

ONEONTA, NEW YORK - MAY 2, 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

The Chair indicated that the board would deal with the issues related to those petitioners present at the meeting including Mr. Smentana from the Hillside Commons Project, Code Inspector Schlafer, Mr. Gue., the Prices, Mr. Harlem, Mr. Weingand, Mr. Schulte, and Ms. Vagliardo. The board would begin with the emergency unsafe hearing after consideration of the minutes.

APPROVAL OF MINUTES

The board approved the minutes of the regular meeting held March 7, 2013 without benefit of a motion.

NEW BUSINESS

Chair Merzig opened the Unsafe Building Hearing related to 348 Chestnut Street.

After a discussion with the board and the Code Enforcement Office, the following motion was presented and voted on:

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 unsafe of Pamela Gage, at 348 Chestnut Street, Oneonta, NY under Section 92-1 sections D, E, H, 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.
- 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.
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- 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 Temming
Commissioner Warren
Commissioner Tisenchek
Commissioner Hayes

Noes: None

MOTION CARRIED

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Chair Merzig stated the board had declared the building unsafe and would consider a motion related to the remedy. After some discussion, the board considered the following motion:

MOTION, made by Commissioner Hayes and seconded by Commissioner Temming, based on the Board of Public Service determination as being unsafe, the board orders the owners to secure the building including the windows on the second floor.

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

Noes: None

MOTION CARRIED

Chair Merzig stated the board would consider the lifting of the unsafe declaration for the property located at 32 Cliff Street.

After some discussion with the Code Office, the board considered the following motion.

MOTION, made by Commissioner Temming and seconded by Commissioner Hayes, that the board's prior unsafe declaration for the property located at 32 Cliff Street be lifted.

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

Noes: None

MOTION CARRIED

Chair Merzig stated the board would address the request by Mr. Smetana of Newman Development Corporation requesting extension of water and sewer services to the Hillside Commons project.

The board examined various drawings presented by Mr. Smetana and considered verbal testimony about the project and the scope of the water and sewer extension.

The board then considered the following motion:

MOTION, made by Chair Merzig seconded by Commissioner Warren that the board approve the water and sewer connections as presented by Newman Development Corporation for the Hillside Commons student housing project.

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

Noes: None

MOTION CARRIED

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Chair Merzig stated the next order of business the board would consider, were various water bill appeals. 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 Temming
Commissioner Warren
Commissioner Tisenchek
Commissioner Hayes
Noes: None

MOTION CARRIED

After discussing each case before the board, the following appeals were tabled pending receipt of meter readings and additional information from the appellants and would be considered again at the board's June 6th meeting:

1. Fritzline Gue – 42-44 Wilcox Avenue
2. Walter Weingand – 415 Main Street
3. Michael Schulte – 23 Miller Street
4. Jody Zintel – 163 River Street
5. Edgar Clodfelter – 8 Third Street
6. Rosemary Greene – 65 Elm Street
7. Edward Dower – 4-6 West Broadway
8. Kim Romano – 14 Center Street

The board considered motions for the following appellants after discussing each:

Robert Harlem

MOTION, made by Chair Merzig and seconded by Commissioner Warren, that the board average the last three bills with reliable readings and adjust the bill accordingly for the property located at 14 Ford Avenue owned by Robert Harlem.

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

MOTION CARRIED

Concetta Vagliardo

MOTION, made by Commissioner Hayes and seconded by Commissioner Warren, that the board reduce the bill to \$580 for the property located at 50 West Broadway owned by Concetta Vagliardo.

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

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MOTION CARRIED

Sharon Corrado

MOTION, made by Commissioner Hayes and seconded by Commissioner Warren, that the board deny the appeal made by Ms. Sharon Corrado, 556 Main Street, related to billing to town residents.

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

Noes: None

MOTION CARRIED

Lynn Price

MOTION, made by Commissioner Warren and seconded by Commissioner Hayes, that the board uphold the bill for Lynn Price, 87 Elm Street, since the city policy states that unless the lateral is disconnected from the main, the minimum charge would apply.

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

Noes: None

MOTION CARRIED

Chair Merzig stated the last order of business was to set the unsafe building hearings for 69-71 Spruce Street for the June 6th meeting, without benefit of a motion.

There being no further business to come before the board, Chair Merzig adjourned the regular meeting at approximately 5:20 p.m.

JAMES R. KOURY, City Clerk

/jrk