## ONEONTA, NEW YORK -APRIL 3, 2014 - 4:00 P.M. REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 1

PRESENT: Chair Margery K. Merzig

Commissioner Joseph Temming Commissioner Barry Warren Commissioner Louis Tisenchek Commissioner David Hayes Council Member Madolyn Palmer

**ABSENT:** None

Also in attendance: Code Enforcement Officer Robert Chiappisi, Code Inspector Joe Schlafer, Code Inspector John Hester, Mr. Rodney Clarkson.

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

#### **OLD BUSINESS**

Chair Merzig stated that she would like to remove the update on 12-14 Rose Avenue from the agenda. Hearing no objections, the Chair proceeded to ask the Code Enforcement staff for an update on 391-393 Main Street. She noted that Rodney Clarkson, owner of the property, was present.

Following up on the December order of the Board, Code Inspector Hester stated that he had spoken with Mr. Mark Polley, the lessee, about the lack of interconnected smoke detectors on the first floor. Per Mr. Polley, these have not been installed. At the last inspection, out-of-date fire extinguishers were noted, including one last due for inspection in 1979. Mr. Hester reported that Mr. Polley stated he would install interconnected smoke detectors "as money allows/"

Code Enforcement Officer Chiappisi reported that one apartment (identified as #3) is illegal by New York state standards and that current and former lessees of the property have not followed through on commitments to conform to code requirements. He also noted hazards regarding floor boards that have warped and sprung outside the apartments.

Mr. Clarkson stated that these boards have been repaired, but that they pop every spring and are replaced when repair proves impossible. He also stated that he feels alarms would be disabled by tenants. Chair Merzig explained that this is why interconnected alarms are needed, so that tenants cannot tamper with them.

Mr. Clarkson stated his belief that the building is grandfathered and therefore exempt from compliance with City code and also noted that safety is expensive.

Chair Merzig stated that the building must conform with State & City Building Code with regard to safety and that the Board, because they are aware of the violations, has a duty to act to protect the City from liability.

Mr. Clarkson stated that the building is safe as it has not experienced any fires since 1920. Chair Merzig indicated that the Board must enforce modern standards.

Commissioner Hayes stated that he was disturbed by the casualness of the owner's discussion of interconnected smoke detectors and expired fire extinguishers given that tenants have died in fires in the City in the past.

Commissioner Tisenchek stated that tenant relations have changed and that landlords need to be 110% on the ball to stay on top of property management.

Code Enforcement Office Chiappisi stated that older buildings are much more susceptible to fast-moving fires and that higher insurance premiums for such buildings provide evidence that risks are higher.

Chair Merzig stated that this was a good point and that the Board wants the building to remain open but needs compliance from the owner and lessee. She asked Code staff when the most recent inspection took place. Code Inspector Hester stated that this was in November 2013. The

# ONEONTA, NEW YORK – APRIL 3, 2014 - 4:00 P.M. REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 2

Chair then stated that the Board needs to see some action relative to the fire extinguishers and smoke detectors, per the Board's order of December 5, 2013. Mr. Clarkson asked if each apartment should have an extinguisher? Chair Merzig replied in the affirmative.

Chair Merzig stated that she felt the Board should renew its motion of December 5, 2013 and in addition order Apartment #3 vacated.

MOTION, made by Chair Merzig and seconded by Commissioner Hayes that the Board renews its order of December 5, 2013 that the owner of 391-393 Main Street immediately correct smoke detector and fire extinguisher violations and that within 30 days of notification the Code Enforcement Officer, owner and lessee meet to draw up a plan to correct remaining safety violations that the Board can approve, and that Apartment #3, 391-393 Main Street be vacated within 30 days of notification.

Voting Ayes: Chair Merzig

Commissioner Temming Commissioner Hayes Commissioner Warren Commissioner Tisenchek

Noes: None Absent: None

#### **MOTION CARRIED**

Chair Merzig then opened the Unsafe Building Hearing for 185 River Street.

Code Enforcement Officer Chiappisi reported that the owner of record, Mary Van Etten, is deceased and there is apparently no one currently taking responsibility for the property. The building is vacant, but still has personal property inside. The Code Enforcement Office has received a report that pipes have burst and also that NYSEG was concerned that there appeared to be gas usage. The Fire Department and CEO went in, discovered that there was no problem with gas but extensive water damage. Gas and water supplies have been shut off. Once the ice melts, there is a strong risk of black mold growth. Code Enforcement Officer Chiappisi noted that he has been unable to locate a current owner. He indicated that the Fire Department has placarded the building.

Chair Merzig stated that she would ask the City Attorney to research the ownership of 185 River Street and officially notify the heirs of Mary Van Etten that the property is in jeopardy.

<u>MOTION</u>, made by Commissioner Hayes and seconded by Commissioner Temming, that the Board declare 185 River Street an Unsafe Building under Oneonta Municipal Code §92-1 (D), (E), (F), (I) and (J).

Voting Ayes: Chair Merzig

Commissioner Temming Commissioner Warren Commissioner Tisenchek Commissioner Hayes

Noes: None Absent: None

### **MOTION CARRIED**

Mr. Chiappisi stated that he would like to have Service Master clean up the property before black mold can take hold.

# ONEONTA, NEW YORK – APRIL 3, 2014 - 4:00 P.M. REGULAR MEETING OF THE BOARD OF PUBLIC SERVICE PG. 3

After further discussion, Chair Merzig asked for a motion.

<u>MOTION</u>, made by Commissioner Hayes and seconded by Commissioner Warren that the Board declares that 185 River Street be vacated and repaired and authorizes the Code Enforcement Officer to undertake remediation of water damage and secure the building until such time as the owner can be identified and located.

Voting Ayes: Chair Merzig

Commissioner Temming Commissioner Warren Commissioner Tisenchek Commissioner Hayes

Noes: None Absent: None

### **MOTION CARRIED**

### **PETITIONERS**

No Petitioners Appeared.

#### **CORRESPONDENCE**

There was no correspondence.

#### APPROVAL OF MINUTES

Chair Merzig asked for a motion to approve the minutes of the previous meeting.

<u>MOTION</u>, made by Commissioner Warren and seconded by Commissioner Hayes that the minutes of the regular meeting held March 6, 2014 be approved.

Voting Ayes: Chair Merzig

Commissioner Temming Commissioner Warren Commissioner Tisenchek Commissioner Hayes

Noes: None Absent: None

## **MOTION CARRIED**

There being no further business to come before the board, Chair Merzig adjourned the regular meeting at approximately 4:42 p.m.

DOUGLAS KENDALL, City Clerk

/dk