

**HOUSING CODE BOARD OF APPEALS MEETING
MEETING MINUTES
October 17, 2017**

The Housing Code Board of Appeals held a meeting on Thursday, November 15, 2016.

1. Call to Order

Acting Chairman Baldwin called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

Acting Chairman Baldwin asked all in attend to rise for the Pledge of Allegiance and a moment of silence for A. Noe Charland.

3. Roll Call

Commissioners present: Joel Baldwin, Vice-Chairman, James McMellon, Todd Casey and Richard Merly, Jr.

Staff present: Deepa Joseph, Director of Health; Laura Miller, RS, Environmental Health Officer; and Paul Scholz, RS

Others present: Harvey E. Armel, M.D., Appellant

4. Election of Officers

Acting Chairman Baldwin asked for nominations for Chairman. Mr. McMellon and Mr. Casey made and seconded a nomination for Joel Baldwin as Chairman. Vote passed unanimously.

Chairman Baldwin asked for nominations for Vice-Chairman. Mr. McMellon and Chairman Baldwin made and seconded a nomination for Richard Merly. Vote passed unanimously.

5. Approval of November 15, 2016 Minutes.

Mr. McMellon and Mr. Casey made and seconded a motion to approve the minutes of the November 15, 2016 meeting. Motion carried unanimously.

6. Appeal of Harvey E. Armel, M.D., property owner, regarding Notice of Violation issued by City of Milford Health Department on July 7, 2017 for the premises at 63 Hillside Avenue, Milford, Connecticut. Several violations of the City of Milford Anti-Blight Ordinance are noted: multiple missing, broken or boarded up windows and doors on the house, garage and shed; extensive damage to the foundation, exterior walls, siding, roof and gutters of the house and garage and vegetation surroundings the property.

Dr. Armel explained he was concerned with the order as the structure had been damaged during Storm Sandy and he has a open case with FEMA. He hired a private adjuster and FEMA has agreed to go to arbitration.

Chairman Baldwin asked Dr. Armel for his timeline. Dr. Armel responded he did not have a timeline as the problem lies with FEMA. Dr. Armel further explained he intends to pursue this with FEMA until he reaches a settlement. He is anxious to get this completed but cannot touch the property until it is settled with FEMA.

Mr. Casey asked if there is a hearing scheduled with FEMA. Dr. Armel stated they had a hearing last week and they are now in negotiations, there most likely will be more hearings before resolved.

Mr. Merly commented that Storm Sandy was 5 years ago and asked if the appeal had been filed right away with FEMA. Dr. Armel stated it had been and that FEMA had stonewalled. He further stated getting to arbitration and negotiation is a big step, 5 years in the making.

Mr. Baldwin commented that the building is a hazard. He stated he understand Dr. Armel's plight, but the hazard must be abated even on a temporary basis. Dr. Armel stated he did not know what he is expected to do to abate the violations.

Mrs. Joseph stated that the violations have been ongoing and complaints were received starting back in 2014. She stated that while this is in process with FEMA there are safety concerns that must be addressed. The foundation is collapsing and is dangerous. There is a playground nearby. The overgrowth needs to be addressed and the property needs to be made safe and secure. Dr. Armel stated he was not aware that the property needed to be secured.

Mr. Scholz commented that when the complaint was received he spoke with Dr. Armel in December of 2014. Dr. Armel did explain to him the issues with FEMA. Mr. Scholz further stated that he and Dr. Armel discussed that the overgrowth needed to be addressed and the building needed to be secured and that Dr. Armel had stated while he could not do work to the property he could cut the grass and secure the buildings. Mr. Scholz continued by stating that in May 2017 he started to see the overgrowth being cut, but the buildings were still not secured.

Mrs. Joseph stated that the only item addressed from the Notice of Violation is the overgrowth. She further stated that the Health Department's goal is to work with property owners and get a timeline for abatement. To date nothing has been received from Dr. Armel. Mrs. Joseph also stated the communication between Dr. Armel and FEMA is largely due to Mr. Scholz connecting Dr. Armel with the City's emergency management coordinator. There has been no communication from Dr. Armel, no timeline received and the property has not been secured. Mrs. Joseph stated that this property has been referred to the Building Department for review for safety purposes.

Dr. Armel stated that he had never understood that the buildings needed to be secured. He stated that Mr. Scholz had wanted the building torn down and the windows boarded up. He was unclear as to what he needed to do. The property has been vandalized and he has boarded it so people won't break in. The weeds and overgrowth have been addressed. None of this can be seen from the street and what could be seen has been taken care of. He can secure the building if necessary, but he did not know that was an issue.

Mr. Baldwin commented on the photos and the hole in the foundation. Dr. Armel stated he could secure the foundation and place a lolly column where the foundation is sagging. Mr. Casey commented that this is a dangerous situation. Mr. Merly stated that he is concerned with children getting hurt. Dr. Armel stated he did not know it was an issue.

Mrs. Miller stated that the Notice of Violation dated July 2017 was signed for and additional copies had also been provided. She further stated that the Notice of Violation explained that there was extensive damage and the house was not secure from entry. She believes it is pretty clear in the order that the property was to be secured from entry because of the hazard.

Dr. Armel stated that it was not specific and he did not understand what those terms meant. Secured meaning no way to get into the house? He further stated it is not a problem to secure the property. He is not pleading ignorance, he just did not know that this was an issue.

Mrs. Joseph stated the photos show the level of concern and it is difficult to believe he did not understand what the notice of violation meant. There is considerable evidence showing Mr. Scholz's attempt to contact Dr. Armel and obtain a timeline for compliance. Dr. Armel commented that he was never asked for a timeline.

Mrs. Joseph explained that in blight cases a warning letter is issued asking for a timeline and plan of correction. This letter was sent to Dr. Armel in December 2015. No response was received and a blight order was issued. Still no response as to a timeline or plan. Dr. Armel commented that he was never told to provide a written timeline.

Mrs. Joseph stated that on May 26, 2017 Mr. Scholz emailed Dr. Armel requesting a timeline and plan. She also pointed out several other emails requesting similar information. Mr. Scholz commented that on March 14, 2017 during a phone conversation he told Dr. Armel that a written plan and timeline must be submitted.

Dr. Armel commented that he could secure the property but is unable to provide a timeline because he does not know the outcome with FEMA. Mr. Casey stated the timeline has nothing to do with FEMA but rather making the property safe and secure.

Dr. Armel stated he did not understand. He did what was requested and then he received a violation letter. He needs to know what is expected. He can secure the property if that is what is required. Mrs. Joseph commented that what must be corrected is all spelled out in the notice of violation. She explained that the plan of correction is Dr. Armel putting in writing his plan to abate the violations with his timeline. With regard to the FEMA issues the Health Department will work with Dr. Armel. There are basic items that can be addressed. Correction cannot remain undefined in time.

Mr. Casey stated the Dr. Armel must put the plan of correction in writing and provide a timeline for the work. Mr. Casey asked Dr. Armel how quickly he could put the plan of correction and timeline in writing and complete the work. Dr. Armel stated 30 days.

Mr. Scholz commented that Dr. Armel had characterized their communications with things that were not true. Mr. Scholz stated that conversations and emails with Dr. Armel were very specific. He further stated that last week he had met with Dr. Armel and at the end of the meeting Dr. Armel stated he would give Mr. Scholz a call. The call was never received.

Mrs. Joseph stated that we are now 3 years into this violation. Dr. Armel stated that he did not understand and could not remember what was required. Mrs. Joseph stated that the violations requiring correction were all stated in the order.

Mr. Casey stated Dr. Armel needs to provide a written plan of correction and timeline within 2 weeks. Mr. Merly commented that this should not go too long due to the winter weather approaching. Chairman Baldwin asked Dr. Armel if he understood what was being required. Dr. Armel asked that he be provided with what is required to be corrected. Mr. Scholz offered to meet Dr. Armel at the property to discuss what must be corrected while waiting for FEMA. Dr. Armel stated he did not realize these items need to be done. He stated that he would immediately address the items that could be corrected and provide a written plan and timeline.

Mr. Merly asked what the date of compliance had been. Mrs. Joseph stated 9/7/17. She further stated that the notice of violation will not be abated until all items are addressed. The items discussed for correction tonight are only interim measures.

Dr. Armel asked if this was his only opportunity to come before the Housing Code Board of Appeals. Chairman Baldwin stated it was unless a new order was issued and an appeal taken.

Mrs. Miller requested the Board uphold the notice of violation, extend the date for compliance, with a plan of correction and timeline to be provided to the Health Department within 2 weeks and the timeline must be adhered to. Mrs. Miller also requested that Dr. Armel be required to provide the Health Department with proof of his FEMA appeal.

Mr. Casey asked if the plan of correction would be accepted by the Board or the Health Department. Mrs. Joseph stated it would be reviewed and accepted by the Health Department. Mr. Casey asked if the Health Department would be willing to work with Dr. Armel. Mrs. Joseph said it had always been made clear to Dr. Armel that the Health Department would work with him. It is up to Dr. Armel to keep the Health Department up to date on progress. Complaints continue to be received concerning this property.

Mr. Merly asked for a reasonable period to make the property safe. Mr. Casey stated he believed 7 days was enough as this must get done. Mr. Merly asked Dr. Armel if he could address all the issues within 30 days. Dr. Armel stated he could. Mr. Scholz stated he is available anytime this week to meet Dr. Armel at the property to review what must be completed. Dr. Armel asked if Mr. Scholz is the point person. Mrs. Joseph stated he is.

Dr. Armel asked if he works with Mr. Scholz would he then come back to the Board. Chairman Baldwin stated he would not. Mrs. Joseph stated if the date for compliance is extended the fines would be stayed and not begin to accrue until after the new compliance date.


Dr. Armel asked if the windows and shingles needed to be fixed. Mr. Casey stated those items should be addressed in the plan of correction. Dr. Armel asked if Mr. Scholz says they do not need to be fixed does the Board have a different take. Mrs. Joseph stated the Board's job is to uphold the notice, extend the compliance date or amend the order.

Dr. Armel asked when FEMA has settled what are the expectations. Mr. Casey stated that Dr. Armel must remain in constant communication with the Health Department. Mrs. Miller stated the structure would require renovation.

Mr. Casey and Mr. McMellon made and seconded a motion to uphold the notice of violation. Within 10 days a plan of correction and timeline is to be provided to the Health Department. The structures on the property are to be secured and made safe within 30 days. Within 60 days a progress report concerning FEMA is to be provided to the Health Department with updates every 30 days thereafter. Motion carried unanimously.

7. Adjournment

There being no further business to discuss, Mr. Merly and Mr. Casey made and seconded a motion to adjourn. Motion carried unanimously. The Board adjourned at 8:15 p.m.



Respectfully submitted,
Toni Jo Weeks
Board Secretary