

Roger Tidball, Town Supervisor
Jennifer Howe, Town Clerk
Brandy Fall, Deputy Town Clerk



John D. Ganther, Jr., Council Member
Francis R. Potter, Council Member
Jeffrey Senecal, Council Member
William Wenzel, Council Member

5853 Western Turnpike
Duanesburg, New York 12056

Town of Duanesburg

Schenectady County

P# 518-895-8920
F# 518-895-8171

Thursday, November 12, 2020

Town Board Meeting Agenda

Meeting Time: 7:00PM

Call to order
Pledge of Allegiance

Public Hearing: For the purpose of hearing all persons interested in the Preliminary Budget for 2021.

Hearing: 3000 Western Turnpike- Unsafe Building Conditions

Approval of minutes for: Town Board Meeting on Thursday October 22, 2020

Town Clerk's Report
Supervisor's Report
Payment of Claims

Committee Reports
Highway
Public Safety
Park
Sewer Districts #1, 2 & 3
IT

Business Meeting:

- 1. Motion to adopt the Preliminary budget as the final and annual budget for the Town of Duanesburg for the 2021 fiscal year.**
- 2. Motion to appoint the Town Building Inspector and an architect or engineer to make a survey and report of the Property located at 3000 Western Turnpike.**
- 3. Motion to authorize the Town Supervisor to make an application at the Special Term of the Schenectady County Supreme Court for an order determining the building to be a public nuisance and directing that it shall be repaired or secured or demolished and removed.**
- 4. Motion to authorize the Town Supervisor to submit the documentation to New York State Environmental Facilities Corporation to obtain the funds to pay Professional Services Invoice Nos. 5, 6, 7, and 8 and upon receipt of such funds authorizes payment to Delaware in the amount of \$55,270.31.**

PLEASE NOTE: AGENDA ITEMS MAY BE ADDED OR DELETED WITHOUT NOTICE

5. Motion to appoint a 3rd party inspector.

6. Motion to authorize Imperial Supplies LLC as a new vendor for The Town of Duanesburg.

Privilege of the Floor:

Comments are limited to 5 minutes per person. Be respectful. Address the entire Town Board. Individual members are not to be singled out. Speak of issues related to Town business. There will be no tolerance for personal attacks on Board Members. The board reserves the right to ask that your question be put in writing and to be submitted to the Town Clerk to then be distributed to the Town Board. Questions will be answered in a timely manner and mailed to the resident.

Town of Duanesburg Town Board

RESOLUTION # -2020 APPROVING THE TOWN BUDGET FOR 2021

Town Board Meeting of November 12, 2020

WHEREAS, The Town Board of the Town of Duanesburg has prepared a budget for the 2020 fiscal year;

WHEREAS, the Town Supervisor has reviewed the budget estimates with the Town Departments;

WHEREAS, the Town Supervisor prepared a tentative budget from the budget estimates;

WHEREAS, the budget estimates and tentative budget were submitted to the Town Clerk's Office;

WHEREAS, the Town Clerk presented the tentative budget to the Town Board at the special meeting on October 5, 2020;

WHEREAS, the Town Board reviewed the tentative budget and approved it as the preliminary budget, for public review at the regular meeting on October 8, 2020;

WHEREAS, the Town Clerk duly noticed a public hearing on the preliminary budget on file with the Town Clerk's Office;

WHEREAS, on October 22, 2020 and November 12, 2020, the Town Board held duly noticed public hearings on the preliminary budget.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby adopts the preliminary budget as the final and annual budget for the Town of Duanesburg for the 2021 fiscal year.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular Town Board meeting on November 12, 2020.

Motion made by _____
Motion seconded by _____

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Present:

Absent:

Council Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

Town of Duanesburg Town Board

RESOLUTION NO. __ - 2020

November 12, 2020

WHEREAS, pursuant to Local Law No. 1 of 1992 (the “Unsafe Buildings Law”), the Town Board has the authority to order owners of unsafe and/or dangerous buildings to repair or demolish and remove such buildings; and

WHEREAS, on several dates in 2020, the Town of Duanesburg Building Inspector (the “Building Inspector”) inspected the property located at 3000 Western Turnpike, Duanesburg, New York, 12056 (SBL #68.00-1-24) (the “Property”), pursuant to the Section 5 of the Unsafe Buildings Law; and

WHEREAS, the building inspector reported that the condition of the Property is unsafe to the general public, may attract rodent infestation, presents danger to the health safety, morals and general welfare of the public, and is unfit for the purposes for which it may be lawfully used; and

WHEREAS, on October 15, 2020, pursuant to Section 5 of the Unsafe Buildings Law, the Building Inspector reported to the Town Supervisor and Town Board members his findings and recommendations based on his inspection of the Property (the “Report”); and

WHEREAS, in the Report, the Building Inspector noted that the Property is: littered with debris, garbage, and at least one animal carcass; and has no electricity due to the power being terminated; and

WHEREAS, on October 22, 2020, the Town Board adopted a resolution that (a) based on the Report of the Building Inspector, the Town Board determined that the building is unsafe, and the conditions identified require remediation and/or repair; and (b) directed that the attached Notice of Unsafe Condition to be served on the property owner or other persons pursuant to Section 8 of the Unsafe Buildings Law; and (c) directed that Notice of Unsafe Condition be filed in the Office of the Schenectady County Clerk pursuant to Section 9 of the Unsafe Buildings Law; and (d) calling a hearing on November 12, 2020 at 7:00 p.m. at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York, to provide an opportunity for the property owner to address the Town Board on said matter; and

WHEREAS, the Notice of Unsafe Condition was served on the property owner pursuant to Section 8 of the Unsafe Buildings Law and submitted to the Office of the Schenectady County Clerk for filing pursuant to Section 9 of the Unsafe Buildings Law; and

WHEREAS, on November 12, 2020, the Town Board held a hearing to provide opportunity for the property owner to address the Town Board on said matter.

NOW, THEREFORE, BE IT RESOLVED, that:

- a. the Town Board appoints the Town Building Inspector and an architect or engineer to make a survey and report of the Property, and, if by December 5, 2020, the property owner does not respond to the Notice of Unsafe Condition and/or otherwise ignores the Town Board's order to remediate and repair the conditions identified in the Notice of Unsafe Condition, the Building Inspector and an architect or engineer shall make such survey and report and submit the same to the Town Board; and
- b. if the Property owner has not responded to the Notice of Unsafe Condition and/or has otherwise ignored the Town Board's order to remediate and repair the conditions identified in the Notice of Unsafe Condition, and if such survey and report prepared by the building inspector finds the property to be unsafe and/or dangerous, the Town Board directs: (1) that the survey and report be affixed to the building at the Property; and (2) the Town Supervisor to make an application at the Special Term of the Schenectady County Supreme Court for an order determining the building to be a public nuisance and directing that it shall be repaired.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of November 12, 2020.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Date

Date

Present:

Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain

Town of Duanesburg Town Board

RESOLUTION NO. __ - 2020

November 12, 2020

WHEREAS, pursuant to Local Law No. 1 of 1992 (the “Unsafe Buildings Law”), the Town Board has the authority to order owners of unsafe and/or dangerous buildings to repair or demolish and remove such buildings; and

WHEREAS, on April 7, 2020, pursuant to the Section 5 of the Unsafe Buildings Law, the Town of Duanesburg Building Inspector (the “Building Inspector”) inspected the property located at 111 Darby Hill Road, Delanson, New York, 12053 (SBL # 75.12-3-13) (the “Property”); and

WHEREAS, the building inspector reported that the condition of the property as “unsafe condition due to fire;” and

WHEREAS, on August 20, 2020, pursuant to Section 5 of the Unsafe Buildings Law, the Building Inspector reported to the Town Supervisor and Town Board members his findings and recommendations based on his inspection of the Property (the “Report”); and

WHEREAS, in the Report, the Building Inspector opined that “after an inspection of the fire damaged building, is or will become dangerous to the general public health and safety” and requesting that the Town Board “have the fire damaged building demolished and all debris removed from the property...garage removal and graded, mulched and seeded to make is safe.” The Building Inspector also reported that “this property must be considered to contain asbestos, therefore certified, licensed contractors must be used;” and

WHEREAS, on September 20, 2020, pursuant to Section 6 of the Unsafe Buildings Law, the Town Board considered the Report and determined that the building is unsafe and dangerous and ordered its demolition and removal; and

WHEREAS, Notice of Unsafe and Dangerous Condition Requiring Demolition and Removal was served on the property owner pursuant to Section 8 of the Unsafe Buildings Law and filed in the Office of the Schenectady County Clerk pursuant to Section 9 of the Unsafe Buildings Law; and

WHEREAS, on September 24, 2020, a duly noticed hearing was held at 7:00 p.m. at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York, to provide an opportunity for the property owner to address the Town Board on said matter; and

WHEREAS, on September 24, 2020, the Town Board, by resolution, appointed the Town Building Inspector and an architect or engineer to make a survey and report of the Property, and, if by October 25, 2020, the property owner did not respond to the Notice of Unsafe

and Dangerous Condition Requiring Demolition and Removal or otherwise ignored the Town Board's order to demolish and remove the building, the Building Inspector and architect or engineering were directed to make such survey and report and submit the same to the Town Board for review; and

WHEREAS, the Property owner has not responded to the Notice of Unsafe and Dangerous Condition Requiring Demolition and Removal and has otherwise ignored the Town Board's order to demolish and remove the building; and

WHEREAS, the Town's Building Inspector and an engineer prepared and submitted a survey and report (the "Survey and Report") for the Town Board's review.

NOW, THEREFORE, BE IT RESOLVED,

- (1) The Town Board directs that the Survey and Report be affixed to the building at the Property; and
- (2) The Town Board directs the Town Supervisor to make an application at the Special Term of the Schenectady County Supreme Court for an order determining the building to be a public nuisance and directing that it shall be repaired or secured or demolished and removed.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of November 12, 2020.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Date

Date

Present:

Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
William Wenzel	Yea	Nay	Abstain
Jeff Senecal	Yea	Nay	Abstain



Albany Office
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203
P: 518.382.1774

October 22, 2020

Dale Warner, Town Planner
Town of Duanesburg
5853 Western Turnpike
Duanesburg, NY 12056

**Re: Town of Duanesburg
Unsafe Building Inspection
111 Darby Hill Road
Our Project No. GNY02WD-20498**

Dear Mr. Warner:

This letter summarizes my findings and recommendations based on a visual inspection from the street that was performed on the above referenced property on October 22, 2020. There are two separate structures consisting of a house and an outbuilding located on the property that were both severely damaged during a fire that occurred on December 29, 2019. Photographs are attached, showing the condition of the structures before the fire and at the time of the visit.

The house was originally a two-story, wood framed structure with front and back porches, and a basement. The structure burned down to the first floor, with upper wall and floor remnants collapsed onto the first floor and into the basement. A small section of brick/masonry fireplace remains standing. There is a considerable amount of debris on and around the remaining foundation footprint and debris has spilled onto the sidewalk. Much of the first floor appears to be caved into the basement, however due to the amount of debris, an accurate determination could not be made if there are any portions of the first-floor platform or supporting members that remain intact, or their condition. The condition of the remaining foundation walls could not be determined either. Based on my observations of the extent of damage and amount of debris; the house structure is uninhabitable, structurally unsafe, unsafe to enter, in danger of portions collapsing into the basement, and beyond repair.

The outbuilding, which appears to have been used as a storage building is an approximately 700 square foot, 1 ½ story, wood framed structure with a shed on the back. The roof has been burned off, the ceiling/second floor are fire damaged along with varying extents of damage to all the walls, where large portions are missing. From my observations of the extent of fire damage to the structural elements of the upper walls, roof and second floor; the structure is unsafe to enter, in danger of collapse, uninhabitable, and beyond repair.

We recommend that the remaining portions of both buildings be safely demolished, and all debris removed and legally disposed of. If there are oil or fuel tanks on site, special care must be taken to not rupture tanks or cause a spill. Tanks should be pumped out and then properly disposed of. Also, all utilities (water, sewer, electrical) should be safely shut off, cut and properly capped as applicable.



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Mr. Dale Warner
Unsafe Building Inspection
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Once the first-floor deck, platform, and supports are removed, portions of the remaining foundation walls may become unstable over time and collapse inward. If left open, the remaining hole will be an unsafe condition and may fill with water. We recommend knocking holes into basement slab, cutting down the foundation walls to just below grade and filling the hole up to grade with a clean, compacted run of bank gravel.

If you have any questions, please feel free to contact me.

Sincerely,

KB Group of NY, Inc. dba PRIME AE Group of NY



A. Thomas Bates, P.E.
Senior Director of Operations & Engineering





Before 12/29/19 Fire: 111 Darby Hill Road (Looking South)



Remaining House Structure, 10/22/2020 Looking South





Remaining House Structure, 10/22/2020 Looking East



Remaining House Structure, 10/22/2020 Looking East





Remaining House Structure, 10/22/2020 Looking North



Remaining Outbuilding Structure, 10/22/2020 Looking East



Town of Duanesburg Town Board

RESOLUTION NO. __ - 2020

November 12, 2020

WHEREAS, the Town of Duanesburg Town Board has established Duanesburg Sewer Districts Nos. 1 and 3; and

WHEREAS, the Delanson Wastewater Treatment Plant (the “Delanson WWTP”) serves Duanesburg Sewer Districts Nos. 1 and 3; and

WHEREAS, the Town Board retained Delaware Engineering, D.P.C., (“Delaware”) for professional services in connection with Long Term Improvements Project at the Delanson WWTP (the “Project”); and

WHEREAS, Delaware has submitted an invoice for Town Board review in the amount of **\$8,079.00** for professional services provided during July and August 2020 (“Professional Services Invoice No. 5”); and

WHEREAS, Delaware has also submitted an invoice for Town Board review in the amount of **\$10,485.00** for professional services provided during August and September 2020 (“Professional Services Invoice No. 6”); and

WHEREAS, Delaware has also submitted an invoice for Town Board review in the amount of **\$12,452.31** for professional services provided during September and October 2020 (“Professional Services Invoice No. 7”); and

WHEREAS, Delaware has also submitted an invoice for Town Board review in the amount of **\$24,254.00** for professional services provided during October and November 2020 (“Professional Services Invoice No. 8”).

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Town Supervisor to submit the documentation to New York State Environmental Facilities Corporation to obtain the funds to pay Professional Services Invoice Nos. 5, 6, 7, and 8 and upon receipt of such funds authorizes payment to Delaware in the amount of **\$55,270.31**.

By (unanimous/majority) vote of the Town Board of the Town of Duanesburg at its regular meeting of November 12, 2020.

Roger Tidball, Supervisor

Town Clerk/Deputy Town Clerk

Date

Date

Present:

Absent:

Town Board Members:

Roger Tidball	Yea	Nay	Abstain
John Ganther	Yea	Nay	Abstain
Rick Potter	Yea	Nay	Abstain
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