

**ONEONTA, NEW YORK - MARCH 7, 2013 - 7:00 P.M.
REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 1**

PRESENT: Chair Margery K. Merzig
Commissioner Louis Tisenchek
Commissioner Joseph Temming
Council Member Madolyn Palmer

ABSENT: Commissioner Barry Warren
Commissioner David Hayes

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

PETITIONERS

The Chair indicated there were no petitioners for matters other than those listed on the agenda.

APPROVAL OF MINUTES

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

CORRESPONDENCE

The following Memorandum, dated February 27, 2013, was received from Code Inspector Hester

“To: board of Public Service

Subject: Items for the March 7, 2013 Meeting

Updates:

8 Cozy Avenue- (Michael Bollo: 4 Water Street Apt. 2A, Brooklyn NY 1120) - The Code Enforcement Office would like the board to discuss the possible lifting of the unsafe declaration of Apt. #2 in this building.

Unsafe Buildings:

69-71 Spruce Street- (Andy Brown: 36 Queensberry Street Unit #4, Boston, MA 02215) - The Code Enforcement Office would like to request that an unsafe building hearing be conducted at the board’s March 7th, 2013 meeting.”

Chair Merzig said the new Charter requires the board to do an annual report. She handed out a copy of the annual report. She asked the board if it met with their approval. Hearing no objections, she stated it would be submitted online.

Chair Merzig said there was one item of old business:

8 Cozy Avenue- (Michael Bollo: 4 Water Street Apt. 2A, Brooklyn NY 1120) - The Code Enforcement Office would like the board to discuss the possible lifting of the unsafe declaration of Apt. #2 in this building.

Chair Merzig stated at the board’s last meeting there had been discussion on whether to lift the unsafe declaration. The board had decided at that time not to lift it, as the tenant was not yet out of the building. She then recognized Code Inspector Schlafer to give a report to the board.

Code Inspector Schlafer said the property had been inspected the Monday before the meeting. Everything on the violation list had been checked off with the exception of the local agent form. The Code Enforcement Office had been informed that the local agent had surgery so it was simply a matter of him being able to sign the form. In addition, there had been another person available to meet with the Code Enforcement Office at the property whenever it was required. The other issue would be his electrical violations and they were all cleared. The Code

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Enforcement Office is waiting for the appropriate paperwork. He stated that in his opinion, it was good to go.

Chair Merzig said would one of the board members like to make a motion to lift the unsafe declaration.

MOTION, made by Commissioner Temming and seconded by Commissioner Tisenchek that the board lift the unsafe declaration on 8 Cozy Avenue.

Voting Ayes: Chair Merzig
Commissioner Temming
Commissioner Tisenchek

Noes: None

Absent: Commissioner Warren
Commissioner Hayes

MOTION CARRIED

Chair Merzig said the next item of business was 69-71 Spruce Street one of our local fraternities:

69-71 Spruce Street- (Andy Brown: 36 Queensberry Street Unit #4, Boston, MA 02215) - The Code Enforcement Office would like to request that an unsafe building hearing be conducted at the board's March 7th, 2013 meeting."

She then recognized Code Inspector Schlafer to give report to the board.

Code Inspector Schlafer said the Code Enforcement Office had not been back in the house in roughly a year and a half. The Code Enforcement Office had received a police report regarding a party that was in progress. Tom Kelly from the Hartwick security force had actually called it in. It had also been reported to the Police by a person on the street. There was a police report and it was similar to what was dealt with last year or the year before with 62 Elm Street. The Code Enforcement Office needed to get back in the property to ensure efforts to bring the property up to code were complete. Code Enforcement Officer Chiappisi has been talking with the Mayor regarding this issue. The Mayor has communicated with someone from the college. An attorney from Herkimer who was actually one of the brothers that attended school in Oneonta had also contacted the Code Enforcement Office. He was interested in the house as a brother not as an attorney. Code Inspector Schlafer said he had sent information to him and there had been discussion with the national organization that would be willing to make available funds to bring the property back into code compliance.

Chair Merzig asked to have the pictures examined by the board.

Code Inspector Schlafer said the Code Enforcement Office was asking for a month to allow them access to the property and to start the process of reviewing the Code issues. After that period of time was over there would have to be another decision as to the degree of unsafe conditions that were still present. At this point, he believed there were three or four people living in the property. The main issue was they had a large beer party in the house.

Chair Merzig said the original request from Code Enforcement Office was to consider ordering the house vacated upon an unsafe determination. She had spoken to the Code Enforcement Office, since there were parties interested in doing something immediately to make some repairs at the house that it would probably be all right to wait another month to see what the plan would be. If nothing actually was happening then the board would consider declaring it unsafe and ordering it vacated. She asked when this incident happened.

Code Inspector Schlafer stated mid February. It was a few days prior to when the Code Enforcement Office got the report.

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Chair Merzig stated the pictures showed the egress was blocked.

Commissioner Temming asked if all the windows and doors were taped.

Code Inspector Schlafer said he thought they did that for soundproofing.

Chair Merzig said also so people cannot look in the windows.

Commissioner Temming asked if the pictures were from the Police.

Code Inspector Schlafer said correct and that Code Enforcement had not been back inside.

Commissioner Temming asked if the property was secure and if Code Enforcement has permission to enter on a voluntary basis.

Chair Merzig said no, if the board declared, it unsafe, it could be ordered to be vacated. The board still could not require that the Code Enforcement Office go into the property. It was her understanding from what was going on in terms of the College, the students, the national organization and the Mayor was that Code Enforcement was going to be able to get in. She did not think that the board had to take any particular action yet. She thought everyone involved was working very hard and it was felt that it was positive. They were also were up for their Special Use Permit and whether or not they get it would be another matter. That was outside the board's purview. If the board declared it unsafe, they surely would not get the Special Use permit. The board knew this because of the issue with the fraternity on Elm Street that was one of the requirements. It was decided to put this on the agenda prior to this going on, with the negotiations and groups getting together and possibly money being put up to repair it. She did not know. She felt, as there was an aspect to the board's job that says the board should take action here and there is another aspect that says it is okay as long as monitoring occurs and the agencies that are involved are responsible. It would probably be alright if leave it alone for now.

Commissioner Tisenchek said the City was on top of it so giving them more time was a good idea.

Chair Merzig said she did not want to force anyone to make that decision but she thought that was the desire on the part of all the city officials involved.

Commissioner Temming asked if there were only four people living there now.

Code Inspector Schlafer said that was what the Code Enforcement Office thought it was since it had not been in the property. It was mainly derived by going around to the rear when the trash was checked and seeing three or four cars parked there regularly.

Commissioner Tisenchek asked had it been Michael Bollo that came before the board.

Chair Merzig said he was there and she felt, as he was a responsible person. He was the man who came before the board and had spoken at length. The City had been working with him on this particular property.

Commissioner Tisenchek said he had not thought there was that much to be done

Chair Merzig said there was the woman who was being unreasonable and creating a problem in the past. She was out now and the property was cleaned up. Chair Merzig said she did not think the board should take any action. She was asking to ratify what the Code Enforcement Office was requesting. She stated they did not have a special use permit at this time.

Code Inspector Schlafer that was what Code Enforcement Officer Chiappisi had been looking into. Carl Mann was the attorney who said he actually was an attorney for Ithaca and he

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understood where the Code Enforcement Office was coming from. Code Inspector Schlafer said he had sent Mr. Mann the requirement schedule and had showed it to Code Enforcement Officer Chiappisi. It showed the property had not had a Certificate of Compliance since 2000. In the process of looking and checking, it had been found that they had been issued Special Use Permits during the time period they did not have Certificates of Compliance. There was some confusion regarding that because that was when approval went through Common Council. This property owed everything on the requirement schedule.

Chair Merzig said it had been a year and a half since there had been any review. She then asked were there any other questions. Hearing no questions she asked was there any other business to bring before the board.

There being no further business to come before the board, Chair Merzig adjourned the regular meeting at approximately 4:15 p.m.

JAMES R. KOURY, City Clerk

JRK/vpw

DRAFT