



TOWN OF MANSFIELD

HOUSING CODE BOARD OF APPEALS

Draft **MINUTES of** **REGULAR MEETING** September 9, 2013

I. CALL TO ORDER: David Spencer called the meeting to order at 5:01 p.m. in Conference Room C at the Audrey P. Beck Building.

II. ROLL CALL: *Members present:* David Spencer, William Briggs and Emile Poirier. Director of Building & Housing Inspection, Michael Ninteau; Housing Code Enforcement Officer, Derek Debus; an Administrative Assistant to the Building & Housing Inspection, Theresa Leon-Guerrero; and the Board secretary, Jennifer Thompson were also present at the meeting. *Member absent:* Will Bigl.

III. APPROVAL / REVISION OF MEETING AGENDA: Chairman called for motion to revise or approve the agenda, motion in favor to accept as presented made by William Briggs, seconded by David Spencer. All in favor, motion passed.

IV. BUSINESS MEETING:

A. Approval / Revision of Meeting Minutes:

- Chairman called for a motion to accept or revise the minutes of the December 10, 2012 meeting. Motion in favor to accept as presented made by William Briggs, seconded by David Spencer. All in favor, motion passed.
- As David Spencer was not in attendance at the April 8, 2013 meeting and Emile Poirier was not a voting member at the time of the meeting, both would have to abstain from vote. Therefore, these minutes shall be tabled until the next meeting of the Board.

B. Hearing of Appeal: Application for Appeal received August 27, 2013
19 Hunting Heights Drive, Units 1,2,3,4,5,6,7,8
Corridor Storrs I, LLC

REASON FOR APPEAL: Applicant requested reversal of fines cited for nonpayment of Certificate of Compliance fees when due in consideration of attempt made in spite of late receipt of funds by Housing Inspection office.

1. Applicant - Applicant was not present. A copy of the agenda had been sent via regular mail to notify the Applicant of the hearing. It was noted that the Agenda is posted on the Town's website under Agendas and Minutes, also under Boards and Committees, plus following through Departments & Services / Building & Housing, posted on wall at Town Clerk's office and in the Town calendar. In addition, Building & Housing Inspection staff confirmed having verbal communications with the Applicant. Members reviewed the Applicant's appeal submittal while giving ample time for late arrival if Applicant wanted to present argument at this hearing. Included with the Application are a written statement of Applicant dated 8-22-13; copy of Citation dated 19-Aug-13; copy of Notice of No Certification Violation dated 02-Aug-13; and a copy of FedEx Travel History printed on 8/20/13. At 5:15 pm Chairman opened the hearing. It was the consensus of all Members to continue with meeting and consider the written argument of the Applicant.

2. Code Official – The following exhibits were distributed to members: copy of Housing Code Section 901 Certification; copy of Conditional Invoice dated 17-Jul-13; copy of Notice of No Certification Violation dated 02-Aug-13; copy of United States Postal Service confirmation of certified mail receipt dated August 14, 2013; copy of Citation dated 19-Aug-13; and copy of property file notes. Administrative Assistant to the Building & Housing Inspection, Theresa Leon-Guerrero explained the invoice, notice and citation procedures and history of building and other buildings within the Hunting Lodge Apartments complex. Courtesy calls to the Property Manager were made by Housing Code Enforcement Officer, Derek Debus. The Property Manager also had indicated that notices were found week prior to citation issued. The complex is currently in certification renewal process so there is frequent communication back and forth with property management. Other apartment complexes in the town are subject to the same process and procedures under the Code and treated in same manner and have paid fines.

3. Persons Whose Interest Affected by this Appeal – There were no comments from the public.

4. Board Questions to Speakers RE Presented Materials - Chairman noted that the Code of Town of Mansfield Connecticut Part II General Legislation Chapter 130 Housing Code Section 901 Certification was reference for the Board's review of this Appeal.

- Have certificate fees for other building units been paid? It was observed that the property management has brought all other units current in payment. Some of the units are under conditional waiver pending violation corrections. Fines could be assessed if repairs are not completed by the established waiver deadline.
- Is this a new property manager to Mansfield? As the goal of the office is to work with owners toward compliance, staff really works with changes of management regarding the process to understand the ordinance and what happens next if step not done so habitual patterns to stretch limits for compliance can be avoided. In this instance this particular individual Property Manager is not new to the Housing Inspection process and also worked previously for another apartment complex in town.
- Beyond the property management and/or maintenance personnel in close proximity to the property site, is the corporate owner office local? The corporate office is in Avon, Connecticut. It is perceivable that funds for certificate fees could have been delivered in a timely manner.

5. Board Decision Vote – Members concurred that it is customer responsibility to know Town Hall hours as they would for any other place of business. There was ample time and grace period given to make payment of certificate fees. It is incumbent upon an owner or their agent to make payment by due date. It is the obligation of the Housing Inspection office staff to follow the stipulations as set forth in the Housing Code. The circumstances of these properties did not meet the stipulations of the Code and does not merit a change in policy. Motion made by David Spencer to deny the appeal, William Briggs seconded and a hand vote was taken - All being in favor, the motion to deny the appeal passed unanimously and the fines cited are due and payable as stand.

V. ADJOURNMENT: There being no further business to be presented to the members, William Briggs moved to adjourn the meeting, David Spencer seconded. Motion passed and the meeting adjourned at 5:36 p.m.

Respectfully submitted,
Jennifer Thompson, Secretary