

**TOWN OF MANCHESTER
PROPERTY MAINTENANCE BOARD OF APPEALS**

**MINUTES
WEDNESDAY, MARCH 10, 2010**

Present: Gary Benson, Chairman; Edward Peterson, Vice Chairman; Gerald Dierman; and John Topping

Absent: Neil Alibrio, S. Lee Bogli, and John Morin

Also Present: Daniel Loos, Chief Building Official, Mark Macpherson, Appellant

Chairman Gary Benson called the meeting to order at 7:25 p.m.

Tenement House license revocation - 61 New Street and 101 Chestnut Street, Manchester, CT

Mark Macpherson, Appellant, arrived at 7:00 p.m.

Chairman Benson apologized for the delay. He explained the hearing process and introduced the members of the Board and the Town of Manchester Building Department staff to Mr. Macpherson.

An appeal hearing was conducted pursuant to Section 226 of the Town of Manchester Property Maintenance Code of Ordinances on Wednesday, March 10, 2010 in the Directors' Room, 1st floor, Lincoln Center, 494 Main Street, Manchester, Connecticut on the above-referenced cases.

Mr. Loos explained that this hearing concerned the revocation of two rooming houses.

Mr. Loos stated that on February 23, 2009 a letter stating the need to schedule the yearly rooming/tenement house inspection had been sent by Certified Mail to Mark Macpherson, owner of the properties located at 61 New and 101 Chestnut Streets. This letter stated that the license could be revoked if the inspection had not been completed by the June 30, 2009 license expiration date. Mr. Loos continued that on April 22, 2009 Ben Migliorati, Assistant Building Official, and Stacey Harrington, Assistant Fire Marshal, had conducted their annual rooming house inspections at the above-referenced addresses. There were several violations at each address. Mr. Macpherson was told to call for a reinspection once the violations had been corrected.

When preparing the letters for this year's inspections it was discovered that no reinspections had been done. Due to the lack of reinspections, Mr. Macpherson is operating two rooming houses without licenses.

On January 29, 2010 Mr. Loos sent Mr. Macpherson a letter by Certified Main informing him that because neither the Building Department nor the Fire Department had been

contacted for reinspections his rooming house licenses had been revoked, and that the properties had to be vacated.

Mr. Loos continued that on March 1, 2010 he had received the request for an appeal hearing.

Chairman Benson questioned the time line. He asked why it had taken almost ten months for Mr. Macpherson to ask for an appeal.

Mr. Macpherson stated that he had not called for a reinspection. He said that he should have. Mr. Macpherson continued that he had completed almost all of the violations, but that he questioned the five violations listed in his appeal request. These five violations are:

1. Outside graspable handrails.
2. Dryer vent
3. Lighted EXIT sign
4. Crack in one pane of double-paned window in the kitchen
5. The request for a permit for windows that were previously installed

Chairman Benson asked Mr. Loos when the licenses had expired. He also asked if the five violations that Mr. Macpherson listed in his appeal letter were code violations.

Mr. Loos responded that the licenses had expired on June 30, 2009 and that the violations were code violations. He continued that the Building and Fire Departments start the inspection process early in the year so that owners have time to correct any violations that may be found by the June 30th deadline. Mr. Loos also said that because bringing the rooming houses up to code all at once would be very costly and time consuming, the Building Department is trying to slowly bring the rooming house up to code each year.

Chairman Benson explained to Mr. Macpherson that the Board could not hear an appeal on the violations because the time for an appeal had passed months ago. The issue that they could consider was the reinstatement of the rooming house licenses. After a lengthy discussion it was the consensus of the members of the Board and agreed to by Mr. Loos to give Mr. Macpherson until March 31, 2010 to make the final corrections and call for an inspection at both addresses. If, at that time, the inspections have not been conducted, the Rooming House Licenses will be permanently revoked.

Board members gave Mr. Macpherson different suggestions on economical ways to correct some of the violations.

Chairman Benson thanked Mr. Macpherson for coming. He closed by asking Mr. Macpherson to call Mr. Loos right away if there are any problems in the future. It is easier to grant a time extension than to reinstate a license.

Adoption of Previous Meeting Minutes

Mr. Dierman moved and Mr. Peterson seconded a motion to approve the minutes of the March 2, 2010 meeting as written. The vote was unanimous and the minutes were approved as written.

Other Business

Chairman Benson updated the Board on the outcome of his discussion with Scott Garman from Rebuilding Together regarding the problems at 93 Glenwood Street. Mr. Garman has been in contact with a group from Manchester Community College who are looking for a project to assist a veteran. Mr. Garman has an appointment to meet with Mr. Prowa on Thursday, March 11, 2010 to discuss what they plan to do to clean up the property. They are prepared to use as many dumpsters as are necessary to complete the clean up. If Mr. Prowa is unwilling to cooperate, Mr. Garman is going to tell him that this referral was made to Rebuilding Together because of a property maintenance complaint made to the Building Department.

Chairman Benson again reiterated the importance of meeting attendance. There are a few members of the Board who continuously miss meetings. Mr. Moring had called to say that because he works second shift he would not be able to make meetings. Mr. Topping asked if there was a “three strike” policy for meeting attendance. He continued that if there is, it should be enforced to ensure that members come to meetings. Mr. Benson explained that this policy is more difficult to enforce than it would appear.

Chairman Benson called for a motion to adjourn.

Mr. Dierman moved and Vice Chairman Peterson seconded a motion to adjourn. The vote was unanimous.

The appeal hearing adjourned at 8:15 p.m.

Respectfully submitted,

Deberah C. Bowen
Secretary