

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

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

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

**ABSENT:** Commissioner Peter Friedman

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

**PETITIONERS**

Mr. Nevin Price-Meader introduced himself as the President of Alpha Delta Omega Fraternity 62 Elm Street and he said this was about the code violations at the property.

City Clerk Koury stated that property was on the agenda for an emergency unsafe hearing request by Code Enforcement.

**NEW BUSINESS**

1. Administrative Fee Appeal: 216 & 218-222 Main Street – WHH Realty Corp – Joseph Ruffino & Anna Tomaino
2. Administrative Fee Appeal: 64 Church Street – Vincenzo Avanzato
3. Administrative Fee Appeal: 53 Gilbert Street – Heath Stein
4. Unsafe Building (previously declared) – Code Enforcement Request for Vacate Order: 34-36 London Avenue – Tanya Lindsay
5. Emergency Unsafe Building Hearing: 62 Elm Street – Martin Tillapaugh

Chair Merzig stated that the board would address the appeals. She said the board had received documentation from Code Enforcement on the properties.

A representative for Mr. Joe Ruffino stated because of the short notice, which was received last Friday of the meeting and because Mr. Joe Ruffino had travel plans he could not change and was unable to attend he said they were wondering if the board could table this appeal until the following month.

**Administrative Fee Appeal: 216 & 218-222 Main Street – WHH Realty Corp – Joseph Ruffino & Anna Tomaino**

**MOTION**, made by Commissioner Hayes and seconded by Commissioner Tisenchek, that the board tables the Administrative Fee Appeal on 216 & 218-222 Main Street by WHH Realty Corp., Joseph Ruffino and Anna Tomaino, as requested by the property owner's representative, to the board's February 2<sup>nd</sup> meeting.

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

**Noes:** None

**Absent:** Commissioner Friedman

**MOTION CARRIED**

Chair Merzig stated that due to the matter of notification for the Main Street properties the board would like to see documentation about the change of ownership of the properties at the February meeting and any notification of transfer of ownership that was made to the city about it.

**Administrative Fee Appeals: 64 Church Street – Vincenzo Avanzato and 53 Gilbert Street – Heath Stein;**

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**(Administrative Fee Appeals)** continued

Chair Merzig stated that the board also had requests from the owners of 64 Church Street and 53 Gilbert Street related to their Administrative Fee Appeals to table them to the board's February meeting.

**MOTION**, made by Commissioner Hayes and seconded by Commissioner Tisenchek, that the board tables the Administrative Fee Appeals as requested by the owners for 64 Church Street by Vincenzo Avanzato and 53 Gilbert Street by Heath Stein to the board's February 2<sup>nd</sup> meeting.

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

**MOTION CARRIED**

**Emergency Unsafe Building Hearing: 62 Elm Street – Martin Tillapaugh**

Chair Merzig stated the board would like to hear a report from the Code Enforcement Office about 62 Elm Street.

Code Enforcement Officer Chiappisi stated that 62 Elm Street was owned by Alpha Delta Omega (ADO) Fraternity, a former Hartwick College fraternity that was no longer recognized. He said ADO lost their right to be a fraternity a few years ago because of a party they had that required the Police to go there. He said ADO continued to occupy the house because they own it. He said as such with it no longer being a fraternity house and not requiring a Special Use Permit the Code Enforcement Office was no longer going there for inspections. He said what prompted this was that there was excessive garbage piling up next to the dumpster but most recently in November he received a call from the Police Department saying there was an alarm going off in the building and went to investigate and there was nobody home but reported that conditions were very bad and Code Enforcement needed to look into it. He said about a week later he went to the property and found scattered trash around the yard and several broken windows. He said he spoke to a resident of the house and said they were no longer a fraternity but the deteriorating conditions were getting bad and he would not like to have to declare this house unsafe but it needed to be cleaned up, windows fixed and the problems addressed on the interior of the house. He said they let him in the house and asked him if he wanted to inspect it. He said to be honest the first two large rooms he was in were so clean and obviously what had happened was when the Police saw it was Thanksgiving and there had been a party and it was a mess. He said when he saw it the place had been cleaned up and he was not overly concerned. He said a few weeks later he received a notice from the Fire Department that they responded to that address when their alarm sounded, which went directly on the Fire Department's panel, and the Fire Chief took pictures. He said he saw more of the interior of the house in those pictures and normally if this was a fraternity he would go to his parent committee requesting something be done but because it was not a fraternity he could not. He said he felt the conditions of this house needed to be addressed. He said quite frankly he thought if the parents of the students knew what the interior looked like they would be very concerned. He said he did not want this situation to get lost and was concerned should something terrible happen there. He said he thought the board needed to address some of these conditions and get the house back into shape. He said because ADO was not a fraternity there was no longer any requirements for smoke detector forms to be filled out. He said legally he wanted to say it was not a rental property because the man who filled out the paperwork was an attorney and he writes on each and every property use form that this was not a rental property. He said he did not want to see the students dismantle the alarm panel that alerted the Police and Fire Departments and would like to get this addressed and see if they could get this place into better shape. He said he invited Mr. Price-Meader to come and talk to the board.

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**REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 3**

**(62 Elm Street)** continued

Mr. Price-Meader stated he could not deny anything Code Enforcement Officer Chiappisi said. He said there was the hazing incident that occurred in 2010 and only three people were legally allowed to live in the house or at least they thought because of under the rules of the Special Use Permit, and so for about a year the house essentially sat dormant. He said the people who lived there were all seniors and they really did not care about the upkeep of the property, payment of the bills and other matters related to the house. He said now there were people living there but it was still an issue of having the finances to repair the things that were broken because with having only four people living there it was not enough money to pay for that. He said he was about ready to write the alumni for support. He said it was really a financial issue for them at the moment.

Chair Merzig asked about who owned the property.

Mr. Price-Meader replied the organization of Alpha Delta Omega. He said everybody who has ever been a brother owns it and there were 350.

Commissioner Hayes questioned if it was a national organization.

Mr. Price-Meader responded it was not, it was a sole organization but the way Martin Tillapaugh had it setup there was a board of directors and every person who becomes a brother was an owner for life.

Chair Merzig stated what the board was seeing was that there were some items that the Fire Department had taken pictures of that were issues of damage but there was also maybe 30 percent of what the board was seeing was a fire-hazard caused by occupancy not by damage and that was something that did not cost any money. She said the board was required by the Code to give the owners of the property notice of an emergency hearing but the board was not going to give much time. She said probably based on what has been shown to the board and the future inspections by the Code Enforcement Office they were going to order this property empty. She said she would suggest that ADO do something.

Mr. Price-Meader questioned if the board did that how soon would the house have to be emptied.

Chair Merzig responded it would probably be immediately because these conditions were very, very bad. She said if Mr. Price-Meader were her child she would not let him live there.

Mr. Price-Meader stated he did not live there. He said people in his family would not let him live there for various reasons, mainly educational and being able to get work done.

Chair Merzig stated she was concerned about what Mr. Price-Meader's role was in this process.

Mr. Price-Meader stated he was a brother and the President. He was the one in charge however through a weird series of events and his not being able to live there it was difficult for him to really exercise his role as President. He said he could go there and tell the residents they had to clean up the mess and offer to help them but no one cleans up the mess. He said he told the person in the house who was in charge of fixing the windows to fix them and it just did not happen. He said it was hard for him to wield power from living 2½ blocks away. He said it was obviously not an excuse but that was why it was difficult to get things done and because of the way they presently had their executive board structured it was difficult to get people motivated to do things. He said the windows were broken in a vandalism incident with another Greek life house that came and tried to fight them and the Police were notified. He said they were working toward a small claims court to get money from them to repair the windows even though they were going to fix them regardless.

Chair Merzig questioned how quickly the city could act on this and if Code Enforcement Officer Chiappisi talked to the City Attorney about the notice requirement.

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**(62 Elm Street)** continued

Code Enforcement Officer Chiappisi responded he had not.

Commissioner Hayes stated the board was very concerned about these photographs and seeing fixtures dangling by one wire from the ceiling or a smoke alarm that was deliberately covered up and duct-taped. He said lives have been lost in the city in student housing and the board takes safety issues very seriously which was why Mr. Price-Meader was hearing this hard language.

Chair Merzig stated that a letter was sent to Mr. Tillapaugh. She asked the board about the nearest date the board could meet to have an emergency unsafe hearing on the property.

After a brief discussion on an emergency hearing date Chair Merzig scheduled an emergency unsafe building hearing for Thursday, January 12<sup>th</sup> at 4:00 p.m. She asked that Mr. Martin Tillapaugh be notified of that hearing date and that he be required to attend as the agent of the property.

Code Enforcement Officer Chiappisi stated that he had sent the photographs to Mr. Tillapaugh and spoke to him on the phone last Friday, December 30<sup>th</sup>, about the conditions and his concerns. He said without seeing the photos he did not respond and he had not received a response to date.

Chair Merzig asked if there were students presently living in the house.

Mr. Price-Meader replied they were on break until January 8<sup>th</sup>.

Chair Merzig stated it was unfortunate that this property kind of slips through the cracks. She said Mr. Tillapaugh may take the position that it was not a rental house but it was not a single-family residence and money was changing hands.

**OLD BUSINESS**

**16 West Street** – Jestina McLean – Situation concerning the roof and owner's response to violation notice

Code Inspector Hester stated he was happy to report that Jacquelyn McLean, Jestina's daughter, faxed in a building permit for the repair of the roof. He said Code Inspector Schlafer and he went to property before the meeting and found she had replaced the roof on the front porch in the area of concern and the apartment. He said she patched another leak in a different apartment. He said the roof on the main section of the house needed to be replaced but she had taken care of the immediate problem.

**34-36 London Avenue** – Tanya Lindsay - Unsafe Building (previously declared) – Code Enforcement Request for Vacate Order

Chair Merzig stated she would address 34-36 London Avenue under Old Business and she asked Code Inspector Hester to tell the board about that.

Code Inspector Hester stated that on August 5, 2010 the board declared this property unsafe. He said at that time the board ordered the owner, Ms. Lindsay, to make the repairs or there would be the possibility of vacation. He said Code Enforcement had not heard from the owner and cannot make contact with the owner. He said as far as he knew the owner was in bankruptcy. He said he called Putnam Pest Control and found that they were not treating the property for bed bug infestation. He said they lapsed in the housing inspection at this point because they were entering into a health hazard and he did not want to take bed bugs home or into the City Hall building. He said Code thought the best remedy would be to order the property vacated and have it treated by Putnam Pest Control.

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**(34-36 London Avenue)** continued

Chair Merzig stated she agreed about ordering it vacated and having the city treat the property and charge it back to the owner.

Commissioner Tisenchek questioned the bankruptcy situation.

Code Inspector Hester responded that Code received court papers that said she had declared bankruptcy. He said the Oneonta Housing Authority Section 8 was issuing checks to the owner and Code Enforcement said that it was declared unsafe and questioned how they could be issuing checks to the owner. He said if the board issues a vacate order he would notify the Oneonta Housing Authority about that.

Commissioner Hayes questioned how close this property was to other properties.

Code Inspector Hester responded very close, probably about 10'.

Code Enforcement Officer Chiappisi stated that this property was so difficult to treat because it was so dirty and had stuff lying around that Putnam had a hard time keeping up with the treatments.

Code Inspector Hester stated that Putnam had said it was mandatory to have the place clean for treatments.

Chair Merzig stated that they may have to put those two items together, clean it and treat it, and questioned if someone could be found to tackle that under the circumstances. She said she worried that the problem would spread to surrounding properties and there could be a bigger crisis than there already was.

Code Enforcement Officer Chiappisi stated that it would have to be done by a professional contractor.

Chair Merzig stated the board's next step would be to send a request to the Common Council to authorize the payment to have this done.

**MOTION**, made by Chair Merzig and seconded by Commissioner Hayes, that the Board of Public Service orders the property at 34-36 London Avenue vacated and notifies the owner, Ms. Tanya S. Lindsey, that she had 10 days to clean the property and have it treated for bed bug infestation or the city will have it done and charge the owner the cost plus 50 percent for administrative costs.

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

**Noes:** None

**Absent:** Commissioner Friedman

**MOTION CARRIED**

**UPDATE FROM CODE ENFORCEMENT**

Code Inspector Hester stated that Mr. David Freed's property at 10-14 High Street, which Code Enforcement had been tracking since August of 2010, was no longer considered unsafe. He said he thought it was okay to lift the unsafe declaration at this point. He said Code Enforcement was still working on Mr. Freed's other property at 4-6 Kearney Street.

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

**MOTION**, made by Commissioner Tisenchek and seconded by Commissioner Temming, the board lifts the unsafe building declaration on Mr. David Freed's property located at 10-14 High Street based on the advice of the Code Enforcement Office.

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

**Noes:** None

**Absent:** Commissioner Friedman

**MOTION CARRIED**

**APPROVAL OF MINUTES**

The board approved the minutes of the regular meetings held November 3, 2011 and December 1, 2011, as written, without benefit of a motion.

There being no further business to come before the board, Chair Merzig adjourned the regular meeting at approximately 4:30 p.m.

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JAMES R. KOURY, CITY CLERK

JRK/pab