

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

**PRESENT:** Chair Margery K. Merzig  
Commissioner Barry Warren  
Commissioner Louis Tisenchek  
Commissioner David Hayes  
Council Member Madolyn Palmer  
**ABSENT:** Commissioner Joseph Temming

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

**PETITIONERS**

**APPROVAL OF MINUTES**

The board approved the minutes of the regular meetings held August 1, 2013 without benefit of a motion.

**NEW BUSINESS**

Chair Merzig noted the Code Enforcement Officer's request to schedule an Unsafe Building hearing for 15 Baker Street (Margo Heck) at the board's October 3 meeting. She instructed the Clerk to place this matter on the agenda for that meeting.

Chair Merzig introduced Senior Engineering Technician Jim Hawver who presented a proposed letter to be sent to property owners who have trees and bushes that encroach on city rights of way (sidewalks, streets, streetlights, street signs) and creates a public hazard.

**MOTION**, made by Chair Merzig and seconded by Commissioner Hayes, to approve the letter submitted by the City Engineering that will be sent to property owners with trees and/or bushes that violate Oneonta Municipal Code §254-20

Voting Ayes: Chair Merzig  
Commissioner Warren  
Commissioner Tisenchek  
Commissioner Hayes  
Noes: None  
Absent: Commissioner Temming

**MOTION CARRIED**

The board then considered the request to declare 91 Main Street (Alan Rubin) an Unsafe Building. Chair Merzig asked Code Inspector Schlafer to address the issues with this property. He indicated that although some code violations had been corrected, many significant violations remain. Chair Merzig asked the Clerk to read a letter from Mr. Rubin, in which he asked that he be allowed to finalize repairs by September 16, 2013 before an Unsafe Building declaration is made. The Chair noted that this request is moot as property owners are given time to correct violations when an Unsafe Declaration is made.

**MOTION**, made by Commissioner Warren and seconded by Commissioner Tisenchek that the board declare 91 Main Street an Unsafe Building as defined under Oneonta Municipal Code §92-1 D, E, F, G, H, and I.

Voting Ayes: Chair Merzig  
Commissioner Warren  
Commissioner Tisenchek  
Noes: None  
Abstain: Commissioner Hayes  
Absent: Commissioner Temming

**MOTION CARRIED**

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**MOTION**, made by Chair Merzig and seconded by Commissioner Tisenchek that the board order 91 Main Street to be immediately vacated and that the property owner be ordered to obtain permits, complete necessary repairs and be reinspected by the Code Enforcement staff within 30 days.

Voting Ayes: Chair Merzig  
Commissioner Warren  
Commissioner Tisenchek  
Commissioner Hayes  
Noes: None  
Absent: Commissioner Temming

**MOTION CARRIED**

The board then considered the request to declare 246 Chestnut Street (Mark Simonson) an Unsafe Building. The Chair noted that Mr. Simonson had provided paperwork that he believed indicated that he no longer owned the property. However, Code Inspector Hester reported that County records indicate that ownership will not change until June 2014 when the County will repossess it. At present, this property is unclaimed, although there are tenants in 2 of the 6 units in the building; Code Inspector Hester detailed significant code violations at the property.

**MOTION**, made by Commissioner Tisenchek and seconded by Commissioner Hayes that the board declare 246 Chestnut Street an Unsafe Building as defined under Oneonta Municipal Code §92-1 E, F, I, J and K.

Voting Ayes: Chair Merzig  
Commissioner Warren  
Commissioner Tisenchek  
Commissioner Hayes  
Noes: None  
Absent: Commissioner Temming

**MOTION CARRIED**

**MOTION**, made by Chair Merzig and seconded by Commissioner Tisenchek that the board declare 246 Chestnut Street a public nuisance because no one is taking responsibility for the building, instruct the Code Enforcement Officer to obtain a court order for interior access and eviction of residents, and order the building vacated and repaired.

Voting Ayes: Chair Merzig  
Commissioner Warren  
Commissioner Tisenchek  
Commissioner Hayes  
Noes: None  
Absent: Commissioner Temming

**MOTION CARRIED**

The board then considered Unsafe Declarations for 3 Lewis Street, 6-8 Washington Street and 11 Grove Street. Code Enforcement Office Chiappisi updated the Board on these properties.

**MOTION**, made by Chair Merzig and seconded by Commissioner Warren that the board declare 3 Lewis Street, 6-8 Washington Street and 11 Grove Street Unsafe Buildings as defined under Oneonta Municipal Code §92-1 D, H, J and K.

Voting Ayes: Chair Merzig  
Commissioner Warren  
Commissioner Tisenchek  
Commissioner Hayes

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Noes: None  
Absent: Commissioner Temming

**MOTION CARRIED**

Chair Merzig directed the Code Enforcement Office to keep the Board updated on these properties.

**MOTION**, made by Chair Merzig and seconded by Commissioner Hayes that the board instruct the Code Enforcement Officer with the assistance of the Police and Fire Departments if necessary to obtain a court order for interior access to 3 Lewis Street, 6-8 Washington Street and 11 Grove Street order these buildings vacated and the exteriors kept clean and safe.

Voting Ayes: Chair Merzig  
Commissioner Warren  
Commissioner Tisenchek  
Commissioner Hayes

Noes: None  
Absent: Commissioner Temming

**MOTION CARRIED**

The board then heard an update on 304 Chestnut Street from Code Inspector Hester, who reported that up to six people including children are living in the building. He reported that the building is more deteriorated than most of the vacant Unsafe buildings.

**MOTION**, made by Commissioner Hayes and seconded by Commissioner Warren, that the Board instruct the Code Enforcement Officer to obtain interior access to 304 Chestnut Street, especially due to the presence of children in the building.

There being no further business to come before the board, Chair Merzig adjourned the regular meeting at approximately 4:52 p.m.

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DOUGLAS KENDALL, City Clerk

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