



City of Middletown  
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### **Minutes**

Regular Meeting of February 9, 2023  
Code Enforcement Committee

**Committee Members Present:** Art Higgins, Fire Marshal; Kevin Elak, Director of Health; Dean Lisitano, Chief Building Official; Christopher Holden, Director of Public Works; James Mastroianni, Fire Marshal; Thomas Hazel, Zoning Enforcement Officer; Lieutenant Nick Puorro; and Christopher Forte, Assistant General Counsel.

**Members of the Public:** Brig Smith, 22 Wall Street.

1) **Call to Order**

Assistant General Counsel Forte called the meeting to order at 9:01 a.m.

2. **Approval of Minutes**

A. Review and approval of the minutes of the January 26, 2023, regular meeting.

**MOTION:** Fire Marshal Higgins made a motion to approve the January 26, 2023 minutes. Fire Marshal Mastroianni seconded the motion. Motion passed unanimously at 9:02 am.

3. **Public Session.** Brig Smith spoke asking for an update on 23 Silver Street. ZEO Hazel informed the Committee that the owner has been cleaning out the property and making progress. AGC Forte stated that the appeal period for the Notice of Failure to Pay Fines has expired and the City will be moving forward with the Citation Hearing Officer.

4. **New Business**

A. **Mayor's Office.**

1) Update from the Mayor's Office. Absent. No updates.

B. **Public Works.**

1) Update from the Public Works Department. No updates.

**C. Health Department.**

- 1) Update from the Health Department. 30 Dennison Road. Public Works issued a bulk waste notice. Health Department sent a legal order on January 27 giving the owner until February 8 to comply. Compliance has not been achieved and the initiation of clean-and-lien procedures has been requested.

**MOTION:** Director made a motion to refer this case to the Office of the General Counsel to commence clean-and-lien procedures to remove the bulky waste from the property. ZEO Hazel seconded the motion. Motion passed unanimously at 9:08 am.

**D. Department of Land Use.**

- 1) Update from the Department of Land Use. 2 Hillside Court. Owner is scrapping metal on the property. Notice of Failure to Pay Fines issued and will expire this month. Will refer to Office of the General Counsel to send to the Citation Hearing Officer.

**E. Building Department.**

- 1) Update from the Building Department. No updates.

**F. Police Department.**

- 1) Update from the Police Department. No updates.

**G. City Fire.**

- 1) Update from City Fire. Absent. No updates.

**H. South Fire District.**

- 1) Update from South Fire District. No updates.

**I. Westfield Fire District.**

- 1) Update from the Westfield Fire District. No updates.

**J. Office of the General Counsel.**

- 1) Update from the Office of the General Counsel.

**5. Old Business**

**A. Department of Health**

- 1) 460 Main Street: Health Department will inspect to determine whether any additional enforcement steps needs to be taken.
- 2) 444 & 465 Middlefield Street: Letter was received from neighbors claiming that people living unlawfully at the premises, illegal dumping in the river. Police inspected and found there were no noise complaints

made on the property, and there were no issues at all hours of the day when they inspected. Health department has reached out to the state to inquire about the testing of wells and was informed it was about \$400 per test. Health and Water & Sewer met regarding potential contamination and determined that only 8 houses would be at risk if there was dumping on the site. Health has reached out to property owners and 5 have responded, so will work with the City to get their wells tested.

**B. Department of Land Use.**

- 1) 23 Silver Street: See discussion above during Public Session.
- 2) 542-544 Main Street: Reports of broken windows on the property. ZEO sent a Notice to the property owner, and will inspect and follow up.
- 3) 35 Clinton Avenue: Fire Marshal inspected the property and found an illegal unit in the garage with a full kitchen and a tenant living on site. ZEO issued a cease and desist and will re-inspect. Will continue to monitor.

**C. Building Department**

- 1) 248 Williams Street (Forest City Cleaner): Structure is unsafe and people are entering the property. Building wants to board up the property. AGC Forte will send ownership information to Chief Building Official Lisitano who will attempt to get the owner to board up the property to make it safe. Will continue to monitor.
- 2) 699 Country Club Road: Reports of a structure being added to the garage illegally. ZEO has stated it does not violate zoning. Health Department stated it does not interfere with septic system. Building will follow up on enforcement of permits.

**D. Police Department**

- 1) 695 South Main Street: Hookah lounge is re-opening under new ownership. Police has reached out to the new owner, who seems to be cooperating to address the issues experienced by the City and neighbors from this establishment under the former owners. Will continue to monitor.

**6. Office of the General Counsel.**

- 1) 20 White Road: Garbage and refuse located on the property. Referred to Citation Hearing Officer for judgment.

## **Adjournment**

**MOTION:** Chief Building Official Lisitano made a motion to adjourn. Fire Marshal Mastroianni seconded the motion. Motion passed unanimously at 9:21 am.

The Committee adjourned at 9:21 a.m.

cc: Hon. Benjamin Florsheim, Mayor  
Code Enforcement Committee Members  
OGC Personnel