

ONEONTA, NEW YORK - APRIL 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
Commissioner Joseph Temming
Council Member Madolyn Palmer

ABSENT: None

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

Chair Merzig stated she would take business out of order on the agenda and address the Administrative Appeals by Mr. Whaley and Mr. DeAndrea. She said updated Requirement Schedules that listed what was outstanding were received from the Code Enforcement Office for both of those properties 9 Gardner Place and 19 Fonda Avenue. She asked Mr. Whaley and Mr. DeAndrea to take a look at the schedule for their property.

Chair Merzig gave a brief summary on the Administrative Fees ordinance and the board's procedure in hearing those appeals as described in the City Code.

OLD BUSINESS

Administrative Fee Appeal/Unsafe property matter: 9 Gardner Place – Edward Whaley

Chair Merzig stated the board will recall that Mr. Whaley was representing the property owned by his mother-in-law Miriam Soto Aponte who recently passed away. She said the Code required that a property be represented to the board by the owner but in this case that cannot be. She said she understood that as soon as the fact was recognized that Ms. Aponte passed away the Code Enforcement Office stopped the administrative fees that had accrued up to that point. She said there were some new fees and asked if Mr. Whaley had received invoices for those.

Mr. Whaley stated he had not.

Chair Merzig stated there were fees for the outstanding violations at this point were the smoke detector, the furnace inspection and the housing inspection certification.

Mr. Whaley stated life was just battering him around for the 2 years he was the primary caregiver of Ms. Aponte. He said he then got Hospice involved and his daughter and 8 months later Ms. Aponte passed away. He spoke briefly of other hardships he experienced in his family and his health. He said the furnace inspection was done and did not know why it was not recorded.

Code Inspector Hester stated he had not seen that inspection. He said the Requirement Schedule dated 04/05/12 is the most current.

Chair Merzig stated that the board was not allowed to consider personal circumstances. She said the board would like to know from Mr. Whaley and what the board wanted Mr. Whaley to work with Code Enforcement Office on was a plan. She said the goal of this ordinance, the board's work and Code Enforcement's work was to get housing to a point where it could be safe. She asked if Code Enforcement has inspected the house.

Code Inspector Hester replied that he had inspected the house in 2010 and Ordinance Inspector Ferris was in the house in December 2010. He said a certified letter was sent at that time and that was one step below the house going pre-unsafe.

Chair Merzig stated the board would also like Mr. Whaley to find as much paperwork as possible on whatever what was done in the house and get it to the Code Enforcement Office. She said if Mr. Whaley was saying things were done the board had to make sure they were.

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(Old Business – Administrative Fee Appeal – 9 Gardner Place) continued

Mr. Whaley stated the city's electrical inspector, Ed Hoag, came in and inspected. He said electrician John LeoGrande was contacted and he said that as soon as he had the time he would get the paperwork needed from the Code Enforcement Office.

Code Inspector Hester stated that he had received an electrical violation report indicating the inspection was done March 21st.

Chair Merzig stated that before the board makes a decision it would like to see some progress and she urged Mr. Whaley to work with the Code Enforcement Office.

Commissioner Hayes stated he was sorry for Mr. Whaley's loss. He asked if there was conversation going on now between Mr. Whaley and Code Enforcement.

Mr. Whaley replied no, he had not talked with them yet. He said he had just been getting everybody he needed and the electrician inspection was the big one and he already had the furnace inspected.

Commissioner Hayes suggested that after the meeting Mr. Whaley talk with Code Enforcement and he would find they have a lot of really good technical advice and expertise.

Commissioner Friedman stated on the current Requirement Schedule form it says amount paid and there were some figures there. He questioned if that meant some amount was paid.

Code Inspector Hester responded that had gone to the county and had been re-levied as a tax lien against the property. He said the balance on the form was the amount since Code Enforcement stopped the penalty.

Commissioner Friedman questioned if the appeal was for the amount that has already gone to the county or just the balance amount of \$322.

Chair Merzig stated she did not think the board could do that because the Code did not allow the board to go back once it was re-levied. She said the appeal would be for the amounts shown as "balance."

Mr. Whaley asked what that amount was.

Chair Merzig replied the balance amount was \$966.00.

Mr. Whaley stated he would try to get that money.

Chair Merzig suggested that Mr. Whaley relax and she stated what the board was talking about was possibly not imposing that fee on him. She said the board's requirements under the Code for making that determination were somewhat strict and the board was trying to determine facts upon which to make a decision.

Commissioner Friedman stated the three issues that could be accruing fees he believed were the smoke detector, furnace and housing inspection. He questioned if any of the other items could be accruing.

Code Inspector Hester responded no other items.

Commissioner Friedman stated those three issues were the key things that needed to be done at some point soon so those fees did not start accruing again. He asked Mr. Whaley if he was now the owner of the building.

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(Administrative Fees Appeal – 9 Gardner Place) continued

Mr. Whaley replied he was not the owner. He said the house was still in his mother-in-law's name.

Code Inspector Hester stated he had the Otsego County tax bill printed out for this property and it said "care of Edward Whaley."

Commissioner Friedman stated this involved an unsettled estate. He said he thought he was willing to accept Mr. Whaley doing, which normally only the owner could do, the smoke detector inspection report instead of hiring an electrician. He said the other two issues were getting a licensed HVAC contractor to inspect the furnace and making an appointment with the Code Enforcement Office to get the inspector in. He said those were the three critical issues. He said he would mark those items on the report and give that to Mr. Whaley.

Mr. Whaley questioned if he had to have all the electrical work done first.

Commissioner Friedman responded no. He said on this sheet there was nothing about electrical violations. He suggested that Mr. Whaley visited the Code Enforcement Office soon and find out exactly where the property stood.

Commissioner Friedman stated it was important that before the board's May 3rd meeting that Mr. Whaley have the furnace inspector in and do the smoke detector inspection report.

Mr. Whaley stated he had Cornerstone do the furnace inspection a couple months ago and will find out why a report was not submitted to Code Enforcement.

Chair Merzig suggested that since these fees were not accruing the board did not need to act on this at this time and suggested waiting to do that at the May meeting after getting a report on the progress Mr. Whaley had made on correcting what was outstanding and working with the Code Enforcement Office.

Commissioner Friedman stated in a small community like Oneonta's it really would be nice if there was a way, even though it would be retroactive, of compassionately dealing with a death in the family and just in case there was a way for that bill that had already been paid by the county could be appealed. He questioned if the Code Enforcement Office could contact the City Attorney and explain that.

Chair Merzig stated the person to be contacted was the Director of Finance.

Chair Merzig stated that the next board meeting would be May 3rd at 4:00 p.m. and she did not think Mr. Whaley was required to attend that meeting if Code Enforcement submitted all the information the board needed.

Mr. Whaley stated if he did not have to be somewhere else he would attend that meeting.

Chair Merzig stated she would like to entertain a motion formally recognizing Mr. Whaley as the property representative.

MOTION, made by Commissioner Friedman and seconded by Commissioner Hayes, that the Board of Public Service recognizes Mr. Edward Whaley as the property representative of the property located at 9 Gardner Place, Oneonta.

Voting Ayes: Chair Merzig
Commissioner Temming
Commissioner Friedman

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REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 4

(Voting) continued

Commissioner Tisenchek
Commissioner Hayes
Noes: None
Absent: None

MOTION CARRIED

NEW BUSINESS

Administrative Fee Appeal: 19 Fonda Avenue – James DeAndrea

The following letter was received from James DeAndrea, 10 Division Street, Oneonta, dated January 27, 2012:

“To Whom It May Concern:

I, James DeAndrea, had Steve Zimmerman inspect the furnace 1st floor at 19 Fonda Ave. The 2nd floor is shut down. There is no gas, electric or water for that apt.

I have been very busy trying to keep my tavern open. It was a failed attempt, and just found the inspection report, after I was going through my papers.

Very truly yours,”

Code Inspector Hester stated that the Code Enforcement Office received the letter for an appeal of the Administrative Fees regarding the failure of a furnace inspection report. He said according to Mr. DeAndrea he had a 1st floor inspection completed on January 3, 2011 but failed to submit the report until January 17, 2012. He said Mr. DeAndrea was initially put on Administrative Fees September 20, 2010, which was when the city first started Administrative Fees and Mr. DeAndrea had been sent numerous notices since then. He said this property was still actively accruing fees on the electrical inspection.

Commissioner Friedman stated there was no fee dollar amount for furnaces on the Requirement Schedule submitted by the Code Enforcement Office.

Chair Merzig stated she believed that was because it was already levied.

Code Inspector Hester explained that when there was something that had been renewed such as the furnace it was kept historically on file for future permit searches. He said Mr. DeAndrea was current on his furnace now but owed Administrative Fees, which was not shown on the report. He said the invoice distributed indicated that balance was \$546.00, which was billed on January 17, 2012.

Mr. DeAndrea stated Mr. Zimmerman inspected the property on January 3, 2011. He said he kept all of his home and bar invoices and important paperwork at the tavern. He said he scrambled to find Mr. Zimmerman’s report and could not. He said Mr. Baldo did not renew his tavern lease after 34 years of being there and he took everything out in boxes. He said he spent 3 months last summer and sorted through everything and found Mr. Zimmerman’s report. He said Mr. Zimmerman told him years ago to get his reports to City Hall because he did not keep copies. He said when he turned the report in to the lady in Code Enforcement Office she said if he wanted to he could write a letter to rescind the monies that were levied against him because he in fact did have the inspection done.

Commissioner Friedman questioned if the \$546.00 was the total amount be appealed.

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(Administrative Fees Appeal – 19 Fonda Avenue) continue

Code Inspector Hester responded it was just that amount for the furnace inspection. He said the electrical inspection bill had not been produced yet.

The board reviewed the information submitted.

Commissioner Friedman stated he would like a notarized statement from Steve Zimmerman saying he actually did that inspection on that day.

Chair Merzig stated that the Code Enforcement Office had accepted that report as being done that date.

Commissioner Friedman stated what the Chair said was sufficient.

Chair Merzig questioned what was going on with the electrical inspection because it had been a long time not having it.

Mr. DeAndrea stated they come every 9 years.

Chair Merzig stated that was correct but it was due in 2008.

Mr. DeAndrea responded it has been a matter of money for having electrical inspector Mr. Hoag come in and then have to change things. He said Mr. Hoag was his inspector the 9 years previous and he knew what happens every time someone walks in and says things were changed. He said he just has not had the money. He said he closed down the upstairs at 19 Fonda Avenue because the people left it in such disarray and a wreck he would have to get a chute and a dumpster and completely gut the place.

Commissioner Friedman stated he accepts that Mr. Hoag was probably expensive but the fees for not getting the electrical inspection was so much more expensive and he questioned why Mr. DeAndrea would let those fees accrue rather than get Ed Hoag in.

Mr. DeAndrea responded if he goes to sell the house the new person has to accept the lien on the house. He said he did not physically have to send money off to the city or the county and he did not have to explain how the bar scene really went downhill in the last 12-18 years since a lot of stuff happened downtown and they came down hard on bar owners. He said he paid upwards of \$100,000 with the help of his parents who were both now deceased to the New York State Liquor Authority and attorneys just to keep his liquor license. He said he had to prioritize, which he knew did not sound good because it was about electricity, Mr. Hoag was there, he upgraded and passed it and he did not think anything would be found wrong unless something was changed in the New York State Code.

Chair Merzig questioned if it was not Mr. DeAndrea's intention to get the electrical inspection anytime.

Mr. DeAndrea responded his money was very tight right now.

Commissioner Friedman stated the fact as he knew it that did not jive with what Mr. DeAndrea was saying was that if Mr. DeAndrea did not bill this bill to the county the county takes the property after 3 years, the same way as for taxes.

Mr. DeAndrea stated that was not how he interpreted that about there being a lien and the new owner assumes the responsibility of that if they wanted the property.

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(Administrative Fees Appeal – 19 Fonda Avenue) continued

Chair Merzig stated that this bill would not be levied onto Mr. DeAndrea's property taxes until next November.

Mr. DeAndrea stated that then his mortgage would raise his escrow and pay.

Chair Merzig stated that before the board was just the issue of the furnace. She said Mr. DeAndrea was still accruing fees on the electrical and he was not intending to do anything about that and there were not any extenuating circumstances and the board had to accept that.

MOTION, made by Commissioner Friedman and seconded by Commissioner Hayes, that in the review of the appeal of the administrative fees by James DeAndrea for 19 Fonda Avenue, Tax Map #: 299.12-3-47, that based on the Code Enforcement Office accepting the furnace inspection dated January 3, 2011 as of that date on January 17, 2012, which was prior to when the administrative fees accrued, the Board of Public Service dismisses the fee.

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

Noes: None

Absent: None

MOTION CARRIED

Chair Merzig stated the fees had been waived pending approval by the Common Council.

Mr. DeAndrea stated he would get in touch with Mr. Hoag shortly about the electrical.

Chair Merzig suggested that Mr. DeAndrea not appeal the administrative fees for the electrical.

Mr. DeAndrea stated he had no grounds to appeal that.

(Old Business – revisited)

Chair Merzig returned to Old Business and addressed the follow-up on the status of the Alpha Delta Omega property at 62 Elm Street.

61 Elm Street

Chair Merzig stated there had been a request by the Alpha Delta Omega membership organization to lift the unsafe declaration at 62 Elm Street. She asked Code Enforcement Office to give a brief update on the property.

Code Inspector Hester stated that the membership made substantial progress on the house. He said the phone lines were set in for the fire alarm system and it was working. He said he walked through the entire house and the only violation left was a Siamese connection on the exterior for the Fire Department that needed to be capped. He said other than that he was satisfied with the building.

MOTION, made by Commissioner Hayes and seconded by Commissioner Tisenchek, that based on the testimony heard by the Code Enforcement Office on April 5, 2012, the Board of Public Service lifts the unsafe declaration on Alpha Delta Omega's property at 62 Elm Street.

Voting Ayes: Commissioner Hayes

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REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 7

(Voting) continued

Noes: Chair Merzig
Commissioner Temming
Commissioner Friedman
Commissioner Tisenchek
Absent: None

MOTION DENIED

Voting followed this discussion.

Commissioner Friedman stated he had known this group for close to 30 years and he thought there was something in the nature of the culture of this group that makes them very dangerous to themselves in the kinds of activities they have. He said he knew they could always come up with the money to fix the place but 3 months later there was likely to be some kind of crazy activity going on there. He said he thought even with the board's attention to this property over the last 6 months the State police and Fire Department were called there and the smoke detector was found to be covered over with something. He said he would not vote in favor of lifting the unsafe. He said he thought if everyone of these fellow's mothers knew what was going on there they would tell the board not to vote to lift it and vote to close the house down because of the nature of the group.

Chair Merzig stated this group was applying to be a membership organization again. She said she thought they might as well be and then they would have to apply for a Special Use Permit from the city and have regular reviews. She said that would be in the city's favor. She said she would not oppose it if the board would like to wait and not lift the unsafe until such a time as they become a membership organization under the Special Use Permit process and had to have those regular reviews

Commissioner Temming stated he was not familiar with the Special Use Permit process and the membership organization.

Commissioner Friedman explained the history of college membership houses and recognition and the city's permitting process under the City Code.

Chair Merzig stated her worry was that no matter what the city did this was a membership organization that was being classified by the city of Oneonta as a single-family residence. She said the house was open to every single one of the owners and it was more like a business.

Commissioner Friedman stated he did not believe that was true and would want a written interpretation from the City Attorney saying that was true because that was not what he said over the years.

Chair Merzig stated that every member of the organization was an owner and it was not an umbrella organization that owns it and all who had ownership had access to the house.

The board held a brief discussion on the matter.

Commissioner Tisenchek stated he thought the board needed to consider what the feeling was of Code Enforcement on this unsafe status for this house but if something happens again at this property the city would have to go over the whole thing again.

Commissioner Temming stated if the board was to keep this property unsafe until the group goes through the Special Use Permit process he questioned if there would be liability issues for the city by doing that.

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(62 Elm Street) continued

Chair Merzig responded no. She said it allowed the board to revisit the matter every month and order it vacated if needed.

Commissioner Friedman stated he believed that this house has not been used as a fraternity house legitimately for at least 6 months and believed they lost their grandfathered right to have a Special Use Permit without going to the Zoning Board of Appeals for a variance. He said based on what the board decides he questioned the issue of occupancy in that house.

Commissioner Temming stated his thought would be to leave this property's unsafe declaration until the group goes through the process for a Special Use Permit because the issue here seemed to be a maintenance issue. He questioned when consideration would be given for a Special Use Permit.

City Clerk Koury stated that the Special Use Permit process for fraternities and sororities would be considered in May.

Commissioner Hayes stated he heard what was said about the history and he was also thinking about the basic issue of due process and fairness. He said he heard from the Code Enforcement Office that it was their opinion that this building was safe and he had to take that into consideration. He said he was a little concerned about this board adding more and more conditions to this designation. He said he thought based on the history this group they will probably mess up again and then the board could be asked again to declare it unsafe but based on the fact that the group has actually done what the board has asked them to do, which was to make a safe house he said he was not inclined to withdraw his motion.

Chair Merzig stated since everyone expressed their opinion she thought the board should vote on the motion.

CODE ENFORCEMENT MEMORANDUM

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

“Unsafe Building Hearing Requests:

128 Chestnut Street-Rear (Alan Rubin)- The Code Enforcement Office would like to request an unsafe building hearing be scheduled for the Board's May 3rd, 2012 meeting.

5 Frederick Street (David Freed)- The Code Enforcement Office is requesting an unsafe building hearing for the Board's May 3rd, 2012 meeting.

39 Maple Street (Ralph Tomeo)- The Code Enforcement Office would like to request an unsafe building hearing for this property on the Board's May 3rd, 2012 meeting.

Unsafe Building Hearings:

30 Church Street (Frank Piazza)- The Code Enforcement Office would like to present this property to the Board in order to obtain an unsafe building declaration.

6 High Street (William Van Buren)- This property was declared unsafe on 2/16/2012 and this office requests that the Board hear testimony and uphold the unsafe declaration.

9 Gardner Place (Edward Whaley)- The Board declared this property unsafe on March 1st and requested that a hearing be conducted at the April 5th, 2012 meeting.

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(Memorandum) continued

Administrative Fee Appeal:

19 Fonda Avenue (James DeAndrea)- The Code Enforcement Office requests that this administrative fee appeal be heard on the Board's April 5th meeting.

Updates:

62 Elm Street (Martin Tillapaugh)- The Code Enforcement Office would like to update the board on this property's progress and would like to request that the unsafe declaration be lifted."

Code Inspector Hester withdrew his request for an unsafe building hearing on 6 High Street because owner William VanBuren fixed every violation.

Chair Merzig revisited New Business and the item listed for action by the board.

NEW BUSINESS

Unsafe Building Hearing: 30 Church Street – Frank Piazza

30 Church Street

Chair Merzig opened the unsafe building hearing on 30 Church Street. She said the board received a copy of Code Enforcement's notification to Mr. Frank Piazza of its unsafe building declaration dated October 24, 2011 and an inspection reported dated April 2012.

Code Inspector Hester stated this property was owned by Frank Piazza who lived downstate in Lynbrook, NY and he had the 30 Church Street property managed by Al Rubin. He said all of Al Rubin's properties had been sort of adopted by plumbing contractor Gary Richter to do maintenance on them. He said Mr. Richter has been very cooperative with getting him into the houses for inspections. He said Mr. Richter allowed Code Enforcement into 30 Church Street on Monday, April 2, 2012 for a needed inspection to follow-up on the last inspection done in November for October. He said Code Enforcement declared the property unsafe on October 24, 2011 after a Housing Inspection conducted by Ordinance Inspector Ferris who had noted 16 new "A" type violations and 12 pre-existing "A" type violations. He said due to the lack of response and the continual exterior trash problems Code Enforcement decided to forward the matter to the Board of Public Service. He said on April 2, 2012 Code Inspector Schlafer reinspected the property and found 7 new "A" type violations and 15 previous existing "A" type violations. He said basically Code Enforcement was asking the board for an order to have all the "A" type violations corrected within 15 days or vacate the building and maintain it vacant until all the violations were corrected. He said all of the students were going to be moving out at the end of May. He said Code Enforcement was going to be forwarding many other properties to the board in the same way to be vacated until the owners start responding to the Code Enforcement Office and their violations. He said this house looks terrible on the outside and Code Enforcement was consistently cleaning up the property. He said this property started with former Code Enforcement Officer Friedman about over occupying when a floor plan was submitted to him and one of the bedrooms was only accessible through another bedroom or a bathroom, which was not allowed. He said there was another bedroom in the front of the building that was deemed uninhabitable by former Code Enforcement Officer Friedman. He said if those conditions were kept this building was over occupied.

Commissioner Friedman stated he stopped and looked at the property earlier and not only was the building occupied but the boys coming out of it were wearing Alpha Epsilon Pi tee-shirts.

Chair Merzig asked if Mr. Piazza had a designated local agent on file.

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(Unsafe Building Hearing - 30 Church Street) continued

Code Inspector Hester replied that the local agent form was expired.

Chair Merzig stated there were 3 items that would be subject to administrative fees, property use certification, the local agent form and smoke/heat alarm detection form. She said of the other type "A" violations reported to the board the fire extinguisher needed to be inspected, there was a smoke detector incorrectly placed, there was an electrical breaker mislabeling and a tripping hazard on the cellar stairs. She said other violations under the unsafe classification were missing, damaged and/or deteriorated soffits on the right rear front porch, the enclosed front porch ceiling was water damaged, the previously existing type "A" violations were light covers missing in the bathroom, use of the bedroom that was inaccessible, the self-closer on the cellar apartment, broken, cracked or missing windows on the second floor, spindles on the second floor porch railing, no handrail on stairs, insecure trash receptacles, broken glass and trash. She said there was no representative of the property and she asked if the board had questions for the Code Enforcement Office.

Commissioner Hayes questioned if there were 28 existing type "A" violations that were open.

Code Inspector Schlafer responded yes.

Commissioner Friedman questioned what the 3 digit number after Oneonta Codes represented on the inspection report.

Code Inspector Hester responded those were old Alpha numbers that Code Enforcement's computer system used.

MOTION, made by Chair Merzig and seconded by Commissioner Friedman, that based on the testimony heard by the Code Enforcement Office and their inspection of the building and the documents presented regarding Mr. Frank Piazza's property located at 30 Church Street, Oneonta, the board declares the property unsafe under Section 92-1 sections D, E, F, G, I and J, as follows:

D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City of Oneonta.

E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.

I. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this city.

J. Those buildings existing in violation of any provision of Chapter 300, entitled "Zoning," and any other provisions of the Code of the City of Oneonta.

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

Noes: None

Absent: None

MOTION CARRIED

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(Unsafe Building Hearing – 30 Church Street) continued

Chair Merzig stated the Code Enforcement Office recommended that the board order this property repaired within 15 days of notification by letter or vacated if not repaired within that time.

Commissioner Friedman stated he would like to add to the remedies of 5 items that could be done by the city inexpensively, which would send a clear message to other people in terms of when the board had to declare a property unsafe. He said he thought Code Enforcement Office should clean up the trash regularly because there was broken glass, repair portions of roof that was leaking and the soffits under the overhangs, replace missing spindle on 2nd floor stairway and repair loose front window on 2nd floor.

Chair Merzig stated the board's decision for remedies was based on safety and accessibility to do some repairs with the approval of the tenant otherwise those on the outside could be done by the contractor hired by the city for safety purposes. She said for the city to make these repairs the owner would be charged the cost plus 50 percent for administrative costs.

MOTION, made by Chair Merzig and seconded by Commissioner Hayes, that based on the board's determination at the April 5, 2012 meeting that the property located at 30 Church Street was unsafe the board orders the property owner to have this property repaired within 15 days of receipt of the notification or vacated if the owner fails to repair the property within that time. Additionally, the board directs the Code Enforcement Office to make arrangements to take care of those violations that have been specified as particular safety concerns by continuing clean up of the trash on a regular basis, repair the portions of the front porch roof that was leaking over the soffits, replace the missing spindle on 2nd floor railing and repair the loose front window that makes the property accessible and charge the owner the cost plus 50 percent for administrative costs.

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

Noes: None

Absent: None

MOTION CARRIED

Voting followed this discussion.

Commissioner Friedman questioned if this motion was to fix all the violations.

Chair Merzig responded no, the motion was to fix those that were specified as particular safety violations to the public. She said if the property owner did not make those repairs the property would be vacated so the tenants there no longer bear the danger of living there.

Commissioner Friedman stated he would like to have another motion that says 60 days for all of the rest of the violations so Code Enforcement did not have to bother coming back here with already having that in the works.

Chair Merzig stated Code Enforcement was going to report to the board at the May meeting about whether anything had been done to the property. She said at that point the board could say now that before the property could be reoccupied all the violations had to be corrected. She said at this point the board wanted the property owner to fix the type "A" violations within 15 days or vacate if that was not done.

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(Unsafe Building Hearing – 30 Church Street) continued

Commissioner Hayes questioned when properties are ordered vacated like this that involve college students living there he questioned if either of the colleges were alerted so that they could make plans to house the students if need be.

Chair Merzig stated that it was really up to the students to make other arrangements in these situations.

Code Inspector Hester stated in regard to the request in his memo to the board to schedule 3 properties for unsafe building hearings he said he wanted to discuss the 128 Chestnut Street (rear) property. He said that property was owned by Al Rubin and had not been resided for years ever since somebody ran into the side of it. He said Code Enforcement Officer Chiappisi was very concerned about the front that was actually separating from the house. He said this property was one of the worst houses he had ever seen structurally and it was literally falling in. He said his reason for discussing it was because Code Enforcement thought it was an emergency situation and wanted the people out of there and wanted a structural engineer to certify that the building was safe to occupy.

Chair Merzig suggested that Code Enforcement declare it unsafe and advise the board when that was done and request that the board meet in an emergency session if needed before the May 3rd meeting.

Commissioner Friedman stated that Code Enforcement did not have to wait for the board to have the structural engineer.

The board set unsafe building hearings as requested by Code Enforcement for the May 3, 2012 meeting for:

- 128 Chestnut Street (rear) – Alan Rubin
- 5 Frederick Street – David Freed
- 39 Maple Street – Ralph Tomeo

CORRESPONDENCE

The Chair read the following correspondence that have been entered as written:

- The following was received from Everett Baroni, 50 West End Avenue, Oneonta, dated April 2, 2012:

“To Whom It May Concern:

I wish to appeal my water bill. I have contacted the water dept. and they are scheduled to come out and change my meter on Weds. 4/4/12. There has to be a malfunction in this meter, there is no way my water usage has increased 4000 cubic feet. I have checked everything in my home for leaks and there are none. Please let me know what else I need to do to move forward with this appeal.

Thank you.”

- The following was from Michael F. Getman, Secretary, Riverside Cemetery Association, 16 Dietz Street, Oneonta, dated April 3, 2012:

*Board of Public Service
Attn: James Koury, City Clerk*

Dear Mr. Koury:

*Re: Water-Sewer Bill
290 Main Street*

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

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(Correspondence) continued

I am writing to request that the Riverside Cemetery not be charged for \$180.00 for Sewer as the Cemetery only uses water for watering flowers in the summer time. We do not have an office or any facility that uses the sewer lines.

Please consider this request and advise before I pay the water-sewer bill by 4/30/12.

Copy of water bill is enclosed.

Very truly yours,"

Chair Merzig stated she would address the correspondence as appeals of water-sewer bills.

Appeals of Water-Sewer Bills

290 Main Street

The board discussed the letter from Riverside Cemetery and the consensus was the cemetery should not be charged for sewer use when it was not using the sewer.

Chair Merzig stated this has probably gone unnoticed and now that the rates were raised she thought somebody was finally noticing it. She said the board could make a decision on this and it did not have to go any farther.

MOTION, made by Chair Merzig and seconded by Commissioner Hayes, that in the review of the request from Riverside Cemetery Association to be exempt from sewer charges at the Riverside Cemetery at 290 Main Street for non-sewer usage, the Board of Public Service authorizes the elimination of the sewer portion of their service.

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

Noes: None

Absent: None

MOTION CARRIED

50 West End Avenue

Commissioner Hayes questioned if the meter had been tested.

City Clerk Koury stated that the Department of Public Service did test the meter and found that it was working. He said that documentation was received April 5th.

Chair Merzig stated that the Department of Public Service's report says the meter was changed and the meter removed tested within acceptable limits, 0% fast and with 15 GPM and 1.5% fast with 2 GPM. She said the limit was 3% on either side. She said in looking at the meter reading card the usage had fluctuating from 10,000 all the way down to 7,000. She said the standard bill this year was \$305 for sewer and water both. She said she also asked the Finance Office for the actual bill for this property and it shows \$537.39 for the usage. She said the meter reading cards shows that in December 2004 there was an older meter that was changed out and that meter registered in gallons, not cubic feet and that was why there was a large number shown. She said the board's option were

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(Water/Sewer bill appeal – 50 West End Avenue) continued

that it could let the Baronis know that based on the documentation the board had to review the meter was functioning but it was their choice to have it sent out and tested by an independent at their cost. She said personally she thought they used the water and probably had a slow leak somewhere. She said the city's water bills were based on conservation pricing and as more water was used the more it cost per unit.

The board held a brief discussion on the matter and felt that it did not take much to increase water usage and that maybe the owners did not realize that the sewer rate had gone up.

MOTION, made by Chair Merzig and seconded by Commissioner Hayes, that in the review of the water/sewer bill appeal by Everett Baroni at 50 West End Avenue, Oneonta, that the board notifies the property owner that the board had received the city's report from the testing of the meter and the meter appears to be within limits but it was the property owner's choice and expense to make arrangements to have the meter sent out to an independent agency for testing and those results would be considered at the board's May meeting.

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

Noes: None

Absent: None

MOTION CARRIED

Commissioner Temming wondered if the board would be interested in creating some kind of letter, checklist or questionnaire for administrative fees appeals and if so he could create something for the board's review.

Chair Merzig stated she thought that was a good idea.

The board held a brief discussion on the matter.

APPROVAL OF MINUTES

The board approved the minutes of the regular meeting held March 1, 2012, as written, without benefit of a motion.

There being no further business to come before the board, Chair Merzig adjourned the regular meeting at 5:30 p.m.

JAMES R. KOURY, City Clerk

JRK/pab