

**HOUSING CODE BOARD OF APPEALS MEETING
MEETING MINUTES
August 23, 2016**

The Housing Code Board of Appeals held a meeting on Tuesday, August 23, 2016.

I. Call to Order

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

II. Pledge of Allegiance

Chairman Charland asked all in attend to rise for the Pledge of Allegiance

III. Roll Call

Commissioners present: Noe Charland, Chairman, Joel Baldwin, James McMellon, and Richard Merly, Jr.

Staff present: Deepa Joseph, Director of Health; Laura Miller, RS, Environmental Health Officer; and Tara Mustakos-Wassmer, RS, CHES

Others present: Robert Miller, Appellant

IV. Approval of February 16, 2016 Minutes.

Mr. Baldwin and Mr. McMellon made and seconded a motion to approve the minutes of the February 16, 2016 meet. Motion carried unanimously. of Vice Chairman. All were in favor.

V. Appeal of Robert D. Miller, Jr. regarding a Notice of Violation issued by the City of Milford Health Department on April 30, 2014 for the premises at 62 Herbert Street, Milford, Connecticut. Several violations of the City of Milford Anti-Blight Ordinance are noted: disrepair of surfaces on the roof, house siding, foundation and missing gutters, evidence of rodents accessing the interior, inadequate maintenance of accessory structures, abandoned tractor trailers and the existence of unknown chemicals containers in large volume.

VI. Appeal of Robert D. Miller, Jr. regarding a Notice of Violation issued by the City of Milford Health Department on April 30, 2014 for the premises at 62 Herbert Street, Milford, Connecticut. Several violations of the City of Milford Housing Code are noted: disrepair of surfaces on the roof, house siding, foundation and missing gutters, evidence of rodents accessing the interior, inadequate maintenance of accessory structures, abandoned tractor trailers and the existence of unknown chemicals containers in large volume. Peeling paint on the exterior of the entire dwelling, windows in disrepair, faulty furnace.

Chairman Charland asked Mr. Miller if he would object to the two appeals being consolidated and heard together. Mr. Miller stated there was no objection to consolidating the two appeals.

Mr. Baldwin and Mr. McMellon made and seconded a motion to consolidate the appeals of Robert D. Miller, Jr., concerning 62 Herbert Street. Motion carried unanimously.

Mr. Miller provided a brief history of the ownership of the property. Currently the property is owned by the two friends, 1/3 by his mother, Virginia Miller, 2/3 by Helen Kraus. Both are deceased and their estates are in probate. Attorney George Ganim represents the Estate of Helen Kraus and he has been extremely difficult to deal with. Mr. Miller explained it has been extremely difficult to accomplish anything on the property as Attorney Ganim claims to have control since his client owns 2/3's and Attorney Ganim is very uncooperative. Mr. Miller further explained he has been doing his best to clean up the property but he has limited resources. Additionally, Mr. Miller claimed to have only recently received notice of the violation. Mr. Miller explained he had been called to the property back in April 2014 in regard to chemicals stored on the property. Mr. Miller stated that he disposed of the chemicals within a couple of weekends. Mr. Miller claimed that other than the initial meeting he was unaware of any other violations until he received a phone call from Laura Miller this past April. Mr. Miller stated he is working to correct the issues with the property but needs time. Mr. Miller also stated the order was sent to his mother's address and therefore never reached him.

Commissioner Charland asked Mr. Miller to clarify his mother's ownership in the property. Mr. Miller stated his mother owned 1/3 and Attorney Ganim's client owned 2/3. He reiterated the Attorney Ganim has been very uncooperative and claims to have control as the 2/3's owner.

Mr. Merly asked Mr. Miller when Attorney Ganim became involved. Mr. Miller stated Attorney Ganim is the administrator of Helen Kraus' estate. Mr. Miller further stated that he had attempted to purchase the property but again Attorney Ganim was very difficult to work with and he was not able to complete the purchase.

Deepa Joseph stated on April 7, 2014 the Health Department received a complaint, Tara Mustakos-Wassmer inspected and found various violations and on April 30, 2014 an order was issued to both Attorney Ganim and Virginia Miller. Mrs. Joseph further explained the order sent to Virginia Miller was sent to an address provided by Attorney Ganim. Mrs. Joseph stated that it was discovered chemicals were stored on the property and Milford Fire Department and DEEP were contacted and all met Mr. Miller on the property. Ms. Joseph explained that Mr. Miller had conversations with both Laura Miller and Tara Mustakos-Wassmer and therefore was aware of the various violations on the property. She further stated that to date Mr. Miller has not contested the various violations, but rather the issue of service and based on his conversations with staff and Attorney Ganim he was aware of the violations.

Mr. Miller stated the only violation he was aware of was the chemicals located on the property.

Tara Mustakos-Wassmer stated based on one of their conversation Mr. Miller had indicated that once the tenants vacated the house was to be repaired or demolished. To date there has been no activity.

Mr. Miller reiterated he had no knowledge of the violations until April 2016.

Laura Miller stated she and Mr. Miller had conversations and he was aware the tenants had filed complaints.

Mr. Miller stated he had told Attorney Ganim to take care of the tenants and the property.

Laura Miller stated Mr. Miller was aware the Health Department was on the site and he had been working to comply. Laura Miller stated that all owners are held accountable regardless of percentage of

ownership and if a lien his filed it will be against all owners. Laura Miller asked Mr. Miller if he was here to offer plan of correction.

Mr. Miller stated he was objecting because he was unaware of the violations and should not be fined going back to the original order.

Chairman Charland asked if there were any pictures of the property. Tara Mustakos-Wassmer provided Health Department pictures.

Mr. Baldwin asked if the taxes were being paid on the property. Mr. Miller stated each estates is paying its proportionate share.

Mr. Baldwin asked how title was currently held to the property. Mr. Miller stated each estate still held title. Mr. Baldwin then commented that ultimately each estate could be held responsible and lienied.

Mr. Baldwin asked which probate court was handling Virginia Miller's estate Mr. Miller responded Trumbull as his mother was a Trumbull resident.

Mr. Baldwin asked if the Probate Court was aware of the issue. Deepa Joseph responded the Probate Court was not aware as no fines have been issued to date.

Mr. Miller stated he does not want to be fined for period of time he unaware of the violations.

Mr. Baldwin asked if the house was worth saving. Mr. Miller responded yes and he was trying to sell but first needed the permission of the Probate Court.

Mr. Baldwin asked how the Health Department would like to proceed. Deepa Joseph stated the Health Department would be agreeable to extending the compliance date.

Mr. Merly and Mr. Baldwin made a seconded a motion to extend the compliance date 90 days. Fines which have accrued through today's date will be waived provided property is brought into compliance within the 90 days. Motion carried unanimously.

V. 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 djourned at 8:22 p.m.



Respectfully submitted,
Toni Jo Weeks
Board Secretary