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Minutes

Regular Meeting of August 27, 2021
Code Enforcement Committee

Committee Members Present: Nick Puorro, Police Officer; Kevin Elak, Acting Director of Health; Dean Lisitano, Chief Building Official; Christopher Holden, Deputy Director of Public Works; Art Higgins, Fire Marshal; Gary Gessaro, Fire Marshal; James Mastroianni, Fire Marshal; Bobbye Knoll Peterson, Chief of Staff; and Christopher Forte, Assistant General Counsel.

Members of the Public: Vivian Bergamotto, Matthew Lefebvre, and Kerry Kincy.

1. Call to Order By Staff

Assistant General Counsel Forte called the meeting to order at 9:01 a.m.

2. Approval of Minutes

A. Review and approval of the minutes of the July 22, 2021 regular meeting.

MOTION: Chief Building Official made a motion to approve the July 22, 2021 minutes. Deputy Director Holden seconded the motion. Motion passed unanimously at 9:02 am.

3. Public Session

AGC Forte stated that during this portion of the agenda, members of the public are allowed to speak, and stated that their remarks will be kept to no longer than 5 minutes.

Vivian Bergamotto (Business Address 646 Main Street, Middletown, CT) stated that there are people who hang at the corner of Green Street and Main Street on private property and on the public sidewalk. Ms. Bergamotto alleges that these individuals consume alcohol, sell drugs, harass others, defecate and spit on the sidewalk. Ms. Bergamotto also stated that her mother had been assaulted, and this needs to be addressed. Ms. Bergamotto also stated that she believed that the Middletown Police are not trained to deal with this, so training should be provided.

Officer Puorro stated that some of those individuals live there, and offered some solutions. AGC Forte stated that if there are crimes being committed, the sole remedy is to call the police.

Kerry Kincy (598 High Street) stated that she was present to observe and to learn about what the Code Enforcement Committee does. Matthew Lefebvre stated in the chat that he was also present to learn about what the committee does.

Chief of Staff Peterson stated that it was wonderful to see public involvement on the Code Enforcement Committee, as this committee and SeeClickFix, are both avenues for the City to learn about issues in the community. Chief of Staff Peterson stated that this is a forum to bring relevant issues that will help us be more effective.

4. **New Business**

A. **Mayor's Office.**

- 1) Update from the Mayor's Office. No updates.

B. **Public Works.**

- 1) Update from the Public Works Department. Deputy Director Holden asked the Committee whether Public Works can refer certain cases where bulky waste is left on the curb to both the Health Department and ZEO for enforcement. Acting Director Elak stated that Public Works has done this in the past, and agreed.

C. **Health Department.**

- 1) Update from the Health Department. No updates.

D. **Department of Land Use.**

- 1) Update from the Department of Land Use. Absent. No updates.

E. **Building Department.**

- 1) Update from the Building Department. No updates.

F. **Police Department.**

- 1) Update from the Police Department. No updates.

G. **City Fire.**

- 1) Update from City Fire. No updates.
- 2) 876 Newfield Street. Fire Marshal Gessaro stated that this building has been vacated, and that their license was suspended with the State. This property should continue to be monitored, and Fire Marshal Gessaro will follow up with ZEO Baia to monitor the property.

H. **South Fire District.**

- 1) Update from South Fire District. No updates.

I. Westfield Fire District.

- 1) Update from the Westfield Fire District. No updates.

J. Office of the General Counsel.

- 1) Update from the Office of the General Counsel. No updates.
- 2) Mortimer Cemetery. Several complaints were received from the Middletown Old Burying Ground Association of people climbing the walls to Mortimer Cemetery, and using straps and ropes on the walls. Additional reports of trash being left in the cemetery. Officer Puorro investigated the situation and found that the straps were put up by a neighbor of the cemetery to hold up his strawberry plants. Officer Puorro informed him that this was not allowed. Officer Puorro stated that no trash was found in the cemetery. Will continue to monitor.

5. Old Business

A. Mayor's Office

- 1) Wharfside Commons. Report to the Mayor's Office of water and mildew in units, illegal activity in park, and disrepair in the common areas of the property. Police Department and Planning, Conservation and Development Department inspected and has stepped up patrols of the area. City Fire did a safety code inspection and found no major violations. Since the last meeting Acting Public Health Manager Sparks met with some tenants to walk through the property. Found trash located on adjacent lots behind Wharfside Commons, and the Health Department is working with the owners to get that cleaned up. Tenants also complained about noise from inside the building, so will refer those complaints to PD if appropriate. Since the last meeting, no further reports to Health, but a video of an assault was provided to the PD. Will continue to monitor.

B. Department of Land Use. Absent, no updates.

- 1) 159 Boston Road: The Building Department became aware that the power was turned off to the building due to the fact that the building is in disrepair, with holes in the roof and blight in the yard. PCD issued a blight order and a zoning order for abandoned vehicles on the property. Orders have been issued against the property, and the owners have made some progress to remediate the violations.
- 2) 212 Sisk Street: The Planning, Conservation and Development Office was made aware that this property was in a state of disrepair, including having a hole in the roof, and junk located in the back of the property. Zoning and Wetlands Enforcement Officer Baia has issued blight and

zoning orders against the property, and the violations have not been remediated. PCD will issue a Citation, and will look to initiate clean-and-lien procedures if no action has been taken to remediate the violations.

- 3) 520 East Main Street: A hole in the roof exists on this property. The Zoning Enforcement Office issued blight orders on the property. The owner is working with the ZEO and Building Department to remediate the violations. PCD will issue a Citation, and will look to initiate clean-and-lien procedures if no action has been taken to remediate the violations.
- 4) Congden and Aspen: Overgrown bushes and vegetation on the property that is encroaching on the sidewalks. Zoning Enforcement Officer Baia stated that he will follow up with an inspection to determine if any further action is required. Violations remediated, no further action required.

C. Health Department.

- 1) 399 deKoven Drive. The Health Department has issued legal orders against the property owner and tenants for violations in the property. Citations have been issued. The property was inspected on August 13, 2021 and the issues relating to the water damage have been fixed, but, there are still some outstanding items from the April Legal Order. Will continue to monitor.
- 2) 153 Liberty Street. The Health Department condemned the property, which is bank owned. The bank that owns the property remediated the violations, and not posing a health hazard at this time. Will continue to monitor.

D. City Fire.

- 1) 52 North Main Street. The Health Department forwarded this to City Fire, there are reports of illegal gatherings on the premises in violation of COVID-19 guidelines. City Fire inspected the premises and found numerous Fire Code violations, including potentially people living in the building. The Fire Department and Planning, Conservation and Development have issued orders on the property. The owner has started to work to bring some violations into compliance. Will continue to monitor

E. South Fire District.

- 1) Open Burning Ordinance. The fire marshals are reviewing the City's open burn ordinance and will contact the Office of the General Counsel

when they are ready to propose changes. Will continue to monitor.

F. Westfield Fire District. Absent, no updates.

- 1) Fire Hydrant Repair or Replacement –City and Private. Fire Marshal Higgins raised the issue of fire hydrants that may be defective or do not work around the City. AGC Forte informed the Committee that the Office of the General Counsel attempted to work with the Water & Sewer Department in 2018 on this issue. Attempts were made to meet with Water & Sewer and the Mayor's Office to remediate the situation. At this time, this item will be removed from the agenda.

6. Adjournment

MOTION: Fire Marshal Gessaro made a motion to adjourn. Chief Building Official Lisitano seconded the motion. Motion passed unanimously at 9:32 am.

The Committee adjourned at 9:32 a.m.

cc: Hon. Benjamin Florsheim, Mayor
Code Enforcement Committee Members
OGC Personnel