

**TOWN OF ELSMERE
BOARD OF ADJUSTMENT
MEETING MINUTES
July 24, 2018
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

CHAIRMAN	JAMES PERSONTI	PRESENT
BOARD MEMBER	JOHN ACTON	PRESENT
BOARD MEMBER	PATRICIA BOYD	PRESENT
BOARD MEMBER	RON RUSSO	ABSENT
BOARD MEMBER	JOHN SMITH	PRESENT

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Minutes from the May 22, 2018 Board of Adjustment meeting

ACTION: Board Member Boyd made a motion to approve the minutes from the May 22, 2018 Board of Adjustment meeting. The motion was seconded by Board Member Smith.

VOTE: 4 in favor and 1 absent Motion carried

Personti – Yes, Acton – Yes, Boyd – Yes, Russo –Absent, Smith – Abstain

OLD BUSINESS:

None

NEW BUSINESS:

Review Petition 18-09 Tax Parcel # 1900-500-270

Code Officer Faedtke read the summary analysis for Petition 18-09, including the following sections from the site analysis: The Request, The Statement of Fact, The Issues, and The Grant of the Petition.

The applicant, Mrs. Catherine Kane-Picciotti, explained that her elderly mother has been hospitalized and the applicant and her sister will be responsible for caring for her mother at their residences. For this reason, she needs additional living space and offered to provide documentation if it is required.

Board Member Boyd inquired about the additional 100 square feet that was noted in the recommendation from the Planning Commission.

Code Officer Faedtke stated that the original request included removal of 230 square feet of existing impervious surface. At the Planning Commission meeting, removal of additional 100 square feet was discussed, which would result in a net reduction but the property would continue to exceed the allowable lot coverage of 30%.

Town Manager John Giles stated that the one percent increase in lot coverage of the original application is not significant enough to be concerned about the 100 square feet and he would like to see the application remain at 230 square feet.

Board Member Smith asked about the plans for the space and whether it includes a bathroom. Mrs. Picciotti stated that her mother's worsening condition requires the additional space along with a handicap accessible bathroom.

Code Office Melissa Faedtke read an email that the code office received from a resident in support of the application.

ACTION: Board Member Smith made a motion to approve Petition 18-09 to grant the variances requested for lot coverage and rear setback and that it meets Section 225-9 of the Code of the Town of Elsmere for harmonious development. The motion was seconded by Board Member Boyd.

VOTE: 4 in favor and 1 absent Motion carried

Personti – Yes, Acton – Yes, Boyd – Yes, Russo –Absent, Smith – Yes

Chairman Personti announced that he was going to switch the order of the petitions on the agenda and hear Petition 18-16 next.

Review Petition 18-16 Tax Parcel # 1900-200-162

Code Officer Faedtke read the summary analysis for Petition 18-16, including the following sections from the site analysis: The Request, The Statement of Fact, The Issues, and The Grant of the Petition.

Town Manager Giles strongly urged the Board that any decision should be passed with the requirement that it is conditional on mayor and council approving the subdivision of the property.

Attorney Gary Bryde, Crossland Heinle & Bryde, LLC, spoke on behalf of the applicant and presented a set of documents to the board members that were subsequently marked as Exhibit 18-16N, consisting of 11 pages, and Exhibit 18-16O, consisting of 4 pages.

Mr. Bryde stated that the variances requested are prompted by the irregularly shaped lot and pointed out that the lot is substantially larger than all of the other lots that surround it in which most are town home lots. Mr. Bryde explained that in order for the lot to comply with the lot width, it is only three feet short of the requirement in the code.

Mr. Bryde stated that a letter was sent to each of the neighbors surrounding the property notifying them about the project and that he has not heard from anyone who has received a letter. He further stated that the applicant has agreed to use a pervious material for construction of the driveways.

Board Member Boyd noted the main issue is that the size of the lot is too small to build on. Chairman Personti asked about the agreement for a pervious driveway. Town Manager Giles recommended that it is included in any motion that the Board makes on the petition.

Josephine Kaminsky, 903 South Grant Avenue, stated that at one time there was a two-story farmhouse on the property. Her main concern with the project is that she does not like the look of the house and the back of the house is close to her neighbor's sidewalk. Town Manager Giles stated that the applicant must build only on his property and cannot build on anyone else's property.

Ms. Kaminsky mentioned the tree on the property and whether it will be removed. A discussion followed between Julian Pellegrini, Pelsa Company, and Ms. Kaminsky about the tree. Mr. Pellegrini stated that the tree was discussed at the Planning Commission meeting, that there are two trees that are substantial in size, and it will be costly to remove. Mr. Pellegrini further stated that the applicant has agreed to trim any branches that need to be trimmed back.

ACTION: Board Member Boyd made a motion to approve Petition 18-16 to grant the variances requested from Section 225 Attachment 3 of the town code for the setback and minimum lot width with the condition that the Mayor and Council approve the subdivision and provided that a pervious material is used for the driveway. The motion was seconded by Board Member Acton.

VOTE: 4 in favor and 1 absent Motion carried

Personti – Yes, Acton – Yes, Boyd – Yes, Russo –Absent, Smith – Yes

Review Petition 18-12 Tax Parcel # 1900-400-447

Town Manager Giles reminded Chairman Personti that there is a procedure for appeal hearings.

Chairman Personti asked for the opening statement from the appellant.

Appellant Victor Setting stated that he owns the property at 154 Linden Avenue and that he is back in front of the Board to find out what is going on with the property. He further stated that he thought he took care of this in February, so he is trying to figure out what needs to be done to get everything taken care of and that there are a few issues for this evening.

Mr. Setting asked the Board for a moment while he reviews his packet. Town Manager Giles stated that this is the appellant's opening statement and that it is not the time to present evidence yet, that they both will get that opportunity later in the hearing and it has to run in accordance with the procedure "Board of Adjustment Rules of Procedures for Appeal Hearings."

Mr. Setting stated that he has owned the property for about two and a half years and he has had a couple tenants in there. As stated last time, most of the complaints are coming from a few of the neighbors that do not like the type of the people living in the property.

A short discussion occurred between Town Manager Giles and Chairman Personti as to whether the appellant was making the proper statement and Mr. Setting asked whether he could continue.

Mr. Setting stated that most of the complaints are coming from the neighbors and in the February meeting they stated that they do not like the type of people that were living in the house and that most of the complaints are very minimal. Mr. Setting further stated that they were using that as the way to write citations on the property and as their form of complaining.

Town Manager Giles stated that the town intends to prove beyond any doubt that the appellant failed to comply with the town code concerning the rental of properties in the town and that this was a willful act on the applicant's part.

Town Manager Giles stated to Chairman Personti that the appellant has brought the case to the Board, so he has an opportunity to go first to present his case.

Mr. Setting stated that he wanted to start off with one that was supposed to be taken care of in the February meeting and referenced Exhibits 18-12S and 18-12T, which relate to Exhibit 18-12N for trash and debris. Mr. Setting explained that it appears that there are only a few small pieces of trash that could have easily blown in a storm and could have

come from anywhere, that it appears that it is stretching to look for any excuse to write a citation.

Mr. Setting then referenced Exhibit 18-12U for a violation of not having an inspection prior to a tenant change and stated that, based on the email referenced in 18-12AM through 18-12AO, opportunity was given for the town to conduct an inspection since he had to put new tenants in place when the town harassed the previous tenants to make them leave and so he had to find new tenants.

Mr. Setting explained that opportunity was given to the town to perform the inspection, and after two days of having that opportunity, the town decided not to reply back to him and he had to reach out to the town to get that answer. Mr. Setting continued that not only did they not take that opportunity, they also did not reply back until he attempted a second time to get the rental inspection done.

Mr. Setting continued by stating that as a result of that citation, the town then issued a \$1,000 citation, which is Exhibit 18-12B. Because the one that was appealed in February was not removed and due to the town not taking the opportunity to conduct a rental inspection prior to change of tenancy, a \$1,000 fine was also issued. Mr. Setting further stated that because a tenant needs to be notified when they can move in, he can't allow someone to be homeless who is trying to move into a house because the town has decided it's going to take its time.

Mr. Setting explained that to add to the background where its coming from, at the February meeting on the minutes, the town manager stated that aggressive enforcement is going to happen at the property and it can get very expensive, very quickly. Mr. Setting continued that there was a willful or deliberate attempt to go after the property, which was said at that meeting and so the arbitrary enforcement of the code for the perceived violations is another issue that needs to be addressed as well. Mr. Setting concluded his presentation and stated that was all.

Town Manager Giles asked the appellant if he was aware that the town code requires tight fitting lids. Mr. Setting answered that he was not and that he uses the ones that are issued.

Town Manager Giles referenced Exhibit 18-12S and asked how big of a snow storm was it as most of the yard appears to be clear. Mr. Setting responded that you do not need that much snow to cause wind and that wind causes the trash to blow, not the snow. Mr. Setting stated that he does not feel it is relevant how much snow fell.

Town Manager Giles asked the Board to direct the appellant to answer as it is not up to him to determine what is relevant.

A resident began to speak from the crowd. Chairman Personti told the resident that she could not speak during the proceeding.

Town Manager Giles repeated the question how much snow fell during this snow storm. Mr. Setting stated that he does not know.

Town Manager Giles asked why the appellant made application for a change of occupancy to the town. Mr. Setting replied that the town harassed his old tenants to move so he had to find new tenants to move them in.

Town Manager Giles stated that the appellant knew that he was required to have a permit and to have an inspection prior to letting anyone into the house. Mr. Setting replied that he already had a rental permit that expired at the end of this year.

Town Manager Giles asked him if he knew an inspection was required. Mr. Setting replied yes and that an opportunity was given to the town.

Town Manager Giles asked if he ever had other residents move into that property. Mr. Setting answered yes.

Town Manager Giles asked whether he ever had an inspection done prior to them moving into the property. Mr. Setting answered no.

Town Manager Giles stated that maybe step one is to get the paperwork straight and step two is to get the inspection. Mr. Setting stated that he already took care of that and, as he said in his previous statement, that it was opportunity that was given, that all the paperwork was handed in and the town decided not to respond back to him for two days after asking when the inspection would be. Mr. Setting further stated that he has to set dates with his tenants when they can move in and because the town wishes to take its time, that's not the way business is conducted.

Town Manager Giles asked the appellant that he had decided to let people move in to a property that had not had the proper inspection. Mr. Setting replied that it is his property, so yes.

Town Manager Giles asked whether he allowed a tenant to move into a property prior to a safety inspection being done and that the purpose of these inspections is for the good of the tenant. Mr. Setting replied yes.

Town Manager Giles asked the appellant if it is fair to say that he knew the safety inspection was required but he chose to move them in without having the inspection. Mr. Setting replied that he chose to move them into his property, yes.

Town Manager Giles stated that the appellant had said that the citations were issued out of some form of harassment by neighbors and by the town and asked whether this is based on his assumption. Mr. Setting replied that it was based on the meeting that

happened on February 27, 2018, that it was said during the public comment portion of the meeting and was a comment made by two neighbors.

Town Manager stated that he had no further cross examination questions.

Town Manager Giles stated that he will move on to the town's part and called Cynde Pfirrmann as a witness. Cynthia Pfirrmann introduced herself as the administrative assistant for the Code Enforcement Department.

Town Manager Giles asked whether she had been presented with an application from Mr. Setting for a change in occupancy for his property and asked for details about what happened. Mrs. Pfirrmann stated that Mr. Setting came into the Code Enforcement Department on 3/16/2018 and presented a number of documents to facilitate a pre-rental inspection.

Town Manager Giles asked whether he submitted everything that was required by the Code Office. Mrs. Pfirrmann stated that it was not complete and listed the items that were received:

- A rental license application that was signed on 3/16/2018, which is Exhibit 18-12Z in the packet.
- A residential lease signed by both the appellant and his tenant on 2/24/18 and to begin on 3/20/2018, which is Exhibit 18-12AB through 18-12AF.
- An email from the prospective tenant with a description of her vehicle, which is Exhibit 18-12AA.
- A pest inspection from Home Paramount, which is Exhibit 18-12AG.

Mrs. Pfirrmann further stated that the two items that were the issue were the email and the pest inspection.

Town Manager Giles asked why the email was questioned. Mrs. Pfirrmann stated that Chapter 182 of the town code requires that a copy of the vehicle registration is provided.

Town Manager Giles asked if Mr. Setting was aware of that. Mrs. Pfirrmann replied that she made him aware of it at the time of the visit.

Town Manager Giles asked if he had submitted it the previous times that the property was occupied. Mrs. Pfirrmann stated that she did not believe so and that it did not appear that he had previously submitted this.

Town Manager Giles asked about the pest inspection. Mrs. Pfirrmann stated that the date was not consistent with the rest of the document, she questioned it, and asked him for a corrected report from the pest company.

Town Manager Giles asked what was wrong with it. Mrs. Pfirrmann replied that it appeared to be a copy and not an original that the date was written over and referenced

Exhibit 18-12AG. Mrs. Pfirrmann further stated that it did not match the date in the upper area of the form.

Town Manager Giles asked what was done about this and whether Mr. Setting was notified. Mrs. Pfirrmann stated that while he was standing in front of her, as she reviewed his documents, that she notified him that the town would need a vehicle registration as well as a corrected pest inspection.

Town Manager Giles asked about his response. Mrs. Pfirrmann stated that he walked out.

Town Manager Giles asked if there ever came a time that she received all of the correct paperwork from Mr. Setting. Mrs. Pfirrmann replied that she has received a vehicle registration that was sent on 3/20/2018 by email and, in that same email, he also forwarded a termite inspection, which was dated 3/20/2018, but that does not satisfy our code.

Town Manager Giles asked what the code requires. Mrs. Pfirrmann stated that the code requires a general pest inspection that shows it is clear of insects and rodents. Either that or if we cannot get that certification from the pest company, then they also need to show how they are treating the issue if there is an issue present.

Town Manager Giles asked if there had been any further contact with Mr. Setting and further clarified by saying that Mr. Setting had stated that he had trouble contacting the town, that his calls had gone unanswered and asked if Mrs. Pfirrmann knew anything about that. Mrs. Pfirrmann stated that on the 20th of March she received an email from Mr. Setting with the vehicle registration card and a termite inspection. She stated that on the 22nd, after conferring with a couple of people to ensure that the code was being followed properly, she contacted Mr. Setting by email and explained what the town was looking for. Mrs. Pfirrmann referenced Exhibit 18-12AM for this communication.

Town Manager Giles asked whether Mrs. Pfirrmann knew if the appellant was aware that paperwork had to be submitted prior to an inspection being held and if it was mentioned in the email. Mrs. Pfirrmann stated that he was notified in the email referenced as Exhibit 18-12AM and read the content of the email.

Town Manager Giles asked whether based on that email that one would know that the inspection was not going to be scheduled until those items were completed. Mrs. Pfirrmann agreed.

Town Manager Giles stated to Chairman Personti that he had concluded his questions for this witness and that Mr. Setting could ask questions of the witness. Mr. Setting stated that he did not have any questions.

Town Manager Giles called Code Officer Scott Allen and asked about the residents of 154 Linden Avenue, that one of the charges is for a repeat public nuisance or a repeat

public offense and asked whether Code Officer Allen had issued the two prior notices. Code Officer Allen confirmed that he had issued two of the three citations.

Town Manager Giles asked Code Officer Allen to discuss those two violations. Code Officer Allen stated that the first one was issued on 7/07/2017 for high grass and weeds and that a copy of the citation was posted at the property and a copy was mailed to Mr. Setting as the registered owner of the property; that photos were obtained of the violation and provided in the packet; and the violation was corrected. Code Officer Allen continued to explain that the second violation was issued on 1/02/2018 for trash and debris in the rear yard, that a copy of the citation was posted at the property and a copy was mailed to the registered owner being Mr. Setting and photos have been provided in the packet.

Town Manager stated to Chairman Personti that he had no further questions for the witness, but he would be calling another witness and that Mr. Setting can cross-examine the witness.

Mr. Setting referenced Exhibit 18-12N and asked whether he had called Code Officer Allen about the citation for trash and debris. Code Officer Allen stated that he had not.

Mr. Setting asked Code Officer Allen that at no point did he call and Code Officer Allen stated that he did not.

Mr. Setting stated that he did in fact call about that citation and about a previous one as well and during that call asked what was going on and if that amount of items were considered rubbish and that Code Officer Allen proceeded to say yes to that.

Mr. Setting asked Code Officer Allen if he considered four pieces of trash to be rubbish in the backyard. Code Officer Allen responded that according to the IPMC book that the town follows, the International Property Maintenance Code, rubbish is defined and, yes, he does consider that to be rubbish. Mr. Setting stated that he had no further questions.

Town Manager Giles stated that he had one follow up question and asked Code Officer Allen that in the normal course of business as a code enforcement officer for the Town of Elsmere, when he speaks to residents concerning a violation, does he document that in any way. Code Officer Allen replied yes and stated that it is documented on a log that is kept and in Request Tracker is another means. Code Officer Allen explained that Request Tracker is an entry that is kept that is listed per property and any time they make any correspondence or re-visit the property or initially go out or anything of that nature, what was done and what happened on that day is entered.

Town Manager Giles asked if Code Officer Allen had any records in Request Tracker for speaking with Mr. Setting. Code Officer Allen stated that he did not. Town Manager Giles stated that he had no further questions.

Town Manager Giles called Code Officer Melissa Faedtke as the next witness. Town Manager Giles stated that Code Officer Faedtke is the primary code officer and asked what her involvement in the case entailed. Code Officer Faedtke stated that she issued the repeat public nuisance citation as well as the citation for failure to comply with the rental license that was issued to the property on 4/30/2018.

Town Manager Giles asked what is the town code that defines a repeat public nuisance. Code Officer Faedtke replied three or more citations within 12 months.

Town Manager Giles stated that based on what she had seen that this property fit that criteria and that she issued the summons. Code Officer Faedtke agreed and said that is correct.

Town Manager Giles asked if she had contact with Mr. Setting. Code Officer Faedtke stated that she had not. Town Manager Giles stated that he had no further questions.

Mr. Setting asked if she had issued the previous repeat public nuisance citation. Code Officer Faedtke confirmed that this was correct.

Mr. Setting asked if everything on that citation was written correctly. Code Officer Faedtke corrected her previous statement and said that she did not issue the previous citation and that it was not correct, that there was a typo on it in the last appeal submitted.

Mr. Setting stated that a reasonable person could probably assume that since you can make a mistake on a citation then the other code officer may not have recorded phone calls that did take place and asked if this was a reasonable assumption. Code Officer Faedtke stated that she cannot assume that.

Mr. Setting asked whether a reasonable person, generally speaking, if you make a mistake, can also make a mistake about a recorded phone call, about whether it happened or not. Code Officer Faedtke replied that yes, it could.

Town Manager Giles stated that he would like to re-direct and asked Code Officer Faedtke that she was referring to a mistake that happened some time ago, which she confirmed.

Town Manager Giles asked what the outcome was and what happened once she learned a mistake was made. Code Officer Faedtke stated that the public nuisance citation was waived.

Town Manager Giles asked if there were any mistakes on this citation. Code Officer Faedtke stated that there was not.

Town Manager Giles asked that while mistakes can be made, did she think that mistakes could be made if someone is calling repeatedly that you repeatedly have a problem with one person and not recording phone calls. Code Officer Faedtke answered no.

Mr. Setting stated that he never said he repeatedly called but that at least she admitted that it is a possibility and asked that, when those mistakes are made, whether they are corrected. Code Officer Faedtke stated that they are.

Chairman Personti noted that when that mistake was made that he recalls that the nuisance was dropped. Town Manager Giles stated that it was dropped before the Board. Code Officer Faedtke stated that the actual citation that was written leading up that repeat public nuisance citation was correct, that it was just the repeat public nuisance citation that had an error.

At this point, the board members asked questions.

Board Member Acton asked about the email in which a request was sent to Mr. Setting for the pest inspection and vehicle registration and whether it was followed up on or left as an open issue. Mrs. Pfirrmann stated that it was left as an open issue. Board Member Acton asked if it had been corrected yet. Mrs. Pfirrmann stated that it had not. Board Member Acton asked if it was known when the tenants moved in. Code Officer Faedtke stated that it was not known. Mrs. Pfirrmann stated that the town does not have an exact date.

Chairman Personti asked about the average turnaround time for an inspection once the request is received. Mrs. Pfirrmann stated that if all of the documents are received when the applicant comes in to the office, the inspection is scheduled right then and usually takes place within one business day.

Board Member Boyd made several observations and stated that in addition to the rubbish and trash in Exhibits 18-12S and 18-12T, she noticed additional items laying around such as a pile of folded up fence, old furniture, and other things laying around the backyard and that she believes that Code was right for citing him for trash. Board Member Boyd further noted that according to the email in Exhibit 18-12AM, Mr. Setting did not reply back to the town until May and should have moved quicker to comply with the town's requirement.

Mr. Setting replied that he believes it is the town's responsibility to serve its citizens and therefore it is the town's responsibility to reach out to him personally to serve him, that the town is not the dictators, that they serve the town's people. Mr. Setting further stated that the neighbors do not have the right to take away his rights and just because they do not like an item in the backyard, they do not have the right to tell his tenants that they cannot have that item in the backyard.

Chairman Personti called for closing arguments.

Mr. Setting stated that he also has public comment and asked when he could have public comment either before or after closing arguments. Chairman Personti stated that they needed his closing arguments. Mr. Setting asked if public comment would happen after that.

Mr. Setting stated that the reason he was unable to attend the June meeting to take care of the issue then, which he would have like to, is that he was on a deployment, that he has been in the military for five and a half years so constitutional rights are something that he takes to heart and private property rights is one of those rights. There are all kinds of other issues with what is going on but having the right to property is one of the biggest things here.

Mr. Setting further stated that you could cite multiple cases on private property issues all over the country and this is one of them that the supreme court is handling right now. There are cases before the supreme court right now such as *Timbs v. Indiana* that a town cannot be funded based on fines and fees like the Town of Elsmere is funded. 17% of the town's budget comes from fines, fees and tickets. The supreme court has ruled that is unconstitutional on multiple occasions. The majority of town's that have a population of 5,000 or more are funded at about 1% of fines, fees and tickets. When you look at the town's budget and when you look at U.S. Supreme Court cases that they have said this is a violation of the Eighth Amendment, so he advised the town to take into consideration the big picture and not specific cases and to think about what could happen to the town when you don't look at the big picture.

Town Manager Giles stated that as far as the town is concerned that the town has proven its case, not only by a preponderance of the evidence presented, but also that the town is the only one that has presented any evidence in this case. Also, the town has proven that the appellant knew what was expected, knew how he could get his inspection, knew what was needed and where to send it and just chose not to do it. Town Manager Giles further stated that this is not a debate on public policy, that this is a hearing for not following the town's code that every single person in this town has to follow and he believes that the town has proven its case beyond any reasonable doubt.

Town Manager Giles indicated to Chairman Personti that the Board should now discuss it and make a decision. Mr. Setting asked whether there would be public comment. Chairman Personti stated not during the deliberation. Mr. Setting asked why there would not be public comment. Town Manager Giles said they could not speak during the hearing. Mr. Setting asked whether he cared about what the residents of the town have to say.

Chairman Personti made a comment and stated that there are codes of the town, which were violated and pointed out that the appellant is in the military and orders in the military must be followed. Mr. Setting replied unless it is an illegal order. Chairman Personti replied that the codes of the town were not followed and that you can't rent a house before it is inspected.

ACTION: Board Member Smith made a motion to deny Petition 18-12. The motion was seconded by Board Member Boyd.

VOTE: 4 in favor and 1 absent Motion carried
Personti – Yes, Acton – Yes, Boyd – Yes, Russo – Absent, Smith – Yes

The board members gave the following reasons for their votes:

- Board Member Boyd stated that she voted to deny the appeal because it is obvious from the evidence presented that the codes were violated and were violated numerous times.
- Board Member Smith stated that he voted against the appeal because he did not follow the codes.
- Board Member Acton stated that he voted against the appeal because it is not a lack of knowledge but a willful non-compliance with the requirements.
- Chairman Personti stated that he voted against the appeal because the codes were not followed.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

Karen Setting, 13 Spruce Avenue, stated that she has lived in Elsmere for 30 years and has seen issues throughout Elsmere and asked whether codes were followed when there was the explosive devices across the highway and whether those houses were checked. Mrs. Setting further stated that the town has been focused on one house for a while.

Town Manager Giles replied that the house with the explosive is not a rental and is not subject to inspection.

Mrs. Setting made further comments and a short, heated discussion followed between Mrs. Setting and Town Manager Giles.

Chairman Personti ended the discussion and called for any further public comment.

Mr. Robert Andruzzi, 207 Linden Avenue, made a statement that he does not like 15 people coming into a house at all hours of the day and asked Mr. Setting about the grass cutting. Mr. Andruzzi clarified that he has no problem with the current tenants and that the issues were with the previous tenant.

Marian Goslin, 150 Linden Avenue, stated that she is not one of the people that called Code Enforcement but she can attest that the grass was about a foot tall and that it has

been taken care of. She also stated that the previous tenants did not do the property owner any favors by living in the house and that the new people are very nice people. Mrs. Goslin agreed that the property owner has an obligation to abide by the town codes and that he violated those codes.

ADJOURNMENT:

ACTION: A motion was made by Board Member Smith to adjourn. The motion was seconded by Board Member Boyd.

VOTE: 4 in favor and 1 absent Motion carried
Personti – Yes, Acton – Yes, Boyd – Yes, Russo –Absent, Smith – Yes

These minutes summarize the agenda items and other issues discussed at the July 24, 2018 Board of Adjustment meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

JAMES PERSONTI, CHAIRMAN

PATTY BOYD, SECRETARY