

ONEONTA, NEW YORK – JUNE 6, 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.

NEW BUSINESS

Chair Merzig stated before recognizing Mr. Caiola to consider his water bill appeal, she asked for a motion to waive the penalties for all appeals before the board until the board made a decision on the appeals.

MOTION, made by Chair Merzig and seconded by Commissioner Warren, that the penalties are waived on all appeals until the board made a decision on the appeals.

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

MOTION CARRIED

Chair Merzig then recognized Mr. John Caiola, who submitted a water bill appeal for the property located at 47 East Street. Mr. Caiola presented his case to the board. After some discussion with Mr. Caiola the board stated that the water actually went through the meter and the sewer system was used to the extent for which the meter shows. Therefore, the board determined there was no basis to adjust the bill and the board considered the following motion.

MOTION, made by Commissioner Hayes and seconded by Commissioner Warren that the board deny the water bill appeal made by Mr. Caiola for the property located at 47 East Street.

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

MOTION CARRIED

Chair Merzig opened the Unsafe Building Hearing related to 69-71 Spruce 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 Friedman, 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 E, G, I and J as follows:

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- 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.
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.
- 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 Tisenchek
Commissioner Hayes
Noes: None
Absent: Commissioner Temming

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 69-71 Spruce Street vacated and repaired within 30 days.

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

MOTION CARRIED

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

Mr. and Mrs. Clodfelter, 8 Third Street

The board considered the appeal and determined that the documentation the city had it was not possible to adequately determine the accuracy of the readings for 2012. The board also noted the current usage was in line with historical readings.

The board considered the following motion:

MOTION, made by Commissioner Merzig and seconded by Commissioner Tisenchek, that the board average the bills from 2009, 2010 and 2011, applying 2012 rates to the average for the water bill for the property located at 8 Third Street.

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

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Absent: Commissioner Temming

MOTION CARRIED

Walter Weingand, 415 Main Street

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

MOTION, made by Commissioner Merzig and seconded by Commissioner Hayes, that the board deny the water bill appeal for the property located at 415 Main Street.

Voting Ayes: Chair Merzig
Commissioner Warren
Commissioner Tisenchek
Commissioner Hayes

Noes: None

Absent: Commissioner Temming

MOTION CARRIED

Michael Schulte, 23 Miller Street

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

MOTION, made by Commissioner Merzig and seconded by Commissioner Hayes, that the board deny the water bill appeal for the property located at 23 Miller Street.

Voting Ayes: Chair Merzig
Commissioner Warren
Commissioner Tisenchek
Commissioner Hayes

Noes: None

Absent: Commissioner Temming

MOTION CARRIED

Edward Dower, 4-6 West Broadway

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

MOTION, made by Commissioner Hayes and seconded by Commissioner Warren, that the board deny the water bill appeal for the property located at 4-6 West Broadway.

Voting Ayes: Chair Merzig
Commissioner Warren
Commissioner Tisenchek
Commissioner Hayes

Noes: None

Absent: Commissioner Temming

MOTION CARRIED

Jody Zintel, 163 River Street

The board reviewed the data related to the Zintel bill. Chair Merzig stated the appellant never arranged to have the meter tested. The board then considered the following motion:

MOTION, made by Commissioner Hayes and seconded by Commissioner Warren, that the board deny the water bill appeal for the property located at 163 River Street.

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

MOTION CARRIED

Kim Romano, 14 Center Street

The board reviewed the data related to the Romano bill. The board then considered the following motion:

MOTION, made by Commissioner Tisenchek and seconded by Commissioner Hayes, that the board deny the water bill appeal for the property located at 14 River Street.

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

MOTION CARRIED

Martin Brunswick, 18 Franklin Street

The board reviewed the data related to the Brunswick bill. The board then considered the following motion:

MOTION, made by Commissioner Merzig and seconded by Commissioner Hayes, that the board average the usage from 2009, 2010 and 2011 and apply 2012 rates to the average for the water bill for the property located at 18 Franklin Street.

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

MOTION CARRIED

Barbara Rainville, 58 Maple Street

The board reviewed the data related to the Rainville bill. The board then considered the following motion:

MOTION, made by Commissioner Merzig and seconded by Commissioner Hayes, that the board average the usage from 2009, 2010 and 2011 and apply 2012 rates to the average for the water bill for the property located at 58 Maple Street.

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

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Absent: Commissioner Temming

MOTION CARRIED

Chair Merzig then stated the following appeals are to be considered at the July meeting:

1. AnnMarie Winchester, 14 Hickory Street: Waiting for meter testing
2. Marina Frisch/Breck Tarbell, 15 Rose Avenue: Waiting for meter testing
3. Elmer & Mark Crouse, 82 East Street: Waiting for meter testing
4. Sophie Richardson: Waiting for meter testing
5. Fritzline Gue, 42 Wilcox Avenue: Waiting for picture of meter with old reading

There being no further business to come before the board, Chair Merzig adjourned the regular meeting at approximately 5:10 p.m.

JAMES R. KOURY, City Clerk

/jrk