

Code Enforcement Committee

Minutes

January 28, 2016 @ 9:00 AM

Room 208 - Municipal Building

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TOWN CLERK  
MIDDLEBURY, VT 05753

Committee Members Present: Christopher Smedick, Nick Purro, Sal Nesci, Steve Kroll, Al Santostefano, Christopher Holden, Elena Villafana, Dean Lisitano, Linda Reed, Art Higgins, and Joseph Bibisi.

Members of the Public: Shannon Noonan.

Health Dept.

1. 13/15 Afton Terrace: Health Department will monitor these properties into the spring season. No current action required.
2. 37 Wall Street: The Health Department has identified violations of the Health Code on the property in that litter and broken appliances, furniture, lumber, scrap metal, bathtubs and other debris is being maintained on the property. The Health Department sent a legal order to the owner and the owner failed to comply by the December 21, 2015 compliance date.
  - a. MOTION: A MOTION was made by Sal Nesci and seconded by Art Higgins to refer this issue to the Office of the General Counsel for Code for further code enforcement. The MOTION was approved unanimously at 9:09 am.
3. 140 Fisher Road: The Health Department has identified violations of the Health Code on the property in that various toys, containers, pails and wading pools are located in the yard that contain water and mosquito larva. Additionally, two junk/abandoned vehicles full of rubbish and piles of cut brush and lawn clippings

and other debris are being maintained on the property. The Health Department sent a legal order to the owner and the owner has failed to comply with such order.

- a. MOTION: A MOTION was made by Sal Nesci and seconded by Art Higgins to refer this issue to the Office of the General Counsel for Code for further code enforcement. The MOTION was approved unanimously at 9:10 am.

SFD.

1. No Issues of Concern.

City Fire.

1. No Issues of Concern.

WFD.

1. No Issues of Concern.

MPD.

1. No Issues of Concern.

Bld. Insp.

1. 309 Barber Road: House caught on fire and is currently dilapidated. The building inspector sent an order to the owner of the property to bring it into compliance by November 3, 2015. The property has been brought into compliance. No further action required.

Zoning Enf.

1. 41-43 Park Place: The property is listed as a two family but is suspected of being used as a three family home. The Zoning/Wetlands Officer issued a Notice of

Violation to the owner and the owner has failed to cure the violations on the property.

a. MOTION: A MOTION was made by Linda Reed and seconded by Sal Nesci to refer this issue to the Office of the General Counsel for Code for further code enforcement. The MOTION was approved unanimously at 9:20 am.

1. 848 Saybrook Road: There is a question of whether the owner is running a business on the property, which is located in a residential zone. The Zoning/Wetlands Officer will follow up to determine if further action is required.
2. 173 Butternut: The garage located in the rear of the property is falling down and the windows in the front of the building are broken and need to be boarded up. There are also reports that the property does not currently have electricity. The owner has been working with the Zoning/Wetlands Officer to achieve compliance. No further action needed.
3. 179 Butternut: The property owner lives in Alaska and is delinquent in tax payments. The property is blighted and the Public Works Department will need to go to the property to board up windows. The Zoning/Wetlands Officer will take appropriate action.
4. 203-205 Prospect Street: Blight order sent to the owner with a compliance date of early February 2016.
5. 184 High Street: Blight order sent to the owner with a compliance date of early February 2016.

6. 248 William Street: Unregistered motor vehicles are located on the property along with trailers and a washing machine. The Zoning/Wetlands Officer will take appropriate action.

## Legal

1. 131 & 155 Wadsworth Street: The Office of General Counsel is working with the State Attorney General's Office and the City's Planning and Conservation Development Office to obtain title to the properties through a pending Cy Pres action in Superior Court, which was served on the City on October 28, 2015. Once title is obtained, the City will be able to remediate the conditions on the properties to bring them back into compliance. No current action needed.
2. Westlake Association: The piece of property owned by Westlake Association is not being adequately maintained and is in violation of the site plan that was approved by the Planning and Zoning Office. The Zoning/Wetlands Officer has sent an order to the owners of the property requiring that the property be brought into compliance. The property owner has not complied with the legal orders that were sent out by the Office of the General Counsel. Fines have been accruing on the property since September 2015. The Office of the General Counsel is working to obtain a lien on the property. No change.
3. 491 E. Main Street: The Planning and Zoning Commission will perform an 8-24 review of the property on December 9, 2015. If the Planning and Zoning Commission issues a favorable recommendation, the City will proceed with a foreclosure to collect delinquent real estate taxes owed on property. No change.

4. Cooley Avenue: The Tax Collector has initiated a foreclosure for unpaid real estate taxes against this parcel. The City acquired property by strict foreclosure on December 8, 2015. The City is working to obtain an appropriation to demolish the structure on the property. No change.
5. 74 Country Club Road: A hearing was held on August 25, 2015. We are awaiting a decision from the hearing officer. No change.

Neat

1. No Issues of Concern.

Old Business: None.

New Business:None.

Motion to Adjourn: MOVED by Sal Nesci, SECONDED by Linda Reed, and APPROVED unanimously at 9:38 am.