

CITY OF NORWICH
BUILDING/HOUSING CODE BOARD OF APPEALS
MEETING MINUTES
23 Union Street
January 26th, 2016

On January 26, 2016 the City of Norwich Building/Housing Code Board of Appeals meeting convened at 4:02 pm.

Present: Frank Blanchard, Chairman, Tom Cummings, Peter Procko, and Henry Olender

Absent: Scott Learned, Scott Barbarossa

Also Present: James Troeger, Building Official
George Gardner, Code Enforcement Officer
Daniel Coley, Blight Enforcement Officer
Debra Delaporta, Recording Secretary
Attorney Edward Bona
William Mayer
William Bowser

1. Frank Blanchard called the meeting to order at 4:02pm.
2. A quorum was present.
3. The minutes of the July 28, 2015 regular meeting were approved, with a motion made by Tom Cummings, seconded by Hank Olender, with all in favor.
4. **Appeal Hearing for Michael and Catherine Yesenko-124 Washington St-
Condemnation-represented by Attorney Ed Bona on behalf of POA Sherri Speer**

Chairman Blanchard opened the hearing and asked Dan Coley to explain the events leading up to the condemnation.

Dan Coley explained that on October 2, 2015 NPU received a call from the tenants that there was a gas leak and shut off the gas for unit #2. The Housing Department also got a call from the tenants that there was no heat or hot water. Mr. Coley attempted to reach Mr. Yesenko on this date, and then on October 5, 2015 Sheri Speer, property manager, was contacted by voicemail to let her know the situation. On October 22nd, the tenants called to say they still had no heat and Sheri Speer was contacted again. Ms. Speer stated the heat would be fixed ASAP. On October 28th, Ms. Speer was contacted again and she stated the heat would be fixed that day, and by noon repairs had still not been done, so Mr. Coley condemned the unit because of lack of heat and also lack of smoke detectors and carbon monoxide detectors in required areas as ordered.

At this point, the hearing was turned over to Attorney Bona, who explained William Mayer and William Bowser, both handymen for Ms. Speer both made attempts to fix the heater. Mr. Mayer had come into the Building Department to pull a permit, but discovered he did not hold the proper license to complete the work. Mr. Bowser made several attempts to enter the apartment, but was unable to because the tenants would not grant him access. Attorney Bona stated that he felt the wrong gas meter had been red-tagged, but Dan Coley later verified he felt it was just a labeling error, because the

heating system was definitely not working on more than one occasion when he had been over there to inspect it. Mr. Bona said that the Yesenkos were willing to repair or replace the unit as needed.

At this point, Frank Blanchard opened the discussion to the board. Jim Troeger asked if the condemnation was being appealed, and asked Mr. Coley and Mr. Gardner to discuss the reasons for the condemnation. George Gardner stated that on October 30th, 2015 plumber Will Riley came into the Building Department on another matter, and said he had been called to inspect the heating unit at Washington St, and that it needed to be replaced because it was non-repairable. Frank Blanchard asked if the apartment was occupied, and Dan Coley stated that it was unoccupied as of October 28th, 2015. Frank asked if there had been permits pulled to fix/replace the heat unit, and George Gardner stated that there was a permit pulled last Wednesday, January 20th, 2016 but no final inspections had been requested and he was unsure if any of the work had been done. No one present for Ms. Speer could verify whether or not any work had been completed.

Peter Procko proceeded to discuss the time line that had transpired. On October 2nd, 2015 there was a noted gas leak, and after the owners and property manager had been notified on more than one occasion, by October 28th, there still had been no repair. He felt that the responsibility was that of the owner and/or property manager and that they were both negligent by not having the heat fixed after almost four months. Jim Troeger stated the decision to be made was if the condemnation was reasonable and fair. Hank Olender asked if the tenants had access to heat, which Dan Coley stated they did not. Mr. Coley stated that due to the poor condition of the boiler, and lack of smoke detectors and carbon monoxide detectors he had no choice but to condemn the unit. Tom Cummings stated that these missing detectors were indeed an issue.

Frank Blanchard then asked if there were any other comments from the board. Frank then asked the board to make a motion to accept or deny the condemnation of 124 Washington St, unit #2. Peter Procko made a motion to deny the appeal, seconded by Hank Olender. All members were in favor to **DENY** the appeal.

The meeting adjourned at 4:40 pm.

Respectfully submitted,

Debra Delaporta
Recording Secretary