

COMMON COUNCIL

Special Meeting
June 4, 2019

Council President presided at a special meeting of the Common Council held at 6:30 PM on June 4, 2019, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Christine Carnrike
Ald. Matthew Caldwell
Ald. Brian Doliver
Ald. Linda Kays-Biviano
Ald. David Zieno
Ald. Robert D. Jeffrey

Also:

Director of Finance/City Clerk Dee DuFour
DPW Superintendent Edward Pepe
Youth Bureau Director Robert Mason
Fire Chief Jan Papelino
Police Chief Rodney Marsh
EMO A Jones
City Attorney Steve Natoli

Media Representative: Zach Meseck

Absent

Ald. John Deierlein
Supervisor Robert M. Jeffrey
Supervisor James McNeil

Call to Order

The special meeting of the Common Council was called to order by Ald. Caldwell at 6:30 p.m.

Ald. Caldwell outlined the procedure for the hearing to be held in regard to code violations at 125-127 East Main St. owned by Norwich Studios, LLC. The hearing is held to discuss only the Code Violations at the property in question. We will first hear from the Code Enforcement Officer the reason for her finding, and then the property owner(s) may make their response. The Council may then ask questions of the parties involved and hear any further comments. After the hearings have been closed, no further comments may be received and the Council will deliberate and then render their decision, which shall be announced by the President of the Common Council. There were no questions.

Ald. Caldwell opened the hearing on the code violations at 125-127 East Main St. owned by Norwich Studios, LLC represented at the hearing by Michael and Dan O'Reilly.

Code Enforcement Officer Amy Donnison stated that the Council has been given a copy of the violation letter which include the sections of Code found to be in violation, that was sent to the property owners at 125-127 East Main St. Also, given is documentation supporting the violations found including an email from the property owner of work done by the initial electrician, Barnes Electric, as well as a letter from Barnes Electric with the same information and a letter from Blanding Electric stating the work they performed. A. Donnison pointed out the gap between the two. Also included is the Electrical Certificate listing Barnes Electric, Blanding Electric and Owners as the Electricians of record. The work done is not a repair. Ald. Caldwell asked if it was common that the owner of a property be listed as an Electrician. Donnison replied no, only if you did the work. She stated that the inspector has a current list of licensed Electricians. Ald. Caldwell asked if the inspector would have known that the owners are not licensed Electricians? Donnison said that is correct. Ald. Caldwell asked if the City accepted the certificate as sufficient? Donnison said she accepted that an inspection was done and was passed even though it took a couple of certificates to get to that. A temporary Certificate of Occupancy has been issued based on some of the units, not the entire structure. She stated there are a couple ways to remedy this. One is that the Council overturn her findings if they disagree with her interpretation of the Code. The other is if the owners can find a licensed Electrician that will go through all the items done by the owners and take ownership of the job.

Ald. Caldwell asked if another electrical inspection would be needed for the permanent CO or if the electrical is done at this point. A. Donnison stated that only if the Council overturns her position. If not, another electrician will need to be found to take ownership of the work.

Ald. Caldwell invited the property owners to respond. Michael O'Reilly stated that they did what the City asked regarding a licensed plumber and electrician. They had disputes over fees resulting in the Electrician leaving. We installed 6 light fixtures. A new Electrician came in for a 5 day period and picked up where they left off and worked with him while he was there stating that they worked under his license in the same way that Rich (Barnes') sons work under him. He said A. Donnison reached out to Blanding Electric and asked for clarification on what was installed. She came back to the owners and said someone needs to sign off on the rest of the work. He said he was not going to put Blanding in that position because he had heard rumblings that if Blanding did that his license would be suspended. He spent \$40,000 in split systems and he (O'Reilly) hooked them up from the disconnect, into the unit and terminated it. He disagrees with A. Donnison's definition of "repair". If the rules didn't exist, he would have done all the plumbing and electrical himself and would have saved \$100,000.

Dan O'Reilly stated that they have photos of circuits hanging out of the ceiling and the Exit signs in the back are on existing boxes. They had talked to Blanding Electric to see if they would sign off on this, to which he said yes. They decided against it after having heard from individuals on the Boards who stated they would be looking into Blanding's license due to past actions that had been taken against Blanding Electric by the Electric Board.

Ald. Caldwell asked if their stance is that they were doing work that fell under the word "repair" and Mr. O'Reilly answered yes. O'Reilly went on to say the definition of repair is not defined in the City Code, therefore they went to the State definition and that is where it has "snowballed" from there. He looked at "other Codes from 10 other municipalities; some define it, saying no renovations, no adjustments, more or less the owner cannot touch anything." Other municipalities allow the owner to do anything.

Ald. Jeffrey asked if he would disclose how much has been spent on electrical work to which O'Reilly responded \$70,000.

Ald. Jeffrey asked A. Donnison if the reason for the violation is that the owners are listed as doing some of the work to which she replied that, yes, that is part of it. The other part is that during the gap between Electricians, work was done that neither Electrician has done and will not take ownership of. Ald. Jeffrey asked if there was "danger to life and property" as the violation letter states? A. Donnison said that based on the Code she would have to say yes based on the Code, even though the Electrical Certificate says they passed. Ald. Jeffrey asked if the building was safe based on the inspection and Donnison said she would not disagree with that. The violation is issued because the Code says work must be done by a licensed Electrician and there was work done by the owners who are not licensed Electricians.

Ald. Caldwell stated that no further comments will be heard. Ald. Caldwell **moved** to enter executive session at 6:47 p.m. Seconded by Ald. Zieno, approved ayes all.

Executive Session entered due to proposed litigation as advised by City Attorney.

Minutes of Executive Session:

Present in Executive Session were: Alderman Caldwell, Alderman Doliver, Alderwoman Kays-Biviano, Alderman Zieno, Alderman Jeffrey, City Attorney Natoli and Mayor Carnrike.

Alderman Deierlein was absent from meeting and executive session.

After discussion, a vote was taken, with Alderman Caldwell, Alderman Zieno, Alderwoman Kays-Biviano and Alderman Jeffrey voting in favor of overturning the violation. Alderman Doliver voted against overturning the violation.

Executive Session was exited (at 6:52 p.m.) with a motion (by Ald. Caldwell) and seconded (by Ald. Zieno), ayes all and hearing reconvened with Alderman Caldwell announcing Council decision to overturn the violation.

Respectfully submitted,

Christine Carnrike
Mayor

Ald. Caldwell stated that the Common Council, acting as the Board of Appeals, has decided to overturn the violation. There is no charge and a formal letter will be issued to the property owner.

Ald. Caldwell closed the hearing at 7:05 p.m.

Adjournment

Ald. Doliver **moved** to adjourn at 7:05 p.m. Seconded by Ald. Kays-Biviano, approved ayes all.