

TOWN OF CLARKSON
SPECIAL TOWN BOARD MEETING
August 15, 2023

The Town Board of the Town of Clarkson held a special meeting on Tuesday, August 15, 2023 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:30 P.M.

PRESENT:

Christa Filipowicz	Supervisor
Nick D'Amuro	Councilperson
John Culhane	Councilperson
Tom Guarino	Councilperson
** Leslie Zink	Councilperson
Susan Henshaw	Town Clerk
Robert Viscardi	Highway Superintendent
Keith O'Toole	Attorney
Kevin Moore	Building Inspector
JP Schepp	Town Engineer

** excused

Supervisor Filipowicz opened the meeting. She led everyone in the Pledge of Allegiance. A moment of silence was observed for our service men and women, first responders and veterans, particularly those who have paid the ultimate price.

The purpose of the meeting is to discuss the unsafe building at 8438 Ridge Road. Building Inspector Kevin Moore read through a detailed timeline of events that took place starting on Monday morning August 14, 2023 until the afternoon of August 15, 2023. Kevin Moore proceeded to share photographs he took this morning, August 15, of the unsafe building, identifying each photo with the board members as well as the town's attorney Keith O'Toole and engineer JP Schepp. Kevin Moore advised that he placed a legal notice on the door of the unsafe building as well as handed a notice to a gentleman named Sammy, at the owners' residence.

LEGAL NOTICE
TOWN OF CLARKSON

PLEASE TAKE NOTICE that the Town Board of the Town of Clarkson, New York, will conduct a special meeting Tuesday, August 15, 2023, at 6:30 p.m., or as soon thereafter as the matter can be reached at the Town Hall, 3710 Lake Road, Clarkson, New York.

The purpose of the special meeting is to consider enforcement action and/or other proceedings involving unsafe building(s) and premises located at 8438 Ridge Road, Clarkson, NY 14420 with Tax Account Number: 054.13-1-13 (the "Property"). By way of example only, enforcement actions may include immediate authorization for the Town, it's employees and/or it's contractors, to immediately demolish all building(s), structures & foundations, clearing the site of debris, disposing of the debris at an appropriate landfill and filling the excavation with clean fill, and assessing the cost of such work against the Property.

The special meeting is noticed to the extent practicable as required by the New York Open Meetings Law.

Dated: August 15, 2023

By order of the Clarkson Town Board
Susan Henshaw
Town Clerk

8-15-2023

Kevin Moore identified a photograph affixed to the temporary fencing of the structure advising, Private Property No Trespassing – will be shot on sight.

JP Schepp advised that he visited the unsafe building on April 28, 2023 and took photographs. He then emailed Kevin Moore and the Town Supervisor, advising that the building was unsafe at that time and there should be no entry by anyone. He revisited the site prior to the August 15 meeting and felt the conditions of the structure have declined, is ready to collapse and is unsafe and in fact in peril. It is a serious risk to anyone's health and safety. He feels it is at risk of immediate failure.

Rafael Marcello, 502 Elmgrove Road, owner of the unsafe building mentioned he was not provided notice that anyone was going on the property. He advised he was just given a permit recently. He advised that nobody should be on the property without his consent. He believes that everything he has done to the property had been approved by the town board twenty days ago on July 28. Kevin Moore advised he has engineered plans for removal of the front portion of the structure. He advised that the owner was to put in a main support beam and continuous load path all the way to the footers supporting the rear of the structure, and then he could cut the front section of the building and remove it. He was instructed to have a dumpster and fencing, and those were not present. As it currently stands, the rear of the structure does not have enough support and is in imminent danger of falling. Mr. Marcello mentioned that he pointed out the rotting of the main support beam prior, and Kevin Moore advised that the beam is now separated from the main wall due to the fact the house was not supported properly. Mr. Marcello mentioned that he will go and put up a support beam tomorrow morning. Kevin Moore stated that beam was to be placed prior to the removal of the front of the structure. He mentioned he has photographs from before and after the front of the home was removed, clearly showing the concerns. Mr. Marcello states that he does not want anyone on his property without a judgement order. Kevin Moore advised that when there is an immediate threat for fire due to the electrical, the town is allowed access to the property. Mr. Marcello mentioned repeatedly that, "you have already taken care of that, and you are no longer allowed on the property".

Supervisor Filipowicz proceeded to read the following resolution along with subsequent approvals from the board.

RESOLUTION #242
RESOLUTION REGARDING UNSAFE BUILDINGS OR STRUCTURES AT 8438
RIDGE ROAD, CLARKSON, NY

Introduced by Councilperson Guarino

Seconded by Councilperson Culhane

WHEREAS, the Town Board did enter an Order dated June 13, 2023 for the demolition and removal, and/or repair of unsafe buildings and premises at 8438 RIDGE ROAD, Town of Clarkson, NY designated by Tax Map No. 054.13-1-13 ("Property"), which was affirmed after a public hearing on June 27, 2023 attended by property owner Ralph Marcello and which Order was served upon said Ralph Marcello at that time, and **WHEREAS**, the Town Building Inspector has inspected the premises on August 14, 2023 and was concerned due to the premises evidencing an open excavation and debris from the demolition of the front wing of the house, which was not fenced off from the general public and local children, and

WHEREAS, the Town Building Inspector returned to the Property on August 15, 2023 and determined that the rear wing was not structurally braced with a support beam as per the Order dated June 13, 2023 and is of the opinion that the rear wing should be immediately demolished and the site cleared and made safe, and

WHEREAS, the Town Building Inspector offered photographic evidence showing minimal bracing which was visibly bowing under the weight of the rear wing and its 2nd floor, and pulling away from the body of the structure, and

WHEREAS the Town's engineer has visited the property and advised that the building is unsafe and should be immediately demolished, and

WHEREAS, a special meeting of the Town Board was convened on August 15, 2023 to consider potential enforcement action, and

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WHEREAS, upon due deliberation, the Town Board has determined that there is imminent danger of the rear wing collapsing and/or falling over, requiring swift action to prevent imminent danger to life and/or serious damage to property, and

NOW, THEREFORE, BE IT RESOLVED, that

1. The Town Board finds that it reasonably appears that there is present a clear and imminent danger to the life, safety or health of the general public due to the unsafe buildings and/or structures and/or conditions at 8438 RIDGE ROAD, Town of Clarkson, NY designated by Tax Map No. 054.13-1-13 ("Property"), and

2. The Building Inspector is authorized to immediately cause the demolition of the unsafe buildings and/or structures and/or conditions on the Property. To support this authority, the Supervisor of the Town of Clarkson is authorized to direct town employees and/or to hire private contractors to perform the total demolition and removal of the buildings and structures on the Property. The remains of the house and related accessory improvements and foundations shall be immediately demolished and all debris shall be removed from the Property and safely disposed of in an appropriate land fill. After demolition, the excavation shall be filled with clean fill and brought level with the grade of the parcel, and

3. All expenses incurred by the Town in connection with the proceedings to demolish and remove the unsafe buildings, structures and conditions, including the cost of actually removing such buildings and debris, and filling the excavation, shall be assessed against the land on which such buildings are located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Culhane, D'Amuro and Guarino

NAYES: None

ABSENT: Zink

Mr. Marcello stated that nobody is allowed on the property. He feels harassed, fingers pointed at him and reinstated that nobody will be allowed on this property. He reminded everyone to take notice that there is a No Trespassing sign on the house and will be shot on sight. He advised we will talk to his attorney in the morning.

RESOLUTION #243
MOTION TO ADJOURN

Introduced by Councilperson Guarino

Seconded by Councilperson Culhane

Motion to adjourn at 6:52 PM.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Culhane, D'Amuro and Guarino

NAYES: None

ABSENT: Zink

Respectfully submitted,

Susan Henshaw

Town Clerk

Approved 9-12-2023