explained that due to continuity of evidence, once State Fire leaves the scene they surrender the building and are done. They would have taken all the information that they needed.

Councilman Rocco questioned whether the Cortlandville Fire Department indicated an interest in using the buildings for fire training. CEO Williams indicated that the fire departments received enough training the night of the fire. He also noted that the property is located in the Homer Fire District so the Homer Fire Department was in charge that evening and was the first on the scene.

Attorney Folmer asked CEO Williams to explain his photographs labeled #30 and #31. CEO Williams explained that the photographs depicted the dividing line between the Town of Cortlandville and the Village of Homer. Photograph #30 depicted an alley between two buildings.

Attorney Folmer stated that if the demolition occurred, it would take the 2-story section of the motel located in the Town, but would leave a small portion of the building located in the Village standing. He asked CEO Williams what would be done with the south side of the building. CEO Williams indicated that in his discussions with the demolition contractor, they would secure the site by boarding it up, making sure the doors are locked or boarded up, and the remaining structure to the best of their ability would be secured. Attorney Folmer questioned whether there was any concern that as a result of the demolition of the structure that the remaining building would become imperil as well? CEO stated that it was a possibility. The buildings were constructed in the 1950s and 1960s, and although it was not damaged by the fire, it was not in good condition.

Councilman Rocco asked what the property owner's rights were. Attorney Folmer stated that he would address the issue in a moment.

Attorney Folmer stated that in Mr. Feiszli's letter he discussed the examination of two buildings. The office structure was a two story building as was a portion of the motel. The estimated cost of the demolition was \$31,200.00. If the Town demolishes the building the prevailing wage must be paid, which was another \$1,984.00. Air monitoring would also be necessary for an estimated cost of \$900.00. The Town's ordinance provides that if the Town were to demolish a building under its ordinance, the Town could charge the land owner the cost of the demolition but also up to 50% of the cost as a surcharge for administrative purposes.

Attorney Folmer reported that he, CEO Williams, and CEO Campbell met with Mr. Fisher, Esq., an attorney from Syracuse who represents the owner. Mr. Fisher agreed with the Town's assessment that the buildings are in fact beyond repair, and did so as a representative of the owner of the property. Attorney Folmer was advised that there is no insurance on the property. The owner cancelled the insurance when they abandoned and shut down the motel.

CEO Williams mentioned that in order to change the occupancy several things would come into play. Any change of occupancy on the lot would have to receive approval from the Town Planning Board. A change of occupancy is also one of the conditions in the Property Maintenance Code that triggers the involvement of the Code Enforcement Office. He explained that whoever was doing the change in occupancy would have to provide documentation from design professionals.

Councilman Proud asked for clarification of photograph #31 and what would be demolished. CEO Williams clarified that everything to the right of the blue dashed line would be demolished and everything to the left of the line, if possible, would be left and boarded up.

Councilman Testa questioned what would happen if the demolition occurred and it caused a part of the remaining building to cave in. CEO Williams explained that if that happened they would probably say it was an unsafe building and would be back before the Board to proceed as they are today. Councilman Rocco questioned whether it would matter that the Town damaged the building during the demolition. CEO Williams stated that whatever the cause was it did not matter; an unsafe building was an unsafe building.

Councilman Leach questioned whether CEO Williams talked to the owner. Attorney Folmer stated that it was safe to assume that Mr. Fisher has been in contact with the property owner. CEO Williams mentioned that yesterday they provided Mr. Fisher with the same packet of information that they provided to the Board.

Councilman Leach questioned whether the owner gave any indication of cleaning the site up himself. Attorney Folmer stated that he indicated to Mr. Fisher yesterday that if the Board met today and authorized the demolition, that steps would be taken so the demolition would happen quickly and as early as Monday or Tuesday the following week. If Mr. Fisher and his client wished to complete the demolition instead of the Town, to avoid the prevailing wage and the administrative surcharge, the Town would enter into an agreement with him to that effect, providing that the demolition would be accomplished by him and his contractor by the end of next week. Mr. Fisher was going to communicate that to the owner.

CEO Williams stated that at this point, the Board could order the demolition to be caused.

Attorney Folmer mentioned that there is a different procedure involved if there is not an emergency situation. He stated that the Board was familiar with the procedure because they went through it with the demolition of the former Golden Skillet. In that case notice had to be given and a hearing had to be conducted. The notice can be given to the owner or a legal representative. Attorney Folmer indicated that they have been dealing with the Budget Inn situation for almost two years and Mr. Fisher has been consistently representing the owner. Attorney Folmer stated that they have done all the communicating with legal representatives that they are required to do.

Supervisor Tupper questioned whether there was a proposed resolution. Attorney Folmer read aloud a resolution for the Board to consider.

Councilman Leach suggested that once the demolition occurs that the Town pursue the demolition of the remaining building to clean up the site. Attorney Folmer stated that the Town does not have the authority over the remaining building in the Village of Homer. Once the demolition is completed, CEO Williams would make another inspection to determine what is left and what, if anything, needs to be done.

Supervisor Tupper mentioned that Village of Homer Trustees were in attendance today to discuss the matter as well. However, due to a lack of a quorum, the Village Trustees could not vote on the matter.

RESOLUTION # AUTHORIZE THE IMMEDIATE DEMOLITION OF THE FIRE
DAMAGED PROPERTY LOCATED IN THE TOWN OF
CORTLANDVILLE KNOWN AS "THE BUDGET INN"

Motion by Councilman Proud

Seconded by Councilman Leach

VOTES: AYE – Tupper, Testa, Rocco, Proud, Leach

NAY – 0

ADOPTED

WHEREAS, the Town Board has received a report from the Town Code Enforcement Officer and a letter report from Charles Feiszli, Civil Engineer, indicating that the portion of the premises known as "The Budget Inn" located in the Town of Cortlandville at 4408 Route 11, has been fire damaged to the extent that it is in danger of imminent collapse and is a hazard to the health and safety of the public, now therefore

BE IT RESOLVED, that pursuant to Chapter 86, Appendix A, Section VI, of the Code of the Town of Cortlandville, that the Code Enforcement Officer with the assistance of the Town Attorney, cause the immediate demolition of the fire damaged portion of said premises located in the Town of Cortlandville, and it is further

RESOLVED, that the Town waive all demolition permit fees and water charges, which may be incurred in connection with such demolition.

No further comments or discussion were heard.

Councilman Leach made a motion, seconded by Councilman Rocco, to adjourn the Regular Meeting. All voting aye, the motion was carried.

The meeting was adjourned at 11:45 a.m.

Respectfully submitted,

Karen Q. Snyder, RMC
Town Clerk
Town of Cortlandville

*Note:

The draft version of this meeting was submitted to the Town Board for their review on May 7, 2015.

The draft version of this meeting was approved as written at the Town Board meeting of _____.