

HOUSING CODE BOARD OF APPEALS MEETING SPECIAL MEETING – March 28, 2023

The Housing Code Board of Appeals held a meeting on Wednesday, March 28, 2023.

1. Call to Order

Vice-Chairman Merly called the meeting to order at 6:37 p.m.

2. Roll Call

Commissioners present: James McMellon, Richard Merly and Todd Casey

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

Others present: Jonathan D. Berchem, City Attorney

Absent: Ernest Marchittio, Appellant

3. Election of Officers

Vice-Chairman Merly requested nominations for Chairman. Mr. Merly and Mr. McMellon made and seconded a nomination for Todd Casey as Chairman. Vote passed unanimously.

Chairman Casey requested nominations for Vice-Chairman. Chairman Casey and Mr. McMellon made and seconded a nomination for Richard Merly as Vice-Chairman. Vote passed unanimously.

4. Appeal of Mr. Earnest Marchittio, property owner, regarding a blight Notice of Violation issued by the City of Milford Health Department on January 13, 2023, for the premises at 20 Morehouse Ave., Milford, Connecticut. The unoccupied dwelling on the parcel being dilapidated, in a state of disrepair and in violation of the City of Milford Anti-blight ordinance.

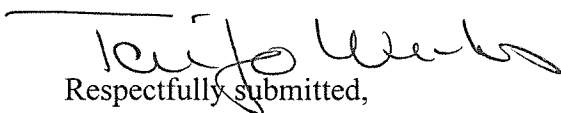
Chairman Casey noted Mr. Marchittio was not present. He stated the Board would begin reviewing the appeal to allow more time for Mr. Marchittio to appear. He asked when the property was first inspected and issued an order. Ms. Joseph stated the first complaint was received in November 2022. Ms. Miller passed out photos and stated the property was inspected yesterday. She stated there is no progress and the property is vacant. Mr. Merly stated the weather has not been an issue and work to abate should have been completed. Ms. Joseph commented that the property has been vacant for some time and there is evidence that the property is deteriorating. She stated birds have been seen flying into the eaves. Ms. Joseph stated several attempts have been made to contact Mr. Marchittio without success. Attorney Berchem commented that appeals of a blight order is rare. He discussed the processes for referring properties to the City Attorney's Office for a blight lien. Attorney Berchem advised the

Board of their authority which includes allowing a property owner more time to abate. He stated that Mr. Marchittio is appealing placing a blight lien on the property, not the blight itself. Chairman Casey inquired about conversations between the Health Department and Mr. Marchittio's son. Paul Scholz stated the conversation with Mr. Marchittio's son indicated they would be listing the property for sale. Attorney Berchem asked if there was an indication of why the delay in listing the property for sale. Mr. Scholz stated it was weather conditions more than anything else. Ms. Miller discussed requesting timelines. Mr. Merly discussed the definition of blight. Attorney Berchem reviewed the definition and discussed what may constitute blight. He discussed the close proximity to neighboring properties and concerns of rodent infestation. Chairman Casey stated he felt enough time has been allotted for the Mr. Marchittio to appear for today's hearing and asked the other Board members on how they wished to proceed. Ms. Joseph stated notice was provided certified mail and proof of receipt by Mr. Marchittio is in the file. Attorney Berchem addressed communications by the Health Department with Mr. Marchittio. He stated the communications are the City's efforts to obtain an action plan and timeline. Mr. Merly suggested 30 days to respond with a timeline and action plan, 60 days to begin work and 90 days to complete. Attorney Berchem reviewed the Board's authority to allow extra time to abate the blight. Mr. Casey discussed allowing extra time for an action plan. Attorney Berchem stated he can abate or sell to someone who will abate. Discussion ensued concerning additional time to be allotted. Ms. Joseph reviewed the order and original compliance date being February 28th. She discussed efforts to contact and obtain progress. Ms. Joseph discussed referring for liens when there is not action by the owner. Mr. Merly asked if fines start by extended time do fines begin to accrue. Ms. Joseph stated blight lien fines are retroactive to the date of the order and it would be referred to the City Attorney for a lien if not brought into compliance. Mr. Casey stated compliance dates should be set. Attorney Berchem stated the blight order was received by Mr. Marchittio mid-February and had an appeal not been taken it would have been referred for a blight lien. The owner is asking for time before the lien is placed and the Board has authority to offer more time. Should he fail to abate, the lien fees will accrue back to the original compliance date. Mr. Merly discussed the difficulty in obtaining contractors. Ms. Joseph discussed working with property owners on timelines. She stated if the owner has contract the Health Department will work on the timeline and action plan with the property owner.

Mr. Casey and Mr. McMellon made and seconded a motion to extend the compliance date 60 days for abatement. Motion carried unanimously.

5. Adjournment

There being no further business to discuss, Mr. McMellon and Mr. Merly made and seconded a motion to adjourn. Motion carried unanimously. The Board adjourned at 7:11 p.m.


Respectfully submitted,
Toni Jo Weeks
Recording Secretary