

Blight Citation Hearing Appeals Board Meeting Minutes for Monday, February 5, 2018

(unapproved)

Please note these minutes are not verbatim

Attendees: Mr. Michael Trenck, Mr. Michael Cunningham and Recording Secretary Linda Andrews.

Absent: Mr. Brian Gaumer

Guests: Mr. Marlon Pereira and Ms. Cindy Crean

Agenda

1. 29 Lakeview Drive: Citation Appeal

Mr. Trenck called the meeting to order at 3:20 pm.

1. 29 Lakeview Drive: Mr. Pereira expressed his concern about the dates on the citations and the fact that the dates on the citations went back in time. He said he believed the citations were improperly written. Mr. Trenck said the BCHAB had already heard the initial appeal on 10/18/17 and they decided to uphold the citation. Mr. Pereira said he has been submitting septic plans that have now been approved. Mr. Trenck asked if the property is an active construction site since the septic plan was approved in mid January. Mr. Pereira said he has a septic plan, a building permit and a permit for a stone wall. Mr. Trenck asked what is the appeal for today? Mr. Pereira said he wanted the citations reduced because the tickets were improperly written. Mr. Trenck asked if Mr. Pereira has a demo permit. Mr. Pereira said they were waiting on the septic plan to allow for demo. Mr. Trenck read the EXEMPT PROPERTY definition from the Anti-Blight Ordinance and stated that citations can't be issued when the property is an active construction site. He asked Mr. Pereira if he can show the Board anything proving movement forward. Mr. Pereira again asked about the technicality of the dates on the ticket. Mr. Cunningham asked Mr. Pereira to produce documentation of movement forward. Mr. Pereira said there were multiple septic plans submitted to the Health Dept. between October and January. Mr. Trenck said that the original citation was upheld on 10/18 and additional fines were levied under the original citation. He read that payment was due within 10 days of the citation. Mr. Pereira asked to see photographs of his property that were submitted with the complaint letter and asked if people trespassed on his property. Mr. Trenck said the original citation was issued on August 29 and the BCHAB met on 10/18 to hear Mr. Pereira's appeal of Citation #125. He continued by saying that regardless of the additional citations, the fines stand. Mr. Cunningham said that the property is now in compliance because of the septic plan approval. Mr. Pereira said that his engineer was at the mercy of the Health department. Mr. Trenck and Mr. Cunningham asked for a definitive date of approval of septic plans from the Health Dept. Mr. Pereira replied that the septic plans were approved about a week prior to the January 23 BPB meeting. Mr. Trenck said that Mr. Pereira has a 10 day period from the 10/18 BCHAB meeting until 10/28 to correct his Blighted premises and that from 10/29 until mid January was a separate issue. Mr. Cunningham said that subsequent to the original citation, it is \$100/day should the violation remain. He asked if the original fine was paid. Mr. Pereira

replied that no, the original fine was not paid. Mr. Trenck explained that Mr. Pereira needs to pay the citation and correct the violation and then it is up to the BPB to stop the citations. He said that Mr. Pereira should not have been receiving additional citations between 10/18 and 10/28 . Mr. Pereira asked again about the technicalities of the citations and Mr. Cunningham replied that it is clear in the summons. Mr. Trenck said the \$100/day is clear and that what was not clear was the start date. Mr. Trenck said that, based on the 10 day period following the BCHAB meeting, he motioned to uphold Mr. Pereira's request to appeal citations from 10/18 thru 10/28. These fines are not accurately levied. Mr. Cunningham seconded the motion. The BCHAB voted 2-0, motion passed. The BPB will determine when the property is no longer Blight.

The meeting adjourned at 4:32 pm.