

ONEONTA, NEW YORK – JULY 11, 2013 - 4:00 P.M.
REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 1

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

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

PETITIONERS

Chair Merzig stated the board would consider those items on the agenda for which petitioners were attending the meeting.

APPROVAL OF MINUTES

The board approved the minutes of the regular meetings held May 2, 2013 and June 6, 2013 without benefit of a motion.

NEW BUSINESS

Chair Merzig recognized Mr. Fritzline Gue regarding his water bill for 42 Wilcox Avenue. Chair Merzig stated that based on meter readings and the pictures of the old meter, the board could not adjust the bill. Mr. Gue stated he had already paid the bill but wanted to attend the meeting. Chair Merzig stated that the bill stands as billed, without benefit of a motion and the fact that Mr. Gue already paid the bill.

Chair Merzig recognized Ms. Sophie Richardson regarding her water bill appeal for 149 Main Street. After some discussion, the board determined that Ms. Richardson's bill be adjusted to reflect the average of the past three years' bills for 2009, 2010 and 2011, as per the following motion:

MOTION, made by Commissioner Hayes and seconded by Commissioner Tisenchek, that the board adjust the bill for Ms. Sophie Richardson for the property located at 149 Main Street to reflect the average of the last three years' bills from 2009, 2010 and 2011.

Voting Ayes: Chair Merzig
Commissioner Warren
Commissioner Temming
Commissioner Tisenchek
Commissioner Hayes

Noes: None

Absent: None

MOTION CARRIED

Chair Merzig stated since representatives of the Code Enforcement were in attendance, she opened the Unsafe Building Hearings; the first being 29 Watkins Avenue.

After a discussion with the board and the Code Enforcement Office, the board considered the following motion.

MOTION, made by Commissioner Hayes and seconded by Commissioner Tisenchek, that based on testimony heard from the Code Enforcement Office under Chapter 92, Unsafe Buildings, of the Code of the City of Oneonta, declares the property located at 69-71 Spruce Street as unsafe under Section 92-1 sections D, E, I, and J as follows:

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- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City of Oneonta.
- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- I. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this city.
- J. Those buildings existing in violation of any provision of Chapter 300, entitled "Zoning," and any other provisions of the Code of the City of Oneonta.

Voting Ayes: Chair Merzig
Commissioner Warren
Commissioner Temming
Commissioner Tisenchek
Commissioner Hayes

Noes: None

Absent: None

MOTION CARRIED

The board then considered the following motion in response to its unsafe declaration.

MOTION, made by Commissioner Merzig and seconded by Commissioner Hayes that the board order the property located at 29 Watkins vacated and repaired within 30 days and that a Certificate of Substantial Compliance be issued prior to re-habitation.

Voting Ayes: Chair Merzig
Commissioner Warren
Commissioner Temming
Commissioner Tisenchek
Commissioner Hayes

Noes: None

Absent: None

MOTION CARRIED

Chair Merzig opened the second unsafe building hearing for the property located at 304 Chestnut Street.

After a discussion with the board and the Code Enforcement Office, the board considered the following motion.

MOTION, made by Commissioner Hayes and seconded by Commissioner Tisenchek, that based on testimony heard from the Code Enforcement Office under Chapter 92, Unsafe Buildings, of the Code of the City of Oneonta, declares the property located 304 Chestnut Street as unsafe under Section 92-1 sections D, I, and J as follows:

- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City of Oneonta.
- I. Those which because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this city.

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J. Those buildings existing in violation of any provision of Chapter 300, entitled "Zoning," and any other provisions of the Code of the City of Oneonta.

Voting Ayes: Chair Merzig
Commissioner Warren
Commissioner Temming
Commissioner Tisenchek
Commissioner Hayes

Noes: None

Absent: None

MOTION CARRIED

The board then considered the following motion in response to its unsafe declaration.

MOTION, made by Commissioner Merzig and seconded by Commissioner Hayes that the board order the property located at 304 Chestnut Street vacated and repaired within 30 days, the exterior maintained, the rear door be covered and that a Certificate of Substantial Compliance be issued prior to re-habitation.

Voting Ayes: Chair Merzig
Commissioner Warren
Commissioner Temming
Commissioner Tisenchek
Commissioner Hayes

Noes: None

Absent: None

MOTION CARRIED

Chair Merzig then moved to consider the remaining water bill appeals before the board, as follows:

Elmer and Mark Crouse, 82 East Street

The board considered the appeal and determined that the documentation did not support an adjustment of the bill and the board then considered the following motion:

MOTION, made by Commissioner Merzig and seconded by Commissioner Tisenchek, that the board deny the water bill appeal for 82 East Street and that the bill be paid within 30 days.

Voting Ayes: Chair Merzig
Commissioner Warren
Commissioner Temming
Commissioner Tisenchek
Commissioner Hayes

Noes: None

Absent: None

MOTION CARRIED

Annamarie Winchester: 14 Hickory Street

The board reviewed the data related to the Winchester's bill and considered the following motion:

MOTION, made by Commissioner Merzig and seconded by Commissioner Hayes, that the board adjust the bill for Annmarie Winchester for the property located at 14 Hickory Street to reflect the average of the last three years' bills from 2009, 2010 and 2011

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

MOTION CARRIED

Marina Frisch/Breck Tarbell: 15 Rose Avenue

The board reviewed the data related to the Frisch/Tarbell bill and considered the following motion:

MOTION, made by Commissioner Merzig and seconded by Commissioner Hayes, that the board had no basis to adjust the bill and that the water bill appeal for the property located at 15 Rose Avenue.

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

MOTION CARRIED

The board then discussed the water bill appeals for David Benjamin, 26 West Street, and Nancy Chapin, 60 Miller Street. The board deferred action on the bills until the August meeting to allow the property owners to present their case to the board.

There being no further business to come before the board, Chair Merzig adjourned the regular meeting at approximately 5:15 p.m.

JAMES R. KOURY, City Clerk

/jrk