

ONEONTA, NEW YORK - JULY 5, 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
ABSENT: Commissioner Joseph Temming
Council Member Madolyn Palmer

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

CORRESPONDENCE

The following Memorandum, dated June 27, 2012, was received from Code Inspector Hester:

“SUBJECT: July, 5^h 2012 Board of Public Service Items

Unsafe Building Hearings:

336-344 Chestnut Street- (Bang Hua Chen: 34 Schoolhouse Lane, Oneonta 13820)- The Code Enforcement Office is requesting that an Unsafe Building Hearing be conducted in regard to the unauthorized public assembly use of the basement at this property.

22 Duane Street- (James Gillette: 22 Duane Street, Oneonta, NY 13820)- The Code Enforcement Office would like the Board to conduct an unsafe hearing for this property at the Board's July 5th, 2012 meeting.

Updates:

39 Maple Street- (Ralph Tomeo: 55 Otis Road, East Patchogue, NY 11772)- On May 3rd, 2012 the Board ordered this property vacated immediately and that the property be repaired within 60 days. Neither order has been complied with. The Code Enforcement Office would like to discuss possible remedies or referral to the Common Council in order to pursue this matter.

128 Chestnut Street Rear- (Alan Rubin: 138 Balford Drive, Oneonta 13820)- On May 3rd, 2012 the Board ordered that this property be vacated within 30 days and all exterior safety violations be taken care of as well as having a licensed engineer review the property's structural safety. As of this date, none of the above orders have been complied with.

Administrative Fee Appeals:

10-12 Forest Avenue- (Jammathon Snyder: 2334 County Highway 35 Maryland, NY 12116)- The Code Enforcement Office would like to request an administrative appeal hearing be scheduled for the Board's August 2nd, 2012 meeting.

91 Main Street- (Alan Rubin: 138 Balford Drive Oneonta, NY 13820)- Mr. Rubin would like to appeal the administrative fees attached to this property at the Board's August 2nd, 2012 meeting.

251 Chestnut Street- (David Freed: 83 Lower River Street Oneonta, NY 13820)- Mr. Rubin would like to appeal on Mr. Freed's behalf in regards to the administrative fees associated with this property. The Code Enforcement Office would request that this appeal be heard at the Board's August 2nd, 2012 meeting.

Demolition Order:

74 Elm Street- (Michelle Green-Deceased)- The Code Enforcement Office would like to discuss the demolition of the garage associated with this property.”

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APPROVAL OF MINUTES

Without benefit of a motion the board approved the minutes of the June 7, 2012 meeting.

NEW BUSINESS

1. *Unsafe Building Hearing: Bang Hua Chen – 336-344 Chestnut Street*
2. *Unsafe Building Hearing: James Gillette – 22 Duane Street*
3. *Code Enforcement Office requests Administrative Fee Appeals to be heard at August 2, 2012 meeting for the following:*
 1. *Administrative Fee Appeal: Jammathon Snyder – 10-12 Forest Avenue*
 2. *Administrative Fee Appeal: Alan Rubin – 91 Main Street*
 3. *Administrative Fee Appeal: David Freed – 251 Chestnut Street*
4. *Code Enforcement Office requests discussion on the demolition of a garage: Michelle Greene (deceased) – 74 Elm Street.*

Unsafe Building Hearing: James Gillette – 22 Duane Street

Chair Merzig stated she would open the Unsafe Building Hearing on 22 Duane Street. She said she would hear from Mr. Gillette after hearing from Code Inspector Hester.

Code Inspector Hester stated on June 12, 2012 the Code Enforcement Office received a written complaint from the city's new water meter installer who went to the property and was concerned because he found water in the basement from leaking plumbing and sewage. He said the installer also mentioned that the pipes had frozen at one point in time and somebody straight piped past the meter. He said Code Enforcement went to the property with the Police Department and saw that there were 2 units and suspected that one unit was possibly a rental. He said when Code Enforcement went there with the Police Department nobody answered their call at the door and apparently the police gained access after awhile after Code Enforcement left. He said the police took a few photos showing violations. He said Code Enforcement needed to do a housing inspection if it was indeed a rental and other that that there may be some fire or safety issues going on in there. He said there was a chicken coop in the back full of chickens and there had been some burning going on and there was a large pile of construction debris.

Code Inspector Hester stated he had written up an Unsafe Building Declaration for 22 Duane Street and mailed it June 12, 2012 to the owner Mr. James Gillette. He said Code Enforcement Officer Chiappisi then followed it up with a Notice of Violation/Order to Remedy letter on June 13, 2012 and he outlined a couple items that he wanted taken care of. He said those items were the removal of the chickens and chicken coop, all garbage and building debris removed from the property, that all unrelated individuals must vacate the property until a Certificate of Substantial Compliance was issued, a completed property use certification form submitted and that a housing inspection be scheduled with the Code Enforcement Office. He said he believed Mr. Gillette did submit a completed property use certification form and said that it was a non-rental.

Mr. James Gillette stated yes, his son lives in the back that was connected to the whole thing.

Commissioner Friedman asked about the foundation and structural damage.

Code Inspector Hester replied there was approximately a 2' x 7' section of foundation where there was an actual hole dug out on the outside and Code Enforcement Officer Chiappisi and he climbed down into it and found a car jack acting as a support and there appeared to be a slab on grade about 8" thick leaning in toward the hole. He said there was a major foundation problem. He said Mr. Gillette has had a contractor try to submit a building permit with plans on how he was going to repair it. He said Code Enforcement was going to go look at it.

Commissioner Friedman asked if the open burning was also the burning of the construction debris.

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(Unsafe Building Hearing: James Gillette – 22 Duane Street) continued

Code Inspector Hester replied it appeared to be.

Commissioner Hayes questioned if it appeared to be based on what was seen in the ashes.

Code Inspector Hester responded yes, there were remnants of boards. He said the rock circle for burning was about 10' away from the pile.

Mr. Gillette stated as far as that he actually did not know what they were burning. He said he did see a tire rim or something was there.

Chair Merzig stated she saw that Mr. Gillette's address was 22 Duane Street and she questioned if he was saying he did not live there.

Mr. Gillette stated that he lived there.

Chair Merzig asked who was burning.

Mr. Gillette replied he thought it was his son and his wife. He said it was not him but it was his property.

Chair Merzig asked Mr. Gillette to talk briefly about these conditions in the basement of the house.

Mr. Gillette stated there was water in there and sewage and he had it pumped out. He said now he had most of the materials and was waiting to start working on it. He said he turned the water off himself downstairs so there would not be anymore water and had all the pipes taken care of.

Chair Merzig questioned if the water was shut off in the rest of the house.

Mr. Gillette responded it was turned off all over.

Chair Merzig asked if Mr. Gillette had converted the property to a 2-family house.

Mr. Gillette replied no, it was just his son. He said it was his son, his wife and kids but his wife and kids moved out.

Commissioner Friedman asked about how many kitchens were there.

Mr. Gillette replied there was one kitchen where he lived.

Commissioner Friedman asked if the whole house has only one kitchen.

Mr. Gillette replied yes.

Chair Merzig stated she heard from the Code Enforcement Office that Mr. Gillette was working with a contractor and was in the process of submitting a building permit and she asked if that was true.

Mr. Gillette replied yes.

Chair Merzig stated if it was only a one-family house Code Enforcement may need some access to confirm that. She said a building permit would be needed before any work was started and she asked for a summary of the plans.

Mr. Gillette stated most of the materials were there to start the work now. He said they were going to build a wall on that back part where it had fallen in. He said as far as what was there before he thought it was a retaining wall or something and it just washed-in.

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(Unsafe Building Hearing: James Gillette – 22 Duane Street) continued

Chair Merzig stated it looked like it was part of the foundation and was not retaining anything right now.

Chair Merzig questioned if Mr. Gillette and his son lived there now full time.

Mr. Gillette responded yes and another son and his grandson live there too. He said there were 4 them actually.

Chair Merzig asked about the chickens.

Mr. Gillette stated the chickens were gone the next day. He said his daughter-in-law lived in Otego and when she came to Duane Street she brought them with her. He said he had told her to get rid of them. He said she and his son have split up.

Commissioner Friedman asked if there was some leakage originally.

Mr. Gillette stated there was because one of the pipes came apart or something.

Commissioner Friedman asked Mr. Gillette if he had taken care of the health issue already.

Mr. Gillette replied they have not put the pipes together but they were not using them either.

Commissioner Friedman questioned how about cleaning up the sewage.

Mr. Gillette responded Reeds came and pumped out the cellar. He said the cellar was mostly dry but there was a little water in there yet from before he turned the water off.

Chair Merzig suggested that the board hold this in abeyance because the board heard the conditions and heard of some plans but did not have any evidence of the plans taking place. She said she would like Mr. Gillette to call the Code Enforcement Office on Friday, the 6th, make arrangements for them to do a walk-through of the house and see what the plans were. She said the board may then just want Mr. Gillette to submit a detailed plan of when repairs would be made and who would be doing the work. She said the board did not usually concern itself with single-family houses because they were under a different category although the health and safety concerns were paramount to the board. She said first of all the board did not want Mr. Gillette to violate the law and, secondly the board did not want Mr. Gillette putting anybody else in jeopardy by not have habitable conditions in the property. She recommended holding this up until the board's August 2nd meeting to see what kind of plans Mr. Gillette has and have him call the Code Enforcement Office to do an actual inspection to certify that it was not a rental property and that the conditions were existing and that there was a plan for those to be worked on. She said that would give Mr. Gillette a month and hopefully the board would not have to take any additional action if the board could be sure Mr. Gillette was actually doing what he said he would be doing.

The consensus of the board was that the Chair's recommendation was satisfactory.

Commissioner Hayes expressed concern about the outside burning and suggested that Mr. Gillette have conversation with whoever was doing it so that it did not happen again.

Chair Merzig informed Mr. Gillette of the trash disposal site at the MOSA transfer station.

Commissioner Friedman stated he had an inverted concern about the chickens. He said it was a big lot and did not have a problem with it but it was a violation of city law. He said at some point the board should recommend to the Council that some chickens be allowed for eggs especially on big lots in certain areas.

Mr. Gillette stated the chickens were gone now and did not want them back.

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(Unsafe Building Hearing: James Gillette – 22 Duane Street) continued

MOTION, made by Chair Merzig and seconded by Commissioner Friedman, that based on testimony heard the Board of Public Service tables the Unsafe Building Hearing on Mr. James Gillette's property at 22 Duane Street until the August 2nd meeting giving Mr. Gillette a chance to resolve the issues he has with the Code Enforcement Office and makes arrangements for the Code Enforcement Office to do an inspection of the property.

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

MOTION CARRIED

Mr. Gillette indicated he would call the Code Enforcement Office on Friday, the 6th.

Unsafe Building Hearing: Bang Hua Chen – 336-344 Chestnut Street

Chair Merzig opened the Unsafe Building Hearing on 336-344 Chestnut Street. She said there was a letter from the Code Enforcement Office to Mr. Chen dated May 18, 2012 indicating Mr. Chen had been using this Chestnut Street property basement for public assembly which was not a permitted use. She said on June 28, 2012, after making report to this board, the Code Enforcement Office declared this Chestnut Street property unsafe based on that use. She said there was a police report and she asked Code Inspector Hester to summarize the findings of the Code Enforcement Office so far.

Code Inspector Hester stated that apparently the property has had problems in the past that goes back quite some time with public assembly use in the basement. He said then in 2010 former Council Member Roger Moran, on Bill Stones' behalf, submitted a plan to use the basement area as a billiard hall. He said they submitted the proper paperwork to the Zoning and Housing Board of Appeals and actually got approved. He said the Code Enforcement Office has made it standard practice when Ordinance Inspector Ferris' letters go out say the variance was approved to include that they need to comply with the New York State Fire and Building Code and to contact Code Inspector Hester. He said what had happened was that this was actually approved through Zoning but the property has never had a fire inspection. He said he had inspected the restaurant but not the basement for public assembly.

Chair Merzig stated that was because a building permit was never submitted to the Code Enforcement Office for that conversion to meet the state building code.

Code Inspector Hester stated that was correct. He said more than likely it did not comply. He said knowing that he would have to inspect it and make sure all the safety requirements were installed. He said what happened was the billiard hall ceased operation and then after that point the basement was being rented out for parties to random companies. He said Code Enforcement had a flyer advertising one of those parties saying a party was going to be held at "Billiards" which was the name of the old billiards hall.

Commissioner Hayes questioned if when Code Inspector Hester says "they" he was talking about the current building owners and not Bill Stone in relation to the commercial parties.

Code Inspector Hester responded that was correct.

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(Unsafe Building Hearing: Bang Hua Chen – 336-344 Chestnut Street) continued

Chair Merzig stated as far as Code Inspector Hester was concerned the billiard hall never got actual approval.

Code Inspector Hester stated not from his point of view. He said it went through Zoning but did not get fire code approval. He said he had to do a fire safety inspection on the restaurant and that would probably cover the public assembly downstairs but the last inspection he went to on the building he said it was not approved for public assembly and was not going in there to inspect it as a public assembly and it was only a closed off area otherwise it would have been a totally different report that he would have written. He reported that on May 16, 2012 the Code Enforcement Office was notified that the Oneonta Police Department responded to the basement of this property on April 29, 2012 in regards to a fight where a knife might have been involved. Upon the police arriving they noted 50-60 occupants leaving the basement areas. Initially when the police tried to gain entry the doors were locked. After they demanded entry they noticed DJ equipment and an area that was used for serving alcohol. On May 18, 2012 Code Enforcement Officer Chiappisi sent the property owner a letter informing the owner of being in violation using the basement at this property for purposes of public assembly because that was not permitted and that the property owner was to cease use of the basement at this property for public assembly. He said also in that letter he outlined the requirements if he chose to use the space for public assembly.

Commissioner Friedman stated he had information to add from years ago and that he thought at one time the basement was accepted by the city as a legitimate public assembly. He said he was not sure how long ago that was. He said he remembered attending a function in that basement about 25 years ago. He said when he was working as Code Enforcement Officer the space had not been used for long and somebody wanted to use it or maybe somebody was using it and not coming back to the city for permission and he thought Code Enforcement did an inspection and cited something in the way of a significant egress violation. He said he kind of remembered that front egress coming up the front stairs from the basement to the front lobby where there was the motel desk and the restaurant entrance was all a shared exit. He said it was not clear in his mind now what that violation was but it might have been that the egress was not wide enough for everything. He said he did not remember other issues but there may very well been other issues. He said he thought the way the situation stands now from what Code Inspector Hester was saying was the board had to know if there was a Zoning Code right to use the basement for public assembly, whether it was a grandfathered right or whether the new Zoning Code allows that use at that location, and then if there was right then the Building Code things needed to be clarified.

Chair Merzig stated that the board would talk about the issues after hearing from the Chens about the alcohol being served in the basement, use of the basement, occupancy in the basement and what their understanding was of this use.

Ms. Chen stated the people come to them and ask to rent the basement for the party. She said they can explain to them that there would be no more alcohol.

Chair Merzig asked if the Chens had the alcohol beverage permit for that building.

Ms. Chen replied for the restaurant.

Commissioner Friedman stated for the restaurant but not for the basement.

Mr. Chen stated the man just told them there would use it a party with dancing and did not tell them they had alcohol to drink.

Commissioner Friedman questioned if the Chens were not looking for permission to have alcohol in the basement.

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(Unsafe Building Hearing: Bang Hua Chen – 336-344 Chestnut Street) continued

Ms. Chen stated after they were gone the people had the alcohol.

Commissioner Friedman asked the Chens what they wanted to do in the future with that basement space.

Ms. Chen replied right now they will have to make sure there was no alcohol if people wanted to rent that for a party.

Commissioner Friedman clarified if the Chens wanted to rent the space for parties but without alcohol.

Ms. Chen said yes.

Chair Merzig stated the issue of alcohol was only relevant in terms of the safety in using the downstairs space. She said the board's concern was that the space was not set up for the number people that have been down there in that space and alcohol on top of that. She said the Code Enforcement Office felt that any public assembly in that basement was not okay because the permission for having that has expired. She said in this case some new information has come to light to the Code Enforcement Office and Code Enforcement wants to be able to enter that space to 1) figure out if that space could be used, 2) how many people could be allowed in there, and then 3) whether the Chens had the facilities to meet the State Building Code. She said she thought in this case since Code Inspector Hester has come up with this new information, the board may want to send Code Inspector Hester to this property to inspect it to see what facilities they actually had such as whether there was a sprinkler system and did their egress meet State Building Codes, and may want to tell the Chens that they need an engineer to tell them that.

Code Inspector Hester stated that Code Enforcement Officer Chiappisi specifically requested that.

Commissioner Friedman stated that the City Code had a requirement that in bars a licensed engineer had to do periodic inspections anyway. He said that this may be the time to say that there have been enough years and instead of Code Enforcement doing all of this potential design work have the Chens get an engineer to do that.

Chair Merzig informed the Chens that Code Enforcement wanted them to comply with the 5 things listed in Code Enforcement Officer Chiappisi's letter dated May 18th. She said #5 may not apply if they have a liquor license. She said if the Chens comply with 1 to 4 and give them information to Code Enforcement they may be able to use that space. She said the board did not want to declare this unsafe but would want the Chens to give Code Enforcement those 4 things listed in the letter. She explained to the Chens that they may have to call a building engineer and have the engineer come and help them get those items. She said in the meantime the Chens would not be permitted to use that basement space as they had. She asked the Chens to send a letter to the Code Enforcement saying they would not use that space until they provide those 4 things. She said with the board knowing that the Chens informed Code Enforcement in writing that they would not use that space the board would not need to declare the property unsafe. She said whether that space meets all codes was the question and until finding that out it cannot be used for public assembly.

Commissioner Friedman stated that the Code Enforcement Office needs to find out what was allowed by Zoning.

Mr. Chen stated about 6 years ago someone made that space into a game room.

Chair Merzig stated that the question was if that right was lost to use that room. She said if the answer was yes then the Chens would need to reapply to use the room and comply with those 4

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(Unsafe Building Hearing: Bang Hua Chen – 336-344 Chestnut Street) continued

items in the letter. She said the Chens had to be more in control of their operation. She suggested that the Chens work with the Code Enforcement Office before the board takes any action.

MOTION, made by Chair Merzig and seconded by Commissioner Tisenchek, that based on testimony heard the Board of Public Service tables the Unsafe Building Hearing of Mr. Bang Hua Chen's property at 336-344 Chestnut Street and orders Mr. Chen not to use this basement facility again for unauthorized use until he answers the Code Enforcement questions that the board examined with him at this July 5, 2012 meeting.

Voting Ayes: Chair Merzig
Commissioner Friedman
Commissioner Tisenchek
Commissioner Hayes
Noes: Noes
Absent: Commissioner Temming

MOTION CARRIED

Chair Merzig instructed the Chens to contact the Code Enforcement Office.

UPDATE FROM CODE ENFORCEMENT

39 Maple Street

Code Inspector Hester stated in regard to 39 Maple Street he said that the owner Ralph Tomeo came into the Code Enforcement Office with his local agent Liz Rose and wanted to know what he had to do on the property. He said that Mr. Tomeo was actively in the military. He said he did not know about that for quite awhile and had brought the property to the board for being unsafe and then Liz Rose gave Code Enforcement Office Mr. Tomeo's assignment papers for Iraq. He said many of the notifications for Administrative Fees even went before Mr. Tomeo served in Iraq. He said when Mr. Tomeo saw \$11,000 in Administrative Fees he was not happy and he told him the best thing to do at this point was to get all the violations corrected. He said Mr. Tomeo scheduled a housing inspection.

Chair Merzig asked if the house was vacated as ordered.

Code Inspector Hester replied no, there appears to be a family of a grandfather, son and baby living downstairs and they had snakes and hamsters.

Chair Merzig questioned if the city was going to have to get the property vacated.

Code Inspector Hester stated that the family living there was going to be leaving within 30 days because there were served with an eviction notice. He said with the history of the owner the city may want to do the same thing and order it to remain vacant until the owner fixes everything.

Chair Merzig questioned if that was not what the board had already done.

Code Inspector Hester stated that at the board's May meeting the board had ordered it vacated immediately and be repaired, which was not happening.

Commissioner Friedman stated the problem with vacant buildings was that the city did not have

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(Code Enforcement Updates – 39 Maple Street) continued

much leverage to make the owner fix it. He said he thought the board had ordered this property vacated immediately and 60 days for the repairs to be made. He said he liked the method the board used on 30 Church Street where a list was made of things a contractor could do without getting into the property because there were things that could be done on the outside of this property. He said there are a lot of houses in the city with plywood on the windows. He said he was on the city's Housing Steering Committee for housing plans for the city and one of the things talked about was the need to find a way of dealing with vacant properties to press the owners to either fix them or get rid of them.

Chair Merzig asked what Code Enforcement Office was talking about in terms of exterior repairs on this property.

Code Inspector Hester replied broken and missing windows, shrubs and scattered garbage behind them, typical paint peeling, rotted window sills and a daybed frame and mattress in the yard.

Chair Merzig stated she thought the windows were an issue because that was deterioration to a higher degree.

Commissioner Friedman stated he thought that was one of the things but thought the board really needed to get more involved in how to make these kinds of decisions about what to do to a property, such as what things were best to do and what things were easiest for them to handle in the Code Enforcement Office. He said getting windows glazed was pretty easy and then it was done. He said maybe some of these things could be almost symbolic gestures because the city has never done a lot of stuff.

Chair Merzig stated that was because it was very difficult to go on private property. She said trash was one thing because that was health and safety and the windows. She suggested making a recommendation to the Common Council to consider some of these and that what give the City Attorney a chance to review what the board was asking.

Commissioner Friedman stated the board needed good justification for what it wanted to do.

Chair Merzig stated by Mr. Tomeo going to the Code Enforcement Office that showed a degree of response and she suggested asking him for a schedule of making repairs and say that if the Code Enforcement Office did not hear from him within a couple days that it was the intention of the city to contract to have some of the exterior work done and charged to him at 150 percent. She said the local agent Liz Rose was right here in the city and she had a whole construction company behind her.

Commissioner Friedman stated his experience with Mr. Tomeo goes back 15 years at least and he was irresponsible as a landlord back then and at that time he thought he was working in New York as a policeman. He said it was not just Mr. Tomeo's going to Iraq that this happened because he has never taken care of his property. He said bringing Liz Rose into the picture did not make him that hopeful either. He said he would like to see the Code Enforcement Office think about what things they could get done because he thought Code Enforcement had a better notion of that than the board did and Code Enforcement Officer Chiappisi should talk to City Attorney Merzig directly about what the city's rights were for what he could do.

Chair Merzig stated that board would need to ask Code Enforcement Officer Chiappisi and City Attorney Merzig to do that.

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(Code Enforcement Updates – 39 Maple Street) continued

MOTION, made by Chair Merzig that the Board of Public Service contact Mr. Ralph Tomeo by certified mail indicating that the board was ordering the property located at 39 Maple Street permanently vacated until the major type “A” violations were corrected. In the event that the exterior violations were not corrected within 30 days the city has the intention of making those corrections and said property be billed the cost of the work plus 50% to cover the cost of administration and supervision. In addition, the board requests a plan of repairs from Mr. Tomeo.

Chair Merzig stated this motion gave Mr. Tomeo and Ms. Rose a chance to act on the matter. She said in the meantime the board should send a request for consideration to the Common Council of doing the repairs.

Commissioner Hayes stated he was not sure the wording in this motion would get Mr. Tomeo’s attention anymore than it did in the board’s May motion.

Commissioner Friedman questioned if Commissioner Hayes thought the board was spinning its wheels.

Commissioner Hayes responded yes, he thought it was just going to give Mr. Tomeo an extra month. He said in his view once the board ordered it vacated he did not think this motion was necessary.

Chair Merzig stated she would withdraw her motion and she asked Commissioner Hayes what he thought the board should do.

Commissioner Hayes stated he thought the board needed to think what it could do to get Mr. Tomeo’s attention and thought if there was money involved it may get more attention.

Chair Merzig questioned if the commissioner’s recommendation was to send an order to the Common Council to make certain repairs that were available to the city and bill the property.

Commissioner Hayes responded yes, based on the fact that Mr. Tomeo has not yet complied with the board’s May order and the 60 days have already past he thought the city was within its rights to start work and bill the property.

MOTION, made by Commissioner Hayes and seconded by Commissioner Friedman, that based on the fact that property owner Mr. Ralph Tomeo has not yet complied with the board’s May 3, 2012 order to vacate immediately and repair the 39 Maple Street property within 60 days, the board recommends to the Common Council that since those 60 days have past and the city was within its right to start said work that funding be permitted to do so and bill the property. The following are the exterior repairs being recommended for funding: glazing windows, picking up all trash, trimming shrubs and some exterior painting.

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

MOTION CARRIED

Voting followed this discussion.

Chair Merzig stated she would still like a letter to go to Mr. Tomeo saying the city was taking action.

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(Code Enforcement Updates – 39 Maple Street) continued

City Clerk Koury stated he would send Mr. Tomeo a copy of the board's motion.

Commissioner Tisenchek stated he has talked to property owners around places like this and they want action. He said he thought in the letters the board writes that it should include that the neighbors did not approve of these conditions. He said he also thought it should be printed in the newspaper.

Code Inspector Hester stated that the unsafe buildings were listed on the city's website and is updated daily. He said it had the owner's name, a picture of the building and when it was declared unsafe by the board.

Chair Merzig stated she would contact The Daily Star about printing that list and send Mr. Tomeo a letter informing him of the city's intention.

128 Chestnut Street Rear

Code Inspector Hester stated that Alan Rubin the property owner of 128 Chestnut Street Rear came into the Code Enforcement Office about 2 weeks ago and had a meeting with Code Enforcement Officer Chiappisi. He said Mr. Rubin submitted 2 appeals for Administrative Fees. He said Mr. Rubin had spoken to Code Enforcement Officer Chiappisi that he wanted to get Certificates of Compliance on all of his properties. He said one of the properties he was concerned about that was 128 Chestnut because Mr. Rubin has not done anything on this property and have not received an engineers report. He said the damaged siding that happened from an accident about 4 years ago remains the same and there was a constant trash problem. He said when he went to the property a few days after posting the vacate order on the building there was a Dish Network installer was installing a satellite dish on the top of the roof. He asked the installer if he realized this building was ordered vacated and he said he was just filling the order for a satellite. He said Mr. Rubin told Code Enforcement Officer Chiappisi he was going to fix everything on every one of his properties. He said on this property in particular he has not seen any action by Mr. Rubin.

Chair Merzig suggested that the board do the same thing with this property as it did for Mr. Tomeo's property at 39 Maple and send Mr. Rubin a similar letter saying what the city's intention was since the board has not heard from him on this property.

MOTION, made by Commissioner Hayes and seconded by Commissioner Friedman, that based on the fact that property owner Mr. Alan Rubin has not yet complied with the board's May 3, 2012 order to vacate and repair the 128 Chestnut Street Rear property within 30 days, the board recommends to the Common Council that since those 30 days have past and the city was within its right to start said work that funding be permitted to do so and bill the property. The following are the exterior repairs being recommended for funding: repair the siding and glaze the windows.

Voting Ayes: Chair Merzig
Commissioner Friedman
Commissioner Tisenchek
Commissioner Hayes

Noes: None

Absent: Commissioner Temming

MOTION CARRIED

Voting followed this discussion.

Commissioner Friedman stated he thought if the board was going to make a presentation to the

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(Code Enforcement Updates – 128 Chestnut Street Rear) continued

Common Council it should not include painting and repair of siding. He said he would rather get the Council committed to the safety issues.

Chair Merzig stated she agreed with the commissioner but in the final analysis that was what would be considered.

Chair Merzig set the following Administrative Fee Appeal hearings for the September 6, 2012 meeting instead of the August 2, 2012 board meeting as requested by the Code Enforcement Office;

1. Administrative Fee Appeal: Jammathon Snyder – 10-12 Forest Avenue
2. Administrative Fee Appeal: Alan Rubin – 91 Main Street
3. Administrative Fee Appeal: David Freed – 251 Chestnut Street

Chair Merzig stated she had asked Code Inspector Hester to speak with her before he puts together a huge packet on these appeals because she has found that the board did not need every document that was ever produced on these properties. She said the board just needed certain documents. She said she did read the letter of appeal from Jammathon Snyder regarding 10-12 Forest Avenue and she would like the board's approval to send a letter to get the actual settlement order. She said the letter mentioned that there was a divorce involved and ownership of the property was in question. She said the board needed to know exactly what the divorce papers say as to ownership and who was to pay the accrued \$5000 in Administrative Fees.

Commissioner Friedman stated in regard to the Administrative Fee hearing on 91 Main Street he said if Alan Rubin was not the agent for Mr. Bernard Rubin that just because it was his son did not give him the authority to make an appeal. He said there was no signature on the letter to Code Enforcement Officer Chiappisi.

Chair Merzig stated they made the appeal together and the names were written on the top of the letter. She said she would find out that information.

Commissioner Friedman stated that Mr. Rubin was making the appeal on behalf of Mr. David Freed for the property at 251 Chestnut Street and if he was not the agent there was no legitimate appeal.

Chair Merzig stated that the board did not receive the letter on that. She said that will be reviewed. She said Code Inspector Hester and she will get together and send the board whatever was needed.

Commissioner Friedman suggested that these 3 Administrative Fee Appeals be scheduled for the board's September meeting instead of August.

Chair Merzig asked Code Inspector Hester if that would be a problem and if all fees had stopped accruing.

Code Inspector Hester stated that regarding the appeal for Alan Rubin, Mr. Rubin did not want that to accrue anymore. He said Mr. Rubin came in to talk to Code Enforcement Officer Chiappisi he said he wanted to work on all his works and guaranteed he would have the COC on every one of his properties and asked that the accruals be stopped. He said basically that was what he wanted the board to decide.

Chair Merzig stated the board could not stop them until the required paperwork was submitted. She said she did not have a problem with setting these hearings for September.

Commissioner Friedman stated more important than that was whether a legitimate appeal has been filed.

Chair Merzig stated she would take that under advisement and discuss this with Code Enforcement.

ONEONTA, NEW YORK - JULY 5, 2012 - 4:00 P.M.

REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 13

(Code Enforcement Updates) continued

74 Elm Street

Chair Merzig stated the next item was to have discussion on the demolition of the garage associated with the 74 Elm Street owned by Michelle Green who was deceased.

Commissioner Tisenchek stated he would like to wait to discuss this until the board had more information about the violations.

Chair Merzig suggested that the board talk briefly about it and hear from Code Inspector Hester.

Code Inspector Hester stated he had pictures of the garage for the board and they show that the garage is almost down by itself.

Chair Merzig questioned if Code Inspector Hester was asking that the board recommend demolition to the Common Council because the board had already ordered that it be demolished and now it was just a matter of who was going to pay for it.

Commissioner Friedman asked if the house was abandoned.

Code Inspector Hester replied yes.

Commissioner Friedman stated that although the owner was deceased Michael Hanna used to live there and he questioned if he was no longer there.

Code Inspector Hester responded no and there was posting on the outside of the building saying Bank of America had taken over responsibility of the building. He said he contacted them and told them they needed to get on a lawn mowing schedule and make sure the house was secured. He said the bank said they could do that. He said he asked the bank if they could remove the garage and the bank said they could not do that.

Chair Merzig stated she thought the board should move on this issue.

The board held a brief discussion on the matter.

Commissioner Friedman questioned if this structure was being taxed.

Chair Merzig stated that information could be obtained from the City Assessor. She said this situation was really bad.

Commissioner Hayes stated that this was summertime and kids were out of school and this could be a dangerous situation if kids went in there and a beam fell on them.

Commissioner Friedman stated that was a really good point. He said he saw a couple kids going through the house next door to his which was close to this property.

Commissioner Hayes questioned if the city could put up snow-type fencing around it to secure it.

Code Inspector Hester stated they could try to do that but the other thing was that they would have to post this on the exterior and had no information of where to send notices.

MOTION, made by Chair Merzig and seconded by Commissioner Hayes, that based on testimony heard from the Code Enforcement Office the Board of Public Service requests that the Common Council approves the funding for the demolition of the garage at 74 Elm Street and bill the property.

ONEONTA, NEW YORK - JULY 5, 2012 - 4:00 P.M.

REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 14

(Voting)

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

MOTION CARRIED

Voting followed this discussion.

Chair Merzig suggested that the bank be notified right away because they may not want the city's cost to do this as a tax lien on the property.

Code Inspector Hester stated that he had told the bank that if the city has to demolish the building that it the cost plus 50 percent would go as a tax lien against the property. He said the bank said they knew that but they could not do that sort of work.

OLD BUSINESS

1. Follow-up on fire safety/possible remedies: Margo Heck – 13 Baker Street
2. Follow-up on appeal of water/sewer bill: Rachel Lutz Jessup – 27 Luther Street

13 Baker Street

Code Inspector Hester stated that the letters sent to Margo Heck came back. He said he did not have a mailing address except for Baker Street but found a Unadilla address in the phone book but had not tried mailing anything there.

Chair Merzig stated that the address should be the mailing address on the property tax roll.

Commissioner Friedman questioned if the primary concern with this property was that there was a building filled with stuff.

Chair Merzig responded no, there was one building that was accessible and the foundation was falling in and the city had no idea what was being done there. She said the other building was in okay shape but it was filled was stuff and then there was also the barn/garage filled with stuff.

Commissioner Friedman stated that the board's previous order had to deal with the barn and not the two front residential areas. He questioned what the board wanted to do about the barn and also questioned if the board wanted to do something to the two front buildings.

Chair Merzig stated she thought the question was if there were health and safety hazards with the barn and that it was a fire hazard was all the board could do was secure it or could the city demolish the barn and clean up the rest of the property. She said the board needed to be sure that the houses were secured and no one could get into them.

Commissioner Friedman stated he would not want to demolish the barn if it was being taxed and the city really did not know what was in it.

The board held a brief discussion on the matter.

ONEONTA, NEW YORK - JULY 5, 2012 - 4:00 P.M.

REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 15

(13 Baker Street) continued

Chair Merzig stated she would like to secure the barn if it was possible by putting locks on it so it could not be opened and then talk to the City Attorney about what the city could do. She said the city had to make sure the houses were secure and make sure the trash was gone. She said Margo Heck was not living there and the city was dealing with abandoned properties.

27 Luther Street

Chair Merzig stated in regard to the water bill appeal by Rachel Jessup she reported that Ms. Jessup did not contact the Water Department to have her water meter tested and decided to accept the bill.

MOTION, made by Chair Merzig and seconded by Commissioner Friedman, that in the review of the water bill appeal by Rachel Jessup for 27 Luther Street, the bill will stand based on Ms. Jessup not contacting the Water Department to have the meter tested and deciding to accept the bill.

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 5:30 p.m.

JAMES R. KOURY, City Clerk

JRK/pab