

ANTI-BLIGHT COMMITTEE
Hearing Minutes
Part 1
10 Rugby Street
September 23, 2014

Members

Thomas Mills - present
Robert Figueroa - present
Franklin Melzer, Esq. - present
Carl Franzetti - present
Patricia Parry - present

Staff

Paul Zeiss – present
James Lunney - present
Carrie Dinella - present

Special Counsel

Vincent Freccia, Esq. - present

Atty Thomas Cassone and client
Other Attendees – see attached
Court Reporter

1. Call To order

Mr. Mills called the meeting to order at 6:00 PM, after the hearing location was moved to Special Room to accommodate the general public.

After some discussion, it was discovered that the attorneys had agreed in advance to Atty Minor presenting the City's case tonight and Atty Cassone presenting his client's case at a hearing continuance at a future date. Chairman Mills, and all of the members of the Anti-Blight Committee were unaware of this arrangement. Ms. Parry opined that the Committee should have been involved in this discussion and Mr. Franzetti wanted it noted on the record that all meeting dates and times must be vetted by the Chair of the AB Committee.

The matter being heard is the blighting of property at 10 Rugby Street (a contractor's yard), the site of a material transfer site, with ongoing crushing and manufacture of product in the South End. There have been multiple complaints from neighbors about noise, dust, vibrations, difficult living conditions for neighbors who live in the adjacent residential zone, piles of debris, to coming and going of trucks early and late in the day 6-7 days of the week, and a question of the legality of the business at this address.

Attny Minor handed out a topographical map of the area and explained that this matter was initially brought up as a blighted property under the past ABO, Barbara Yantorno. The case did go to court and an order issued. Attny Cassone filed an appeal on behalf of the owner and after this the matter came back to the ABO to address.

Paul Zeiss, the ABO presented his findings. He had a level 1 hearing with the owner and his attorney on August 13, 2014. Pictures of the property and his letter to the property owner were submitted. A document with a detailed summary of all testimony will be provided by the court reporter after the conclusion of the hearing. Atty Minor handed out copies of his summary of the case that included the Judge's findings from the court case. Under questioning by Atty Cassone, Mr. Zeiss admitted that he did not write the letter sent to the property owner, but he did review and sign it. Included in Mr. Zeiss's assessment was the damaged sidewalk, and large piles, as high as the building on the property, of construction material of black top, cement, dirt and miscellaneous debris, and water run-off in the street. Mr. Mills asked if there was any erosion control, and the response was no. The ABO feels that the operations are the cause of the blight conditions.

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Mr. Lunney, Chief Zoning Officer for the City, answered questions about the historical issues of dust, noise, crushing, vibration, and the piles of debris/material on the property. He also provided pictures and video. When asked, he stated he had seen dust, felt and seen vibration, and heard the noise. There are several large machines that often work in concert with each other as well as trucks dumping new material, and mover moving the piles on the property. Each of these machines is loud, and when they operate at the same time, the decibel would be increased. Mr. Lunney explained that there is no crushing allowed in the City except by special permit and said permit would be for operations on own property where construction material could be crushed and re-used on same property. He issued an order to the owner on 7/28/10.

Chairman Mills asked if it would be possible to get the decibel levels of the different machines and property owner agreed to get some information for the committee.

Ms. irene Tolgo, a neighbor living at 38 Harbor Dr. presented her concerns and pictures to the committee. She did attend a meeting for neighbors on March 20, 2014 with Rick redness where a discussion was held on the possibility of requesting the City to amend Zoning Regulations to allow for the work of the business at this site to be done inside. There was no agreement amongst the neighbors and the matter was dropped. She stated that sometimes trucks dump material at the site on Sundays at 4 AM and on occasions work does on under lights at night.

At 8PM a motion was made by Mr. Franzetti to adjourn; seconded and all in favor. Continuance will be on 9/30/14 at 6 PM.

Respectfully submitted,


Patricia Parry
Secretary