

**CITY OF DERBY  
BLIGHT COMMITTEE MEETING**

**TUESDAY, AUGUST 12, 2014 – 6:00 P.M.**

**JOAN WILLIAMSON ALDERMANIC CHAMBERS**

**MINUTES**

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

**Roll Call**

Present: Carmen DiCenso, Felicia Monaco, David Anroman

Also Present: The Honorable Mayor Anita Dugatto  
Carlo Sarmiento, Building Official, City of Derby  
James Watson, Facilities/Blight Inspector, City of Derby  
Thomas Welch, Corporation Counsel  
Francis Teodosio, Esq.

**ADDITIONS, DELETIONS, CORRECTIONS TO THE AGENDA**

Mr. DiCenso said he would like to add as 9a. – **UPDATE ON 350 DERBY AVENUE.**

Without objection the item was added to the agenda.

**APPROVE MINUTES OF THE JULY 8, 2014 MEETING**

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

**PUBLIC PORTION**

Carlo Sarmiento, the City of Derby Building Official, introduced James Watson to the committee. Mr. Watson is the new Facilities/Blight Inspector for the City.

Mr. DiCenso asked three times if anyone wished to address the committee. Hearing no response the Public Portion was closed.

**46-48 FIFTH STREET – TAX/BLIGHT LIEN – POSSIBLE FORECLOSURE – DISCUSSION/POSSIBLE ACTION**

Mr. DiCenso said the property owner, Robert Vontell, had approached the City to turn over the property in lieu of the liens and then the bank informed the property owner that they were going to foreclose on the property. He said it now appears that the bank is not going to foreclose on the property. Mr. DiCenso asked Mr. Sarmiento for an update on this property. Mr. Sarmiento deferred to Corporation Counsel.

Atty. Teodosio asked for future properties if the names were also included along with the property address. He said the foreclosure action that was pending against this property two Saturday's ago was withdrawn by the bank. He believes they arrived at

that decision because they saw how extremely in debt it was in regard to blight liens, tax liens, and water pollution liens. He noted that the blight liens are the most substantial. Atty. Teodosio informed the committee that the bank had been speaking with the City right up to the point of foreclosure. He said if they are directed to do so they will move forward with the foreclosure process for the taxes, the sewer use fees and the blight liens.

Mr. DiCenso asked Atty. Teodosio who presently owns the property – is it the bank? Atty. Teodosio said the bank does not own the property – they would have it they went through with the foreclosure. The last formal property owner is the owner of record and his name is Vontell.

Mr. DiCenso asked if there is any way to expedite this rather than going through a yearlong foreclosure. Atty. Teodosio said there are four ways you can this:

1. Speak directly with the property owner (Atty. Teodosio does not recommend this because of the condition of the Title)
2. Full foreclosure of the three types of liens already discussed
3. Tax Sale, which is coming up.
4. Sell whatever liens this property has to a third party. It depends on what you want to do with the property – do you want the Title to the property or do you want some third party to clean it up and get it in good order.

Mr. DiCenso said the committee has discussed getting Title to the property in order to knock down the building and make a parking lot. Atty. Teodosio said if you do any of those foreclosures that doesn't necessarily guarantee (at least with three of them) that you're going to get the property. Someone may bid on the property and they can take ownership. Mr. DiCenso asked if we could approach the bank or the current property owner and ask if we can buy the property. Atty. Teodosio said we can start negotiations – he said he doesn't know if this committee or the Board of Aldermen has the power to initiate that.

Atty. Welch said they can do an evaluation of all three of the liens and compare it to the appraisal that was done by the bank. He said if there is no equity over and above the liens due the City then we would be able to proceed with a strict foreclosure and take Title.

**A MOTION** was made by Mr. DiCenso with a second by Mr. Anroman to recommend to the full Board of Aldermen that Corporation Counsel prepare an evaluation of all city liens against 46-48 Fifth Street to determine if those liens outweigh the equity of the property in order to proceed with a strict foreclosure against the property. **Motion carried.**

#### **CLEAN & LIEN ORDINANCE – DISCUSSION/POSSIBLE ACTION**

Mr. DiCenso said he had Corporation Counsel look at the Clean & Lien Ordinance that Ansonia is currently using. Atty. Welch said any Ordinance that we would create would have to comply with the Ordinances that we currently have in place and with the general statutes. He said he spoke with Mr. DiCenso at the start of the meeting and if it is the committee's direction he can prepare an Ordinance that would comply. He said it may not look exactly like Ansonia's; however it would provide you with how we go

about cleaning up these blighted properties in terms of entering the property, etc... He said he would continue to make sure that we provide all due process.

Ms. Monaco asked whether we would use independent contractors or Public Works. Mr. DiCenso said if Public Works could do it then fine – if not we can always put it out to bid. He said we already have an Ordinance as it relates to fines for blight – we would need one to get on the property. Atty. Welch said Derby already has a very substantial and comprehensive Blight Ordinance - he would add sections to that to give the ability after due process to enter the property.

Mr. DiCenso said he would like to recommend bringing this new ordinance to the full Board of Aldermen.

### **245 FRANCIS STREET (DWORKIN PROPERTY) – DISCUSSION/POSSIBLE ACTION**

Mr. DiCenso said we have received a lot of complaints regarding this property. Atty. Teodosio said we filed the complaint and it is now under foreclosure for taxes, sewer use fees and blight liens. He said an attorney has appeared for some of the parties of record. An attorney has not appeared yet for the owner – although they have until August 15, 2014 to appear. If he has not appeared by that date Atty. Teodosio said he will file the appropriate motions because he hasn't appeared. He said it is still in the pleading stage and it will probably be another six weeks before we see substantial progress.

Mr. DiCenso said we will let it run its course.

### **UPDATE ON 350 DERBY AVENUE**

Mr. Sarmiento informed the committee that with the help of Corporation Counsel the owners were notified. The time has expired. He said he is meeting at the property tomorrow with AMC Environmental to test the property for asbestos, lead, and mercury switches before we can proceed with drawing up the specifications for demolition. Mr. Sarmiento said that Patty Finn from Community Development needs this information prior to putting the property out to bid for demolition.

### **ADJOURNMENT**

**A MOTION** was made by Mr. Anroman with a second by Ms. Monaco to adjourn the meeting at 6:20 p.m. **Motion carried.**

Respectfully submitted,

Patty Finn  
Recording Secretary

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