

**ONEONTA, NEW YORK - NOVEMBER 1, 2012 - 4:00 P.M.**

**REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 1**

**PRESENT:** Chair Margery K. Merzig  
Commissioner Peter Friedman  
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.

**CORRESPONDENCE**

The following Memorandum, dated October 25, 2012, was received from Code Inspector Hester:

*“SUBJECT: Items for the November 1, 2012 Meeting*

**Updates:**

*128 Chestnut Street Rear- (Alan Rubin: 138 Balford Drive Oneonta, NY 13820) - The Code Enforcement Office would like to discuss the removal of the vacate order based upon the engineer's submitted report.*

**Administrative Fee Appeals:**

*130 Chestnut Street- (Alan Rubin: 138 Balford Drive Oneonta, NY 13820) - The Board tabled this property at the October meeting so that Mr. Rubin could obtain additional documentation. Mr. Rubin has obtained this documentation and would like to continue the appeal process.*

*147 Henry Street- (Karina Goodrich: 5375 State Highway 7, Suite 4, Oneonta, NY 13820)- Ms. Goodrich has submitted documents to this office and would like the board to hear her appeal at the November 1<sup>st</sup> meeting.”*

**OLD BUSINESS**

1. Follow-up on board's 10/11/12 order: Margo Heck – 13 Baker Street
2. Administrative Fees Appeal: 130 Chestnut Street – Alan Rubin (Tabled 10/11/12 for additional documentation)

Chair Merzig addressed the items of Old Business as follows:

**Follow-up on board's 10/11/12 order: Margo Heck – 13 Baker Street**

Chair Merzig asked Ms. Heck if she had provided the Code Enforcement Office with a plan for fixing the addition.

Code Inspector Hester stated he had just received a plan prior to the meeting and put it in the back of the packets to the board.

The following is the aforementioned plan that was received from Debbie Janitz, [dijanitz@huges.net](mailto:dijanitz@huges.net), regarding Margo Heck, dated November 1, 2012:

*“Action Plan for 13 Baker Street*

1. Finish Clearing out basement of clutter
2. Jack up floor
3. Replace cellar wall
4. Have all complete by November, 30 weather permitting?”

Commissioner Friedman questioned if the cellar wall being talked about replacing was the wall on the exterior of the addition or the cellar wall between the addition and the house.

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**(13 Baker Street)** continued

Ms. Heck responded the main long one where the hole was.

Chair Merzig suggested that the board look at the photos of the wall from Code Inspector Hester.

Commissioner Friedman asked Ms. Heck if she had a contractor or someone in mind that would do the work on rebuilding the cellar wall.

Ms. Heck replied she thought her grandson was going to help her do it.

Commissioner Friedman asked if that was the fellow that was there the other day.

Ms. Heck replied yes.

Commissioner Friedman asked if he knew how to do that.

Ms. Heck replied she was hoping because he said he thought he knew how to.

Code Inspector Hester stated he responded to the email from Ms. Janitz and requested a building permit so Code Enforcement could review what they were going to do. He said an application for a building permit has not been received yet.

Ms. Heck stated she did not know they had to have one because it was just replacing the wall.

Chair Merzig stated a building permit was needed.

Commissioner Friedman stated he concern was that the board had a plan which had no guarantees to finish the foundation work by November 30<sup>th</sup>, which was about 30 days. He said the board's past experience with this property has been that if things move forward they move along slowly and often move backward while waiting for them to move forward. He said he was willing to accept the commitment to do the work within 30 days as a reason for the city not to take action with regard to demolition or repair itself but on the other hand there was a hazardous situation where children could get in there. He said he would like to suggest as a motion that the board direct Ms. Heck to fencing the opening so nobody could get into that cellar especially children while she was having someone working on it and if she did not do that the city do something with regard to fencing around that with some type of temporary high snow fence anchored well. If the city had to go back to keep fixing that the city continually bill Ms. Heck if she cannot maintain it. He said he thought the board should look at this matter at the board's December 3<sup>rd</sup> meeting to see if progress was being made.

Chair Merzig stated she thought the board should also clean-up of the debris in the area,

Commissioner Friedman stated he agreed to add that to the motion.

**MOTION,** made by Commissioner Friedman and seconded by Commissioner Tisenchek, that in the follow-up review of Margo Heck's property at 13 Baker Street and testimony heard at the November 1, 2012 meeting, the Board of Public Service directs Ms. Heck that by November 12, 2012 she secures the opening with fencing to prevent anybody getting into that cellar especially children while she was having someone working on the cellar wall and if she did not do that the city do something with regard to fencing with some type of temporary high snow fence anchored well, etc. If the city had to go back to keep fixing that the city continually bill Ms. Heck if she cannot maintain it. Furthermore, by the same date directs the clean-up of the debris around there. The board will again look at this matter at the December 3<sup>rd</sup> meeting to see if progress was being made.

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**(Voting)**

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

**MOTION CARRIED**

Voting followed this discussion.

Chair Merzig stated that Ms. Heck had to keep at doing this because it was really important for her own good and she did not want the city to spend any money there on her behalf. She said the board's message was that Ms. Heck did not follow through with doing this the city would.

Commissioner Friedman stated the other issue was the barn at this property and it did not look like it was that well secured and there was still a lot of stuff in it. He expressed concern about if children were to get into the barn.

Ms. Heck stated that children could not open up that door. She said she could not even open the door to get into it.

**MOTION**, made by Commissioner Friedman and seconded by Chair Merzig, that if Code Enforcement finds that children could easily get into the barn in any way at 13 Baker Street the Board of Public Service directs the Code Enforcement Office secure the barn and bill the property owner Margo Heck. Furthermore, this was an ongoing directive if the barn was ever not secured.

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

**MOTION CARRIED**

Voting followed this discussion.

Commissioner Friedman stated that there was no point any longer in saying to Ms. Heck she had to secure it. He said he thought that needed to be an ongoing directive so that if the barn was ever not secured the Code Enforcement Office should secure it and bill it to the property.

Commissioner Hayes asked Code Inspector Hester if there were still combustibles in the barn.

Code Inspector Hester replied yes a considerable amount of combustibles and a good amount of tires.

Ms. Heck stated the tires were outside.

Code Inspector Hester stated that Ms. Heck's said at a previous meeting that there were about 50-60 tires inside the barn.

Ms. Heck stated there were not that many. She questioned what was considered combustible that was in there.

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**(13 Baker Street)** continued

Code Inspector Hester stated that combustibles were considered anything that could add to a fire. He said that Ms. Heck has made a lot of progress getting a lot out of what was in there.

Chair Merzig suggested that Ms. Heck keep working at it. She said if Ms. Heck wanted to put some of that wood in the barn that was alright as long as it does not become more of a hazard.

Administrative Fees Appeal: 130 Chestnut Street – Alan Rubin (Tabled 10/11/12 for additional documentation)

Chair Merzig stated the board was in receipt of a letter from Ed Hoag, Electrical Inspector.

The following is the aforementioned letter from Ed Hoag, Electrical Inspector, date October 18, 2012 regarding 130 Chestnut Street, Oneonta, NY Electrical Inspection:

*“I am writing this letter to acknowledge that it is my belief that 130 Chestnut Street work necessary to clear electrical violations and be up to code was completed before August 2010. The electrician, Joe Rico, though he may be good at his trade was not efficient with his paperwork. Though I believe his claim that 130 Chestnut Street was complete at that time, he clearly did not handle the paperwork in an efficient manner.*

*This led to two officially cleared inspections regarding Mr. Rubin’s properties (128 Chestnut Street and 91 Main Street) certificates being delayed in their delivery to the Code Office by over two years. Entering the property on October 4, 2012, there were no existing or new violations present.*

*I hope that this letter answers the necessary questions related to this matter and if I can be of any further assistance, please do not hesitate to contact me directly at (607) 638-9551.*

*Best Regards,”*

Chair Merzig stated based upon that documentation she thought the board could vacate the electrical violation Administrative Fees on this property.

**MOTION**, made by Commissioner Hayes and seconded by Commissioner Friedman, that based on the documentation presented to the board at the November 1, 2012 meeting regarding Alan Rubin’s appeal for the property at 130 Chestnut Street, the Board of Public Service vacates the electrical violation Administrative Fees on the property.

**Voting Ayes:** Chair Merzig  
Commissioner Friedman  
Commissioner Tisenchek  
Commissioner Hayes

**Noes:** None

**Absent:** Commissioner Temming

**MOTION CARRIED**

Chair Merzig stated that the Code Enforcement Office has requested that the board lift the vacate order but not the unsafe order at Alan Rubin’s property at 128 Chestnut Street. She said the board received an engineering overview from Bernard J. O’Neill, P.E., Mr. Rubin’s engineer, concluding that *“the owner, and engineer, believe that the work which has been completed to date, and is continuing, has restored the building to substantial compliance with minimum safety standards.”* She said she would like to hear from the Code Enforcement Office about this property and if they have been in to inspect it.

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**(128 Chestnut Street)** continued

Code Inspector Hester stated he has not been in to inspect this property since May.

Chair Merzig stated that there was not documentation on the work that has been done.

Mr. Rubin stated and that was why he only asked for the vacate order to be lifted because currently the tenants living there were using the unsafe order as a way not to pay rent and they were not flexible in letting him in the apartment to finish up the work, which he needed to do. He said he recently served the tenants with eviction papers. He said he would like to get these people out and continue with the work he had to do.

Commissioner Friedman asked Mr. Rubin if he had done any of the outside work that did not require going inside.

Mr. Rubin replied they shored up the porch, took care of all the spaces rotted on structural area of it and brought the railings up to state code. He said there was quite a bit of work that needed to be done on the exterior for cosmetic purposes but as far as safety goes Mr. O'Neill was comfortable with what he suggested they do and did.

Commissioner Friedman stated that was not in Mr. O'Neill's report. He said Mr. O'Neill's mentions in his report inaccessible structural members and connections between porch and main building.

Mr. Rubin stated this was done now.

Commissioner Friedman stated he recalled that the board had wanted an engineer's report certifying that these things were all safe.

Commissioner Hayes stated that he thought Mr. O'Neill's report was referring to an inspection he made on July 14<sup>th</sup> but he may have also addressed it elsewhere.

Chair Merzig stated Mr. Rubin was not asking the board to lift the unsafe designation. She said she was a little confused as to how lifting the vacate order was going to help Mr. Rubin get the tenants out. She questioned if the board could help more to get the tenants out by helping Mr. Rubin vacate the property.

Mr. Rubin responded no because he thought then there was more of a leg for the tenants to stand on the fact that the house needed to be vacated and that might be an issue for him in the courts later. He said that Code Enforcement already lifted the vacate order.

Code Enforcement Officer Chiappisi stated that was his understanding. He said looked at Mr. O'Neill's report and it seemed he was willing to sign off on it.

Chair Merzig stated that was fine and Mr. Rubin seemed to be working with the Code Enforcement Office therefore the board did not need to take any action.

**NEW BUSINESS**

Administrative Fees Appeal: 147 Henry Street – Karina Goodrich

Administrative Fees Appeal: 147 Henry Street – Karina Goodrich

Chair Merzig addressed the matter of 147 Henry Street as follows.

•The following letter was received in the Code Enforcement Office October 24, 2012 from Karina Goodrich, 5375 State Highway 7 – Suite 4, Oneonta:

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*“Dear Mr. Chiappisi,*

*Enclosed are copies of penalties notices that I received on my property at 147 Henry St. As we discussed in June, this property is not a rental property.*

*It is currently being occupied by a family member and two of her friends. It is my understanding that as long as a family member occupies the residence it is not a rental property. The property is also listed for sale with Brad Morley of Benson Real Estate Agency.*

*I would appreciate your assistance in dissolving this matter.*

*Sincerely,”*

Chair Merzig stated that the board was in receipt of documentation from the Code Enforcement Office regarding this matter. She said she would like to hear from the Code Enforcement Office first and then Ms. Goodrich.

Code Inspector Hester stated Code Enforcement first learned about this property in late 2011 when a former employee in the office who lived in the area noticed that the house appeared to be a rental with transient occupants. He said he could not say exactly when the for sale sign went up on the property but Code Enforcement had been watching it previously because they noticed it had flood damage and there was carpet and other things ripped out and placed on the lawn and left there for quite awhile.

Code Enforcement Officer Chiappisi stated actually this property had been on their vacant property list and when it was realized that the place was no longer vacant he checked to see if it was a rental. He said he phoned Ms. Goodrich and she said her son was living there. He said the employee in the office Sue said she knew Ms. Goodrich’s son and that was not him living there. He said he was fine with that if Ms. Goodrich said that was her son. He said Code Enforcement followed up with the second complaint of garbage and rats from a different person. He said the garbage turned out to be bags of leaves that had not been picked up. He said when the young man answered the door he asked him if he was the owner and he said no and when he asked if he rented the young man said yes. He said it was a rental property and Code Enforcement asked Ms. Goodrich to declare it a rental property which she did but unfortunately he had to give her a notice of violation and order a remedy asking her to fill out the property use form and declare it a rental. He said at that point Code Enforcement explained the process to her and when Code Enforcement did not get any results it issued a 60 day notice to get the inspections done and that triggered the Administrative Fees. He said there was another conversation with Ms. Goodrich where she said she would sell this property before those fees took effect and that she did not care and it would be the next person’s problem. He said here this was with the house not being sold, the fees are ready to go onto the property taxes that were quite substantial and now Ms. Goodrich was telling him it was not a rental property but according to Code Enforcement’s rules it was a rental property and that would have to go before the Zoning and Housing Board of Appeals because that was the only recourse Ms. Goodrich had. He said this appeal was specifically for the fees. He said the Zoning and Housing Board of Appeals would have to decide whether or not it was a rental but he happened to think it was a rental. He said there were 3 people who did not own the property living there.

Chair Merzig stated Ms. Goodrich submitted a report May 24<sup>th</sup> that said this was a rental property.

Ms. Goodrich stated she did not submit anything.

Chair Merzig stated that form was included in the packet for review.

Ms. Goodrich stated that was an error. She said she had some friends staying there and in 2011 she was still living there. She said it was a long story. She said since she bought the house in 2006 she had flood damage twice. She said but from 2011 to December 31<sup>st</sup> she was still in that house. She

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said she was not sure what Code Enforcement was talking about. She said she had children and her son has had numerous trucks throughout his short period of driving. She said it was not her intention to make that a rental property when she filled out that form. She said she had friends staying there. She said the house went on the market for the first time in June 2011 and she has had 3 different real estate agents. She said she had a contract on the house in June 2012 but unfortunately the woman suffered a stroke that the house was being purchased for by her son. She said she was not going to tie the son into the contract because his mother has not yet recovered. She said for the last 2 years she had been carrying this property to sell it. She said she did not own any other properties in Oneonta and she was not trying to be a landlord but was simply trying to sell a house she paid \$142,000 for that she had on the market now for \$124,900. She said her step-daughter was staying in the home because she was trying to avoid it being vacant. She said that house has never been vacant for any length of time except this past summer. She said when Code Enforcement said her friends could not live there she had them move out. She said she thought that was the end of it. She said the house sat empty for most of the summer and then her step-daughter who was living with her wanted to live there. She said her step-daughter did not want to live there alone and had 2 young men live there who came from their parent's home. She said she could have them all move back to their homes. She said she was trying to do the right thing by carrying the property and not let it go into foreclosure and get it sold.

Chair Merzig stated the sad thing was that almost all of the things Ms. Goodrich was charged Administrative Fees for she could have taken care of herself.

Ms. Goodrich stated she did not even know how to go about the process. She said she was not a landlord but was a homeowner trying to keep the house from going into foreclosure.

Commissioner Friedman stated there were some discrepancies in terms of whether or not it was ever rented. He said he thought it was agreed that it was rented at some point.

Ms. Goodrich stated she had friends staying there but did not have a rental agreement with them. She said they were helping her with the bills and she never had a lease with anyone.

Commissioner Friedman asked about when they started living there.

Ms. Goodrich replied Ray and Ron were there from January 2012 until sometime in June when she asked them to leave when she started getting problems from the city. She said Ron was her intern when she worked at the "Y" and he needed a place to live for a short time while he was waiting to go back to graduate school. She said she was going to let the house go to foreclosure.

Commissioner Friedman questioned when Code Enforcement Office was at the property and spoke to the young man there who said he was paying rent when asked if that was within that time period of that 6 months.

Code Enforcement Officer Chiappisi stated yes, that conversation happened probably within days he sent the 10-day notice to her to fill it out as a rental property.

Code Inspector Hester stated on May 24, 2012 there was a notice of violation order to comply.

Chair Merzig stated at the same time Ms. Goodrich filled it out that it was a rental.

Code Inspector Hester stated that was correct.

Commissioner Friedman stated Code Enforcement Officer Chiappisi mentioned the Zoning and Housing Board of Appeals and he did not quite file what he was saying.

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Code Enforcement Officer Chiappisi stated that the last letter his office received from Ms. Goodrich stated that her step-daughter was living there with 2 of her friends. He said he sent Ms. Goodrich a letter saying that under city law that was a rental property and she had the ability if she wanted to dispute his findings that it was a rental property to appeal to the Housing Board of Appeals.

Commissioner Friedman questioned if an appeal had been filed.

Code Enforcement Officer Chiappisi responded no.

Ms. Goodrich stated she was a little confused about this and that.

Commissioner Tisenchek questioned if Ms. Goodrich was not familiar with the Housing Code.

Ms. Goodrich responded no, she tried to go online but couldn't. She said she would simply like to sell the house and not have it be a foreclosure and empty property.

Commissioner Tisenchek questioned if Ms. Goodrich did not take time to look at the codes.

Ms. Goodrich stated when she talked to Code Enforcement Officer Chiappisi she found him to be incredibly angry and she thought at one point she actually did say to him she would appreciate if he did not yell at her. She said she was at work when he called her. She said she was not a mean person and was just trying to do the right thing.

Commissioner Tisenchek questioned if there was anybody Ms. Goodrich had to help her.

Ms. Goodrich responded yes, they live in a house and could not afford 2 houses. She said they talked about this and if they should move back into this house but they needed to stay where they were. She said the problem when trying to sell a property was how to rent it because people wanted a lease and wanted to be able to stay there usually.

Chair Merzig stated when Mr. Goodrich gets letters from the Code Enforcement Office the best thing to do was either come in or call them and ask what she needed to do.

Ms. Goodrich stated the last time she talked to Code Enforcement she had a contract on the house and the purchaser was buying it for his parents. She said she would not have made that statement that it was somebody else's problem. She said the purchaser knew about the water in the basement. She said when she filled out that form she thought she was still filling it out as a single-family home. She said she did not want it to be a rental. She said it was a nice neighborhood, it's a single-family home and it's a great house. She said she just could not afford to carry it on her own. She said there have been for sale signs outside in front of the house since June 2011.

Chair Merzig stated the sad thing was that having not responded when Mr. Goodrich got letters from the Code Enforcement Office puts the board in situation.

Ms. Goodrich stated she has not gotten a letter from the Code Enforcer since May and then they e-mailed back and forth. She said she did not know anything until she got these the other day.

Chair Merzig stated in the packet was a June notice to Ms. Goodrich that she received indicating that these fines were going to start.

Ms. Goodrich stated no she did not.

Chair Merzig stated she signed for it. She showed Ms. Goodrich a copy of the sign certified mail receipt.



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Ms. Goodrich stated that was not her signature.

Chair Merzig questioned who signed for it then.

Ms. Goodrich stated she did not know. She said that was the correct address which was where she used to work but she did not know who signed for it, there was no one with that name in the office. She said she had a post office box in Otego but she could never get her mail because they open at 9am and 4:30pm and close at lunchtime.

Code Inspector Hester stated that the property use form Ms. Goodrich signed in May had that same address on it.

Ms. Goodrich stated that was her mailing address but she did not get that and did not know who signed for that letter.

Commissioner Friedman stated regarding the fees that accrue there was a record of 4 different items and there seemed to be an appealable issue with whether it was a rental and he asked if Code Enforcement could break the fees down into before and after.

Chair Merzig stated that they were all after because they did not start applying until approximately August 24<sup>th</sup> which was 60 days from June 24<sup>th</sup>.

Commissioner Friedman stated it seemed like if Ms. Goodrich was going to appeal this or not was a critical issue because if the Housing Board says it was not a rental than he thought the fees were not valid.

Chair Merzig stated that was correct but all the evidence the Board of Public Service had including Ms. Goodrich's statement was that this property was a rental.

Commissioner Friedman stated there was a timeframe when some friends of Ms. Goodrich were staying there and paying her some money and then her step-daughter was staying there and Code Enforcement Officer Chiappisi was saying that was an appealable issue as to whether it was a rental than and that the fees accrued before it was occupied by her step-daughter.

Code Enforcement Officer Chiappisi stated he still thought it was a rental.

Ms. Goodrich stated she could have the premises vacated immediately. She said the kids were just staying there so the house was not empty.

Chair Merzig stated that was not going to affect these fees.

Ms. Goodrich stated she could let it sit vacant and become a foreclosure. She said she did not know these fees were accumulating. She said she was under the understanding that when she had Ray and Ron move out the end of the June that this was done with. She said and when she filled out that form she thought she was filling it still out to remain it a single-family home.

Commissioner Friedman stated he still had this question he was not clear on. He questioned if these fees were all from before the time Mr. Goodrich's step-daughter moved in.

Code Enforcement Officer Chiappisi responded yes, from violations for not having the proper inspections.

Commissioner Friedman stated he did see anything other than for the board to insist on the fees.

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Ms. Goodrich stated she did not even understand what the fees were for, how or when they accumulated. She said she received the notices in the mail and did not even know the property was accruing fees.

Chair Merzig stated the certified mail receipt for the letter mailed to Ms. Goodrich's was signed by Pauline Gergel and she asked her if she knew her.

Ms. Goodrich said no. She said she did not know anything about any fees or the rates until she received those dated the 16<sup>th</sup> of October and then she sent a letter asking what it was about.

Chair Merzig stated the May 30<sup>th</sup> letter from Code Enforcement Office says there will be fees and the June letter says there will be fees. She said Ms. Goodrich must not read her mail.

Ms. Goodrich stated they had emails going back and forth and unfortunately she left the YMCA and those emails were through there while she worked there. She said she talked to the Code Enforcement Officer and told him she had a contract on the house, the people living there were moving out and his response was everything was okay. She said unfortunately she did not have those emails. She said she assumed this was done and over with.

Chair Merzig stated that the board did have copies of the emails and they did not say what Ms. Goodrich was saying. She said the emails they had indicate that Ms. Goodrich was in communication with the Code Enforcement Office but not that everything was okay.

Ms. Goodrich stated that was her interpretation. She said at this point in time she was just going to let the house go into foreclosure and vacate it. She said she could not pay these fees.

Commissioner Tisenchek stated that Code Enforcement came out and did their job and Ms. Goodrich apparently was not up to par and she had to understand that too. He said if more explanation was needed it would be up to Ms. Goodrich to find out because Code Enforcement did their job.

Ms. Goodrich stated she thought that when she had them leave that it was done. She said her definition of a landlord was somebody who had a lease agreement and a time a certain amount of money was given and she did not have any of those things. She said she had friends who needed a place to stay temporarily until he went back to graduate school, they gave her what they could and there were months they did not give her anything because they did not have anything but she liked the fact that the property was not vacant and when it could showed it could still be shown as a single-family home. She said she was advised to ask the board to adjourn this to next month.

Chair Merzig stated it was hard because this was the last day before it goes on the taxes.

Ms. Goodrich stated she would have responded sooner had she known it was going on but she had not had any communication with the Code Enforcement Officer since.

Chair Merzig stated Code Enforcement's documentation showed that Ms. Goodrich did have communication whether or not she received it due to her situation of having her mail go to her office.

Commissioner Friedman questioned why Ms. Goodrich wanted to table this.

Ms. Goodrich responded so she could talk to somebody. She said she did not have adequate notice of the meeting.

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Chair Merzig stated reason the board had to make a decision today otherwise the amounts go on her taxes. She said that was why when Ms. Goodrich made her appeal it was hurried to the board.

Ms. Goodrich stated she really had not gotten any advice and did not know how this whole process worked.

Ms. Goodrich questioned if financial hardship was an appealable reason.

Code Inspector Hester suggested the board look at the documents, the second page of the emails.

Chair Merzig stated that was a response email dated June 20, 2012 from Ms. Goodrich which says *"...I am in receipt of your letter with instructions on how to proceed with my property at 147 Henry Street. Was it not included in the letters a copy of the 158-66 code of the City of Oneonta and also there was no instructions on whom you deem to qualify to complete a housing inspection. I have contacted an electrician and an inspector for the furnace and await a call back with an appointment time. I will return those forms as soon as they are complete. I am currently in negotiations for the sale of the home. If we are able to reach an agreement I will give immediate notice to discontinue this process."* She said obviously Ms. Goodrich did get something in June.

Ms. Goodrich stated she did and then she discontinued the process. She said it has been months and she did not have anything to go back and look at.

Chair Merzig stated Ms. Goodrich obviously emailed this after she got this notice which she said she did not get but she did because that was what she emailed about.

Ms. Goodrich stated she knew they were emailing back and forth but she was not really good with timelines and dates. She said when she sent that she did have a contract on the house.

Chair Merzig stated the board also had documentation of an email dated June 20<sup>th</sup> which Ms. Goodrich responded to *"...saying there was 60 day requirement for housing, electrical and heating inspections. The penalties for failure to comply start at \$250 and accrue at \$7.00 a day. If this house fails to sell you will be responsible for the fees..."*

Ms. Goodrich stated when she got the contract on the house and let Code Enforcement know she had a contract on the house and was moving forward with selling it, she had it vacated. She was under the understanding that this all stopped.

Chair Merzig stated it was kind of Ms. Goodrich's responsibility to check on that. She said she did not have any emails from Ms. Goodrich asking if this had all stopped, which meant that Ms. Goodrich did get the letter that said the fees were accruing starting on a certain day and were due.

Ms. Goodrich stated she had no money and questioned if financial hardship was a reason. She said she would have those living there all go back to their parents including Molly come back to live with them and she will stop paying the mortgage.

Commissioner Hayes asked Code Inspector Hester if any inspections had been received on this property.

Ms. Goodrich stated she had not had any inspections done on the property. She said she was trying to sell the property.

Chair Merzig stated she would go through the standard questions and the board could think about whether this was something the board could consider a hardship.

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**(147 Henry Street)** continued

Commissioner Hayes expressed concern about setting a precedent. He said he was worried about taking this direction for the sake discussion. He said the board was free to ask for an affidavit from the appellant saying that in her view the property has never been a rental. He said questioned if that would give the board the grounds to accept her appeal.

Commissioner Friedman stated he thought that would be a bad precedent.

Ms. Goodrich stated she had no intention of being a landlord.

Chair Merzig stated the board's problem was that every time it makes a decision it sets a precedent and it was the board's difficulty that it was listening to Ms. Goodrich's plea, was sympathetic to her plea but also sees the documentation before the board. She said some of Ms. Goodrich's statements have not been exactly correct. She said the board was concerned and may want this to be a single-family home and never a rental and be sold, which would be a wonderful outcome for everybody.

Commissioner Friedman asked about how long Ms. Goodrich owned the house.

Ms. Goodrich replied she bought it in 2006.

Commissioner Friedman asked her about how long she lived in Oneonta.

Ms. Goodrich replied she lived in Oneonta since around 2001/2002.

Commissioner Friedman stated it was common knowledge that if you rent property in Oneonta there were a lot of requirements that the city enforces for very good reasons. He said 10 years was a long time to live here and not know these things.

Ms. Goodrich questioned why she would know these things if she was not in the realm. She said she had rented a house on River Street in Oneonta prior to buying this house.

Commissioner Friedman stated when somebody buys a rental property they immediately get a notice saying "you bought this property, what was the use of this property."

Code Enforcement Officer Chiappisi stated that the property use form has the owner indicate yes or no if this was a rental property.

The board held a brief discussion on that matter.

Chair Merzig stated Ms. Goodrich will keep people in the house for now while actively trying to sell it. She said what if the board vacates these fees but ask her to immediately do what she should have done before and that was get the inspections done, which was a lot less than the fees themselves.

Commissioner Friedman questioned if Ms. Goodrich was willing to do that.

Ms. Goodrich responded today she would say yes she was at this point.

Commissioner Tisenchek asked Ms. Goodrich what she planned on doing when she bought another house.

Ms. Goodrich replied she did not buy another house. She said she moved in with her boyfriend who owns the house and she pays no living expenses.

**ONEONTA, NEW YORK - NOVEMBER 1, 2012 - 4:00 P.M.**

**REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 13**

**(147 Henry Street)** continued

Chair Merzig stated being confused of the process and agreeing in June to have the inspections done and then not doing them concerns the board. She said she hears Ms. Goodrich saying she will promise anything but the board did not want to hear that and wanted her to follow up.

Ms. Goodrich stated Paul and she will follow through and decide how they were going to proceed with the property, vacate it and let it go into foreclosure or try do this.

The board held a brief discussion on the matter.

Code Enforcement Officer Chiappisi stated if a property was not owner-occupied he looked at them as a rental.

Chair Merzig stated she did not have the right to rent it because it was a single-family home and not authorized as a rental.

Code Enforcement Officer Chiappisi spoke brief about tenant/landlord disputes and rental properties and legal situations. He said the rules were clear and the Code was online. He said the board needed to do what it needed to do. He said his staff and he try to get these properties into compliance.

Chair Merzig stated after seeing documentation and testimony that it was known and the Code Enforcement Officer tried to work with Ms. Goodrich she said she was very torn about this.

Ms. Goodrich stated she has never had anybody in her house that was not a personal friend or family member.

Chair Merzig asked the standard questions.

Ms. Goodrich answered the questions.

Chair Merzig stated she really supports the hard work the Code Enforcement Office does trying to get properties into compliance and she thought this was particularly difficult because it was a single-family home that was vacant and was not vacant presently.

The board held a brief discussion on the information presented and discussed.

Chair Merzig suggested that the board maintains the initial fees of \$250 for each one of those and vacate the daily fees based on not being sure when the actual dates were that it was rented or not rented. She said the fine would be reduced from \$2800 to \$750 or the board could let her not have a rental, not rent it to anyone and have family members only.

Chair Merzig asked if the step-daughter lives there or rents that house.

Code Enforcement Officer Chiappisi stated he could not do DNA testing on tenants to see if they were actually family members when there was more than one person.

Commissioner Friedman stated that was an issue. He said he thought the question of accepting the young woman living there as a step-daughter was something you had to do to some extent. Unless you knew for sure it wasn't true.

Code Enforcement Officer Chiappisi stated now there are three unrelated people in that house, which is the maximum. They could put a fourth in, then they would be in violation of several other codes too.

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**REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 14**

**(147 Henry Street)** continued

Commissioner Tisenchek asked if there was anything that the owner could put in writing to the Code Enforcement office.

Chair Merzig stated she did.

Code Enforcement Officer Chiappisi stated she sent the property use form in writing.

Commissioner Tisenchek said well now or from here on out now.

Code Enforcement Officer Chiappisi stated it was his job is track rentals and keep them safe.

Chair Merzig asked what the date of the new property rental form was and was told it was dated two weeks ago.

Commissioner Friedman asked if they could go into executive session.

Chair Merzig stated the board was not permitted to on this subject. She then asked Code Inspector Schlafer if he had sent her an email on October 1<sup>st</sup>, 2012. He stated if it was no longer rented she could send in a new property rental form, stated that was what she had done.

Code Inspector Schlafer stated a complaint had been filed by a neighbor across the street because most of the time there was anywhere from four to possibly six cars there at one time. They wanted to know if it was over occupied or if it was a rental or not. So that is why a notice was sent to inform her of the complaint and to let the office know if it was a rental or not. If it was a rental she should get her forms in and her inspections done.

Commissioner Hayes stated the information about the number of cars was new information. Chair Merzig agreed with him.

Ms. Goodrich stated there was currently three people living there. If they each have a friend over, there would be a lot of cars there. She stated that she was at the house at least once a week. There is a lock box for the real estate agents who can call up and make them aware they are going to show the house on short notice.

Commissioner Friedman made a motion that agreed with Chair Merzig's suggestion to retain the \$250 base fee for each of four of these items and reduce the daily accrual fees.

Chair Merzig inquired as to why. She if it was because the board did not have good documentation as to whether it was occupied as a rental or not.

Commissioner Friedman replied that was correct and also because the board was pressed for time. He felt this needed to be dealt with but suggested the matter be tabled for a month in order to gather more information. He stated he felt there was additional information that the board did not yet have.

Commissioner Tisenchek stated he concurred and that the board needed more time to investigate the situation.

Commissioner Hayes asked when the fees would go on the taxes. His understanding was that it was the day after the meeting was held.

Chair Merzig stated these fees would go to the county. She asked if there was a second to Commissioner Friedman's motion.

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**REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 15**

**(147 Henry Street)** continued

Commissioner Tisenchek said he didn't hear the motion.

Chair Merzig stated his motion was that the board agree that the Administrative Fees were levied properly because it didn't have the proper inspections but the board would vacate the daily fees because it did not have a good record of exactly when the house was rented and when it was not rented. Her suggestion was to get the unrelated people out of the house. The stepdaughter could stay, but as a single family home, since she was part of the family. Chair Merzig stated she owned two properties; one was her husband's mother who resides in the house by herself. She stated she owned the other one.

Commissioner Tisenchek asked Commissioner Friedman if he wanted to have more time to study this.

Commissioner Friedman stated it appeared the board didn't, but he recalled that he was told once that the fees could not be sent to the county until the board made a decision. The board could still keep the entire debt as a debt but just not have it turned over to the county yet. The city would be able to carry it over to the next year.

Code Officer Chiappisi stated the city did that with several properties last year.

Mr. Rubin stated if a property is in appeal, and that appeal process isn't complete, it says in the Code that until that appeal is complete it could be rolled over.

Commissioner Friedman asked Mr. Rubin what credentials he had to speak to that issue..

Al Rubin stated he did not, but he has had to do research for his own appeals. He stated he felt bad for Ms. Goodrich. He stated that was a lot of money for a one person to take that burden for when she is going to go into foreclosure. He stated he was not trying to undermine the Code Enforcement office, but he felt if there was a way to get her into compliance that is the desired end result.

Chair Merzig said for the exception that the board did not want it to be a rental.

Mr. Rubin said agreed.

Chair Merzig said because it's a single family home and the board would like her to sell it.

Commissioner Tisenchek said he hoped she understood that.

Mr. Rubin said he thought she was just trying to keep the house in order until it could be sold.

Chair Merzig stated the board understood that and it was willing to reduce the fees by half. She suggested tabling it and asked if Commissioner Friedman would be willing to withdraw his motion.

Commissioner Friedman stated he didn't have to, as the motion did not get a second. Therefore, the motion died due to a lack of a second.

Code Inspector Schlafer stated he had a question. He inquired if the board agreed with Commissioner Friedman, wouldn't that set a precedent and give impression that people could come before the board and simply state a building was or not being rented, even though the Code Office had the documentation that it was.

Chair Merzig stated the board understood what Mr. Schlafer was saying. She asked if there were any other issues before the board from Code Enforcement.

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**REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 16**

**(147 Henry Street)** continued

Mr. Rubin said he had to submit something and Mr. Hester was aware of what had to be submitted.

Code Inspector Hester said there was an appeal for 10-14 High Street, and that property was Mr. Freed's. He stated the Code Office hadn't received anything in writing.

Chair Merzig stated the board could not consider the appeal until it had it in writing.

Mr. Rubin stated it was in writing.

Chair Merzig asked if it was submitted within the ten days.

Mr. Rubin said he had a copy of the email he had sent to Mr. Hester approximately two weeks ago, related to this matter and the documentation he was waiting for so he could appeal it properly.

Chair Merzig asked for the copies. She then told Ms. Goodrich the board was tabling her issue, and that the fees would not go on the taxes this year.

Ms. Goodrich stated she did not know what that meant.

Commissioner Friedman stated the board would talk about it at its December meeting. He stated there was information he wanted to see relate to the relationship to the tenant. He stated that anyone could claim that someone was their stepchild.

Chair Merzig told Mr. Rubin he had to appeal within ten days.

Mr. Rubin inquired as to what she meant and if she was referring to the bill he had just received.

Chair Merzig stated the bill received in September.

Mr. Rubin stated he received it just recently in the mail.

Code Enforcement Officer Chiappisi said the final notice has the same ten day statement on it that the bill that went out a couple of weeks ago but that was the final notice.

Chair Merzig said the board was not going to hear it because it was not within the ten days and that it would not make any decision.

Chair Merzig told Ms. Goodrich the board wanted dates, who moved in when, who was in the house, the names of the people, what their relationship was to her, and something from the real estate agent proving that it was actively being shown. She was told her appeal would be discussed again at the board's December 6<sup>th</sup> meeting.

Mr. Rubin stated that his issue was that the documentation he submitted was an appeal with a date stamped within ten days on the final notice.

Chair Merzig stated to give it Code Enforcement and that the board needed to be sure that the appeal was within ten days and that there is more documentation presented.

Mr. Rubin stated this was an issue is the timeframe and that taxes are being levied, and he asked that the bills be considered under appeal.

**MOTION**, made by Commissioner Hayes and seconded by Commissioner Friedman, regarding 10-14 High Street fees are to be held in abeyance until documentation is presented to the board at the December 6, 2012 meeting.



**ONEONTA, NEW YORK - NOVEMBER 1, 2012 - 4:00 P.M.**

**REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 17**

**(10-14 High Street)** continued

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

**MOTION CARRIED**

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

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JAMES R. KOURY, City Clerk

JRK/pab