

**MEETING MINUTES
THE MILFORD HOUSING CODE BOARD OF APPEALS
MAY 05, 2010**

The meeting of the City of Milford Housing Code Board of Appeals was called to order at 7:05 p.m. by Chairman Charland.

The following Commission Members were present:

Commissioner Baldwin, Chairman Charland and Commissioner McMellon, Commissioner Casey

Others present: City Attorney Winthrop Smith, Dr. Dennis McBride, Director of Milford Health Dept. Bob Grive, Environmental Sanitarian and Laura Miller, Chief Environmental Health Division, from the Milford Health Department. Attorney Daniel Shepro, Attorney Benjamin W. Alderton, Ms. Joan Simonson

Absent: Commissioner Denhup

All stood for the Pledge of Allegiance.

Election of Officers:

Chairman Charland nominated James McMellon for Vice Chairman. Commissioner Baldwin seconded the motion and it passed unanimously.

Approval of March 9, 2010 Meeting Minutes:

Commissioner McMellon made a motion to accept the meeting minutes of March 9, 2010 and Commissioner Baldwin seconded and the motion carried.

Agenda Item 5 was tabled as the Appellant was not present.

Chairman Charland stated that the Board would hear items numbered 6 through 11 for the Appeals of Attorney Daniel Shepro, representing Beach Partners, LLC regarding a Notice of Violation issued by the City of Milford Health Department on February 5, 2010 for the premises located at 9, 11, 18, 20, 22 and 24 Shweky Beach Way, Milford, Connecticut regarding the property containing vacant building structures, structures in incomplete in a blighted state; overgrown grass and brush, and the presence of inorganic building materials and garbage.

Item numbers 12 though 17 on the agenda are the Appeals of Attorney Benjamin W. Alderton, representing TD Bank, N.A. regarding a Notice of Violation issued by the City of Milford Health Department on February 5, 2010 for the premises located at 9, 11, 18, 20, 22 and 24 Shweky Beach Way, Milford, Connecticut regarding the property containing vacant building structures, structures in incomplete in a blighted state; overgrown grass and brush, and the presence of inorganic building materials and garbage.

Chairman Charland stated that the Appeals are all for the same properties and the same notices of violation and asked if the Appellants had any objection to consolidating the appeals and hearing them together.

Attorney Shepro representing Beach Partners, LLC agreed to consolidate the violation notices. Attorney Benjamin W. Alderton representing TD Bank as the first mortgage holder had no objection to consolidating the violations.

City Attorney Smith told the Board that just before the hearing the Attorney's did have a proposal that Dr. McBride was not present for, he asked the Chairman for a short recess to discuss the proposal with the Health Department Officials. Commissioner Baldwin made a motion to recess and Commissioner Casey seconded and the Chairman called a recess at 7:15 p.m.

Chairman Charland called the meeting to order at 7:23 p.m.

Attorney Daniel Shepro, a lawyer with Shepro and Hawkins, 2051 Main Street, Stratford, CT and Attorney Benjamin W. Alderton, representing TD Bank, 528 Chapel Street, New Haven, CT. introduced themselves to the board. Attorney Shepro said that Beach Partners holds the mortgage on the property and are foreclosing and that the bank is also foreclosing. The intention is when we get title in a couple of months to delay the foreclosure by continuing to build quickly. He met with the residents a couple of months ago and told them of their plans and they are in agreement with them. The property is a mess and we have the power to clean it up and the bank has the power to do something about the building and the foundations. He said that they would have someone out there in a matter of days cleaning up the property itself and then the bank will give the ok to do the improvements to the building and the foundations in a short time.

City Attorney Smith asked how long it will take the bank to get approval. Attorney Alderton said that he did not expect it to take longer than a week. The people who need to make the decision are on vacation this week. They are a mortgage holder as well and are looking to remedy the situation and continue to build this project. Attorney Smith asked how much it was going to cost. Attorney Shepro said it would cost approximately \$100,000 to fix the building and cover the foundations and that would be done by the bank, he is taking control of the property itself and the cleanup would be done right away. City Attorney Smith said that when the approvals and plans are done they need to be submitted to the Health Department. Attorney Alderton said that everything would be submitted to the Health Department to get everything completed to their satisfaction as quickly as possible as it is in the bank's interest as well. They are unsure if they need a new building permit or not as they have building permits already in place for the project.

Chairman Charland asked if a different contractor would be doing the work. Attorney Shepro stated that he was unable to locate the contractor for the last six months and a new contractor will be doing the work. Chairman Charland asked if the construction trailer would be moved. Attorney Shepro stated that the old trailer would be removed. Commissioner Casey if asked if they planned to proceed according to the current plans on file. Attorney Shepro said that currently the plans are for Commercial Units for the 4 units on Naugatuck Avenue and they hope to change them to Residential use.

Commissioner Baldwin asked what the time frame for the cleanup would be. Attorney Shepro said that since the project has stood vacant for a long period of time they need to have an engineer certify

that the building is still viable and he believes it is and this should be completed in a couple of days. The construction should be complete in three to four weeks after bank approval depending on what City Departments they may need approvals from.

Attorney Alderton said that he would report the status of the project to the Housing Board at the next meeting. He would like to think the Commission would entertain an additional 30 day extension if they have made substantial progress.

Dr. McBride stated that an extension of 30 days and an additional 30 days subject to progress is a reasonable request. The Community is very upset about the condition of this property. Chairman Charland said that he will schedule a meeting for 4 to 6 weeks from now to check the status of the project.

Commissioner Baldwin made a motion to table items 6 through 17 for 30 days until the Board's next meeting. Commissioner Casey seconded the motion. Attorney Smith stated that the motion is to include all terms and conditions that were discussed during this meeting. The motion carried.

Chairman Charland stated that the Board would now hear item 5 on the agenda. The Appeal of Ms. Joan Simonson regarding a Notice of Violation issued by the City of Milford Health Department on March 24, 2010 for the premises at 163 Rivercliff Drive, Milford, Connecticut regarding a large uncovered dumpster full of garbage and scattered debris on the property.

Joan Simonson, 163 Rivercliff Drive, Milford, CT. said that there was no scattered debris and that she was not aware that a dumpster required a permit. She did not do anything that required a permit. She remodeled her kitchen and upstairs. She did not understand how she can be in violation if she is not doing anything that you need a permit for. Mr. Grive said that Ms. Simonson needs a permit from Planning Zoning and that is a different violation letter that she received. Ms. Miller passed out a file with copies of the Planning and Zoning Violation letter and Health Department letter and photos.

Ms. Simonson said she did not have a pool with water in it. In two days she received complaints from the Building Department, Planning and Zoning and the Health Department. The Building Department noted that there were no violations. The pool has not been filled since last summer. She doesn't have any appliances in her driveway as they took the appliances when they put the new appliances in. She has a dumpster and there is a misunderstanding with the Dumpster Company about the \$150 she paid when it was delivered. They do not have a record of it and now they won't pick it up until she pays them another \$150. Her bank is looking into it because she had closed an account. She stated that she did not understand the complaint of the temporary storage unit. Ms. Miller explained that it was a Planning and Zoning Violation.

City Attorney Smith explained to Ms. Simonson that she was here just on the Health Department Violation and the order to remove garbage and refuse in a sanitary manner and remove and empty the dumpster of garbage debris and clean-up the property. That is what the Department has asked for an apparently it has not happened. Ms. Simonson stated that the only thing that's true is that she has a dumpster.

Ms. Laura Miller, Chief of the Environmental Health Division introduced Bob Grive, Environmental Health Sanitarian, the inspector who was out at the site and issued the notice of violation based on the dumpster and scattered debris on the property. Mr. Grive said that he found scattered debris and

a large dumpster uncovered with what looked like a lot of garbage in it. Commissioner Baldwin asked what he meant by garbage. Mr. Grive said it was bags of stuff and it was a big dumpster and he didn't know what was in the bags. Ms. Miller said that they also received complaints about the swimming pool but they did not have access to the back yard.

Commissioner Baldwin asked Ms. Simonson how long the dumpster had been there and she replied about 4 or 5 months. He asked her if she was done with the work inside the house. Ms. Simonson said that she wanted to put the rugs inside the dumpster too. City Attorney Smith asked Mr. Grive if he had returned to the property since he took the photos on March 24th. Mr. Grive stated that he was out there today and the dumpster was still there but he was doing a drive-by so he did not know about the debris in the yard. Ms. Simonson stated that there was definitely no debris as it was cleaned up yesterday and the grass was cut. Ms. Miller explained that Mr. Grive's has an appointment with Ms. Simonson to inspect the back yard on Friday. Chairman Charland asked if there were complaints concerning the backyard as well and Mr. Grive said that they did receive complaints.

City Attorney Smith asked Mr. Grive that if on Friday if the front yard is clean and the bin is removed would the Department be able to withdraw the violation at that time? Mr. Grive stated that they would abate it.

Dr. McBride stated that the problem with the dumpster is during the protracted period of time it has reached the area of blight and they cannot be too tolerant of giving too much more leeway in terms of community complaints. The open dumpster is also of concern to health and safety with rain and mosquito aspects and trash and/or garbage, this is a very tough time of year. The Health Department is willing to give a week past Bob's visit to remove the dumpster. Ms. Simonson asked if it would be alright if she just covered the dumpster. Dr. McBride said that there is still an issue of the water collecting under the tarp and the dumpster has already been there several months and needs to be moved as soon as possible, 10 days is the limit. Chairman Charland closed the hearing.

Commissioner Baldwin made a motion to uphold the violation with the stipulation to grant another two weeks to remove the dumpster. Commissioner McMellon seconded the motion and it carried unanimously. City Attorney Smith stated that the Board has upheld the violation and denied the application subject to Health Department Inspection.

Commissioner McMellon made a motion to adjourn the meeting and Commissioner Baldwin seconded and the motion carried.

The meeting adjourned at 8:02 p.m.

Respectfully Submitted,



Kathleen Kuchta
Recording Secretary

These Meeting Minutes have not been accepted or approved.