

**ANTI-BLIGHT COMMITTEE  
Meeting Minutes**

September 26, 2013

**Members**

Thomas Mills - present  
Milton C. Thomas, Esq. - present  
Franklin Melzer, Esq. - present  
Carl Franzetti - present  
Patricia Parry - present

**Staff**

Paul Zeiss - present  
  
Special Counsel  
Vincent J Freccia III, Esq. - present

Guest – see attendance

**1. Call To order**

Mr. Mills called the meeting to order at 4:15 PM. Draft minutes from 10/24/12, 3/26/13 and 8/15/13 were reviewed. It was noted that Mr. Thomas was the late arrival at the 3/26/13 meeting and with that one correction, the minutes were approved.

**2. Collection and Enforcement**

Attorney Freccia reviewed the list of anti-blight properties, dated 9/26/13. Updates included:

484 High Ridge Road – property was closed on.

172 Vine Rd – there was a quit claim of ¼ ownership from the wife to the husband owners and the husband is in Chapter 13 proceedings so the action is currently stayed.

19 Bridle Path – a settlement was reached for \$1000. Payment has not been received.

1086 Long Ridge Rd – a settlement of \$1000 was reached. Payment just received.

12 W Haviland – due to a tax foreclosure, not action yet initiated by City.

**3. Presentation of Properties by Anti-Blight Officer**

a) 158 Davenport Dr. – The property owner appeared at the last meeting and assured the committee that he would abate the property, pay his outstanding bills with the City and pull permits for work needed. The ABO reported that some clean-up has happened but it seems stalled and no permits have been pulled. Apparently there is a WPCA bill that has not yet been settled. Motion to certify the property as blighted made by Mr. Franklin and 2<sup>nd</sup> by Ms. Parry; Motion carried unanimously.

A change of order was made since Attorney Minor, representing the City's actions against the owners of the next three properties had not arrived.

Old Business – The matter of secretarial/administrative help was raised. Mr. Freccia reported that he was told by the legal department that the position may need to be posted by HR. The last person who filled this role was a union member and although that was a number of years back, it has not yet been determined if the part-time position can be filled in some other manner. Legal is consulting with HR but no estimated date for this determination was provided. Mr Franzetti said he felt this was unacceptable. The committee began asking about this position at its in March 2013 meeting and we should have had this answer by now. Ms. Parry concurred with this position. Just today, another 4 documents were sent electronically, related to this hearing. Many of the committee members were not able to print and review the documents. There is a need to have packets ready and provided to the committee members in advance of the meetings. The ABO was asked about his workload and he reported that he is paid a

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stipend as the ABO but that the work has to be done outside of his full time position in the Housing department. He has to visit properties, send letters for level 1 hearings and meet with property owners outside the hours of his day position. Ms. Parry made a motion that the AB committee send a written letter to Mr. Capalbo and Hibson, about the need for clerical support. The monies to pay for the position are available as the fines that are collected are only allowed to be used for the work of the committee. Mr. Franzetti 2<sup>nd</sup>; and motion unanimously approved.

Mr. Freccia reminded the committee that with the pending election, the committee may not be able to meet with changes in membership mandated by the City's charter. The members from the Fire and Police Commission and the BOR have to be appointed and may change. The committee decided to schedule their next meeting for November 6, 2013 at 6PM, as this may be the last one until new appointments are made.

Old Business was closed and the committee took a break while waiting for the arrival of Mr. Minor.

The meeting was called to order when Attorney Minor arrived.

b) 1051 East Main Street – Mr. Minor was asked about the address of the property as it has been referred to as 1051 and 1055. He explained that the property is listed as 1047 – 1055 and includes 1051. This property is the location of a Massage Parlor known as Swedish Health Spa and is before the AB committee because of its conditions that puts others at risk and violate city ordinances. The landlord has received cease and desist letters from the HD both in 2008 and 2013. The Health Commission recently denied an appeal brought after an inspection in February that resulted in a list of health and building code violations and arrests for criminal activity. In 2008, an order was issued by housing court that has yet to be complied with. In August, a letter was sent by the ABO about the need to address the issues of crime, and health and housing code violations. Attorney Jim Minor presented the matters that bring this matter to the Anti-Blight Committee. Issues date back to 2004, when the Health Department began their notices of health and housing code violation. The landlords have opined this position that they are not responsible for the business that takes place in their building. Much documentation was reviewed including, the letters of the Director of Health with the code violations listed, police reports, complaints to the police department, and letters citing fire code violations. Mr. Franklin asked about the basis for blighting this property and Mr. Freccia read the statute (Sec 91-1) that included health issues, code violations from building and health when corrections have not taken place, criminal activity, fire hazards, and complaints from neighbors about interference with enjoyment of the surrounding area. The property is owned by Flore Capparelle, who was arrested a week ago by housing court, for non-compliance with cease and desist orders from 2008 and 2013. Mrs Capparelle is represented here at this hearing by her son, . Mr. Capparelle, reported that he manages the property for his mother and his mother would like to resolve the issues. There was a lease but the lease has been violated and legal counsel was retained to obtain an eviction notice, which he just received. The paperwork was reviewed by Mr. Freccia and it was verified that there was a judgement in favor of the owner in housing court and in 5 days, the eviction can be issued. If the property is certified as blighted and the conditions that resulted in this action are corrected within 15 days, then the matter will be considered resolved. Ms. Parry moved to certify the property as blighted; Mr. Franzetti 2<sup>nd</sup>. Mr Milton

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abstained due to working with a member of the legal office used by the Capparelle's. The motion carried 4-1.

Mr. Minor informed the committee that the City would like the property owner to enter an agreement that no unpermitted/unlicensed massage establishments will be allowed to rent the property and that such be entered into the land records; that the landlords enter into an agreement of compensate the City for the years of work to remediate this establishment, and they would like to be given authority to set fines. All committee members agreed that these conditions are outside the preview of the Anti-Blight Committee.

At 7:34 PM Mr Franzetti left the meeting.

c) 985 E. Main Street – this property is also a Massage Parlor known as Palm Tree Salon and Mr. Minor presented much documentation about letters from the HD citing health and housing code violations and ordering a cease and desist. The Health Commission recently denied an appeal brought after an inspection in February that resulted in a list of health and building code violations and arrests for criminal activity. Attorney Jim Minor presented the matters that bring this matter to the Anti-Blight Committee. A letter was sent in August from the ABO with no response. Attorney Katz and the property owner were present and Mr. Kailas expressed his upsettedness with his recent arrest. He reports that he has never done anything wrong and this action has devastated him. Mr. Katz reported that an appeal was heard at the state level in 2008 and that the state found in favor of Mr. Kailas. However, he also reported that Mr. Lailas has not collected rent in 4 months and started eviction proceedings about a month ago. The return date on the matter is today – allowing them to proceed with the eviction in 10 days. It was noted that this is a tight timeline to resolve a determination of blight if such certification were made as any unexpected delay would mean that the 15 day period to correct this conditions might be exceeded. M. Thomas made a motion to table the matter until November; 2<sup>nd</sup> by Mr. Franklin. Motion carried unanimously.

d) 197 W main Street – business known as Palm Tree (Four Seasons Spa). Mr. Minor presented many documents as evidence of the conditions of health and housing code violations as well as criminal activity. The order of the health Department was submitted as well as police reports. Sue Sgouris informed the committee that she and her husband manage the property for her parents who live currently in Florida and who both have had health problems recently. No arrest has been made due to their being out of state. Mr. Katz, also present, represents the tenants and with his intervention, the tenants have vacated to rental property. Sue Sgouris reported that she recently started eviction proceedings and gave some documents to Mr. Freccia to review. Mr. Franklin expressed his opinion that the matter might be tabled to allow eviction to take place, resolving the blight issue. Since the action was only initiated recently, tabling it until November would give them time to resolve the matter. Mr. Thomas then noted that he and Mr. Freccia noted errors on the paperwork that will, in their opinion, kick the matter out of court. They both concurred that all of the paperwork will have to be re-done and the process started all over again. Because the action of evicting the tenant is not already established, there is nothing that assures the committee that this will be done. Mr. Thomas moved that the property be certified as blighted; 2<sup>nd</sup> by Ms. Parry. Mr Franklin opposed and the motion carried 3 -1.

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**There being no further business, a motion to adjourn was made, 2<sup>nd</sup> and carried unanimously.**

**Respectfully submitted,**

**Patricia Parry  
Secretary**