

**CITY OF DERBY
BLIGHT COMMITTEE MEETING**

TUESDAY, MAY 13, 2014 – 6:00 P.M.

JOAN WILLIAMSON ALDERMANIC CHAMBERS

MINUTES

Carmen DiCenso called the meeting to order at 6:00 p.m. All rose and pledged allegiance to the flag.

Roll Call

Present: Carmen T. DiCenso, Felicia Monaco, David J. Anroman

Also Present: Carlo Sarmiento, Building Inspector
Kevin M. Blake, Corporation Counsel

ADDITIONS, DELETIONS, CORRECTIONS TO THE AGENDA

Mr. DiCenso said there is a change to Item #9 – it should be 67-71 Minerva Street not 77.

APPROVE MINUTES OF THE APRIL 8, 2014 MEETING

A MOTION was made by Ms. Monaco with a second by Mr. Anroman to approve the Minutes of the April 8, 2014 as presented. **Motion carried.**

PUBLIC PORTION

Mr. DiCenso asked three times if anyone wished to speak during the Public Portion. Hearing no requests the Public Portion was closed.

UPDATE ON 187-189 DERBY AVENUE (EXECUTIVE SESSION IF NECESSARY)

Mr. DiCenso noted at the last meeting the owners of this property had sent in plans the day before the meeting and then they called and canceled the plans. They were going to build a building and then they weren't going to build. The item was tabled at that meeting. Mr. DiCenso said to his knowledge there has been no further communication.

Mr. Sarmiento said the owner has called and ranted about the things that she has been told are not allowed. He informed the property owner that she could appear before the ZBA and P&Z to plead her case; however she is not interested in doing that. Mr. Sarmiento said she was also informed to seek local counsel by the City's Corporation Counsel but she is also not interested in doing that. Mr. DiCenso said since there is a blight lien on the property they cannot obtain any building permits, correct? Mr. Sarmiento said they have not done any work with the plan that they had. They have cut down some brush. The porch is now exposed, which really creates more blight.

Mr. Blake informed the committee that the property is still in foreclosure. He asked if there is an Ordinance in Derby that states no permits can be obtained without fulfilling

all outstanding obligations to the City. No one is aware of any existing Ordinance. Mr. Blake said this is something that the City might want to look into creating. Mr. Sarmiento said he is going to propose that tonight to the Operations & Procedures Subcommittee.

Mr. Blake stated for the record that he has not been in contact with the property owner since prior to the last meeting at which time he gave her names of local counsel.

DISCUSSION & POSSIBLE ACTION ON 67-71 MINERVA STREET; 350 DERBY AVENUE AND 196 DERBY AVENUE (EXECUTIVE SESSION IF NECESSARY)

67-71 Minerva Street - Mr. DiCenso said about ten days ago Mr. Sarmiento sent out a letter regarding unsafe conditions at 67-71 Minerva Street; specifically the bricks on the side and the back of the building are falling down. Additionally the framing structure in the back of the building is falling apart. The building is also improperly secured to avoid trespass. Mr. DiCenso said if you go there and look at the wall facing the street it is now leaning back towards the street. At the top and bottom of the chimney the bricks are cracked and falling apart. Mr. DiCenso said in his eyes this is a dangerous situation. Mr. Anroman noted that the building is also wide open – anyone can access it.

Mr. DiCenso said that we asked the property owner to put up a fence since we cannot go on private property without permission. Mr. Sarmiento said that a letter had been sent. He said that Corporation Counsel has spoken with the owner. Mr. Anroman asked when the demolition was initially done, and this was before Mr. Sarmiento arrived, was there any documentation showing the scope of work that they were going to perform. It is his understanding that they were going to clear the lot, pave it and then fence it in. They were also proposing a number of different uses for the lot – laundromat, selling cars, etc... Mr. Sarmiento said he would review the minutes and get back to the committee.

Mr. Blake said he called Primrose Development and spoke to John Guedes. He informed him that there are issues with the property – its wide open; garbage is being thrown on the lot, etc... Mr. Guedes informed Mr. Blake that he would look into the matter this week. Mr. Blake said he drove by the site today and there is still no fence and the site is still littered.

Mr. Anroman informed the committee that he has dealt with Mr. Guedes personally since 2008. He always says that he will assess the property and then come in with a plan. Mr. Blake said he did speak with Joe Tramuto who is one of the individuals who is going to buy the property and also Rick Dunne, the Executive Director of the Valley Council of Governments (VCOG.) He explained that VCOG is doing Phase I environmental, which has led to a Phase II environmental.

Mr. DiCenso said his main concern is school is out in two-three weeks and there will be kids playing out on Minerva Street - the building is wide open. The front of the building on Caroline Street is missing a panel. There is no roof on the building. If somebody goes on that second floor it's going to fall – it's just an accident waiting to happen. Mr. Blake said he would suggest a middle ground – a fence can be erected and the lot cleaned up - we can get permission to do this. Mr. Anroman said the bill would then go to Guedes. Mr. Sarmiento said however he requested it in his letter it clearly states that they need to make the structure safe. Mr. Blake said the concern about the Phase II environmental (inaudible.) Mr. DiCenso said the ground doesn't concern him – the

building does. We know the condition of the property now – residents have also brought us pictures of the back of that building. If a kid gets hurt we're going to be negligent. Mr. Blake said he's not sure whether or not we are. The Police Department has never gotten any calls about people being in that building. Ms. Monaco said if we don't have the right to go on that property and make corrections how can we be considered negligent. We don't have permission to get on that property, correct? Mr. Blake said no. Ms. Monaco said wouldn't the property owner be liable? We don't own the property. Mr. Blake said we can go on if there's a fire or a police situation. Mr. Sarmiento (inaudible) the building code does allow myself as the Building Department to go on the property to make assessments. The committee members asked if Mr. Guedes would be coming to meet with City officials. Mr. Blake said he believes there is a meeting scheduled with the Mayor. He said Mr. Guedes informed him that he would have someone come and look at what has to be done and do it. Mr. Anroman said he would like to be personally involved since he has sat with Mr. Guedes about 5 times over the past six and half years.

Mr. DiCenso asked Mr. Sarmiento if there is anything that can be done in order to force Mr. Guedes to do something with the property. Mr. Sarmiento said he has ten days to respond to the letter that he sent. We can force him to do whatever needs to be done in order to make the building safe.

Mr. Blake said that VCOG has asked that they be allowed to continue with their Phase II environmental and to not tear down the building. Mr. DiCenso asked if VCOG is going to be responsible if a kid gets killed on that site. Mr. Blake said he would have to do research but he doesn't think that they would be responsible. Mr. DiCenso expressed his frustration and noted that he does have a conscience. Mr. Blake informed Mr. Anroman that he would get back to him with a meeting date.

350 Derby Avenue – Mr. DiCenso said the property owners came in a couple of weeks ago and talked to the Mayor and Corporation Counsel. They have sent in a proposal regarding their wishes for the property and have ignored our wishes for the past four to five years.

Mr. DiCenso said Derby Avenue, LLC purchased the property the property for \$32,000, which they claimed at the time did not have a Blight Lien assessed against the property. As of May 6, 2014 the Blight Lien on the property is \$116,000. The outstanding Property Taxes on the property are \$14,363.00 and Sewer Taxes are \$1,318.00.

Mr. DiCenso informed the committee members that the Corporation is willing to sell the property for \$32,000 to the City with the understanding that they will take care of all the outstanding taxes and sewer liens. They are seeking that the Blight Lien be waived.

Mr. DiCenso said Derby Avenue, LLC submitted a Department of Consumer Protection Residential Property Condition Disclosure Report. Nobody inspected the property for anything. A full inspection would have had to be done to see if there are any contaminants on the property – or at least a Phase I. Mr. Sarmiento noted that the City had it assessed by an engineer about two and a half years ago telling the property owners what needed to be done in order to make the foundation safe. It has been two years and nothing has been done. Mr. DiCenso said the foundation is non-conforming. Mr. Sarmiento noted that you can go up to the building and remove the

stones one at a time. Mr. Blake said the intent would be to take the property and raze it. Mr. DiCenso said he would like to take this to the full Board of Aldermen and discuss what this committee would like to see done. In his opinion he doesn't want to give the property owner any money. Mr. DiCenso said why should we have to pay for their failures? He feels that they should give us the deed to the property and just walk away.

196 Derby Avenue – Mr. DiCenso said this is the property that was in the fire about three years ago. There has been some difficulty locating the owner of the property. He said he would like to give praise to Mr. Sarmiento who has been working hard on this situation and has since located the owner. Mr. DiCenso said Mr. Sarmiento sent the Derby Police to the Milford Police Department and Milford Police served the owner with the notice.

Mr. Sarmiento informed the committee that he and the owner are working on having the property razed at the owner's expense. He said the owner will pay the outstanding property and sewer taxes and also pay the cost of tearing down the structure. The owner would like to come before the board about the Blight Lien. The committee decided to go into Executive Session to discuss litigation.

A MOTION was made by Mr. DiCenso with a second by Mr. Anroman to go into Executive Session at 6:23 p.m. inviting Corporation Counsel and the Building Inspector. **Motion carried.**

A MOTION was made by Mr. DiCenso with a second by Ms. Monaco to come out of Executive Session and back into Regular Session at 6:35 p.m. **Motion carried.**

A MOTION was made by Mr. DiCenso with a second by Mr. Anroman to recommend to the full Board of Aldermen to place 196 Derby Avenue on the agenda under Executive Session for discussion and possible action. **Motion carried.**

A MOTION was made by Mr. DiCenso with a second by Ms. Monaco to recommend to the full Board of Aldermen to place 350 Derby Avenue on the agenda under Executive Session for discussion and possible action. **Motion carried.**

ADJOURNMENT

A MOTION was made by Mr. DiCenso with a second by Mr. Anroman to adjourn the meeting at 6:38 p.m. **Motion carried.**

Respectfully submitted,

Patty Finn
Recording Secretary

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BLIGHT COMMITTEE AT THEIR NEXT MEETING.