

**ONEONTA, NEW YORK –DECEMBER 5, 2013 - 4:00 P.M.
REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 1**

PRESENT: Chair Margery K. Merzig
Commissioner Joseph Temming
Commissioner Louis Tisenchek
Commissioner Barry Warren (arrived 4:14 p.m.)
Council Member Madolyn Palmer

ABSENT: Commissioner David Hayes

Chair Merzig called the regular meeting to order and asked the Clerk to call the roll.

APPROVAL OF MINUTES

Chair Merzig asked that the Minutes of the November 7 be amended to replace all words on page 3 after the phrase “would not set a precedent” with the following: “, because Ms. Chapin indicated that there may have been a problem due to work that was done at the house next door, which was confirmed by the Water Department.”

MOTION, made by Commissioner Temming and seconded by Commissioner Tisenchek that the minutes of the regular meeting held November 7, 2013 be approved as amended.

Voting Ayes: Chair Merzig
Commissioner Temming
Commissioner Tisenchek

Noes: None

Absent: Commissioner Hayes
Commissioner Warren

MOTION CARRIED

Chair Merzig stated that as Mr. Mark Polley was present she would deviate from the order of the agenda and move to discuss the Unsafe Building Hearing for 391-393 Main Street. The Chair asked Code Enforcement Inspector Hester to report on conditions and violations at this property, last inspected November 8, 2013. Mr. Hester stated that although some long-standing violations have been corrected, fire safety violations continue, including lack of completion of fire separation between some parts of the basement and residential areas above; removal of an interconnected fire detector from the basement; egress/access issues in office; and fire extinguishers in need of recharging.

Mr. Polley explained that he recently leased 391-393 Main Street from Rodney Clarkson and that the conditions described predated his occupation of the property.

After discussion, Chair Merzig made the following motion.

MOTION, made by Commissioner Warren and seconded by Commissioner Tisenchek that 391-93 Main Street be declared an Unsafe Building as defined under Oneonta Municipal Code §92-1 F, G, I and J.

Voting Ayes: Chair Merzig
Commissioner Temming
Commissioner Warren
Commissioner Tisenchek

Noes: None

Absent: Commissioner Hayes

MOTION CARRIED

Chair Merzig then began discussion of possible remedies. Mr. Polley explained that he did not

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have the funds necessary to remedy the fire separation issues (in particular, purchase of required sheet rock). Commissioners discussed with Mr. Polley the various responsibilities of owners and lessees in such situations.

MOTION, made by Chair Merzig and seconded by Commissioner Temming that the Board orders the owner to immediately correct smoke detector and fire extinguisher violations and that within 30 days the Code Enforcement Officer, owner and lessee meet to draw up a plan to correct remaining safety violations that the Board can approve.

Voting Ayes: Chair Merzig
Commissioner Temming
Commissioner Warren
Commissioner Tisenchek

Noes: None

Absent: Commissioner Hayes

MOTION CARRIED

NEW BUSINESS

Chair Merzig then moved to the Unsafe Building Hearing for 10 Luther Street. She asked whether anyone present represented the building owner. Hearing no response, Chair Merzig asked Code Inspector Hester to summarize the conditions and violations at this property. He reported that the Code office had responded to a tenant complaint of a roof leak. The roof had been covered with a tarp for several years. A ceiling in an upstairs room being used as a living room had partially collapsed. Although the tenant states that the roof is no longer leaking, lath is still saturated. Although the roof has been partially repaired and water stains appear dry, there are still issues to resolve: additional roof repair may be needed, the saturated lath and wet insulation should be removed and replaced and electrical wiring should be checked.

Chair Merzig noted she had viewed the property and that the basic concern is with water damage to wood, insulation and electrical fixtures. Other issues include deteriorated egress stairs, broken windows, exposed lath and a disabled CO detector. She asked whether the owner has been cooperative in the past and Code Inspector Hester reported that they have consistently failed to follow up on commitments to correct violations.

MOTION, made by Chair Merzig and seconded by Commissioner Warren, that 10 Luther Street be declared an Unsafe Building as defined under Oneonta Municipal Code §92-1 B, D, I, and J.

Voting Ayes: Chair Merzig
Commissioner Temming
Commissioner Warren
Commissioner Tisenchek

Noes: None

Absent: Commissioner Hayes

MOTION CARRIED

MOTION, made by Chair Merzig and seconded by Commissioner Tisencheck that the Board orders the owner of 10 Luther Street to repair the property and correct the violations with 30 days and that failing that the building be vacated.

Voting Ayes: Chair Merzig
Commissioner Temming
Commissioner Warren
Commissioner Tisenchek

Noes: None

Absent: Commissioner Hayes

MOTION CARRIED

PETITIONERS

No Petitioners Appeared.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Update: 214 Chestnut Street (Alan Rubin)

Chair Merzig asked for an update on this property, which the Board declared Unsafe at its November meeting. Code Inspector Hester reported no significant improvements since the last meeting. He had been inside the property and distributed photographs to the Commissioners for review.

Based on Mr. Hester's report and review of the photographs, Chair Merzig presented a motion on 214 Chestnut Street.

MOTION, made by Chair Merzig and seconded by Commissioner Warren, that the Board orders 214 Chestnut Street be vacated immediately and that City Attorney take all necessary steps to enforce the order and that the Board authorizes the Chair to write the owner of 214 Chestnut Street and ask him why the City should not order the building demolished.

Voting Ayes: Chair Merzig
Commissioner Warren
Commissioner Tisenchek
Commissioner Hayes

Noes: None

Abstentions: Commissioner Temming

Absent: None

MOTION CARRIED

Chair Merzig asked whether there was any update on 15 Baker Street, which had been discussed at the October meeting. Code Enforcement Inspector Hester reported that no paperwork had been received to return the house to single-family and that there was no other news.

There being no further business to come before the board, Chair Merzig adjourned the regular meeting at approximately 4:46 p.m.

DOUGLAS KENDALL, City Clerk

/dk