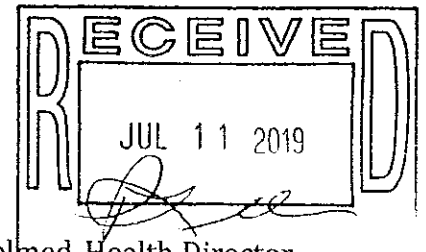


**HOUSING CODE BOARD OF APPEALS
SPECIAL MEETING MINUTES
July 9, 2019**



Present: Amanda Herzog, Raymond Sajdak-Fire Marshal, Russell Melmed-Health Director

Absent:

Others Present: Susan Bransfield-First Selectwoman; Lincoln White-Building Official,
Houston McInvale, Attny. Barry Pontolillo

1. FIRST SELECTWOMAN CALL SPECIAL MEETING TO ORDER

First Selectwoman Susan Bransfield called the meeting to order at 6:15 p.m. in the First Floor Conference Room at the Town Hall, located at 33 East Main Street, Portland, Connecticut.

2. INTRODUCTION OF MEMBERS AND DESIGNATION OF CHAIRMAN

The members introduced themselves.

In accordance with Portland Code of Ordinance Chapter 10, Article XI, Section 10-245: *"The chairman of the board shall be one of the appointees."* Therefore, Ms. Herzog was designated as the HCBA chairman.

3. Appeal Hearing: 144 Airline Avenue, Portland, CT. Application and property of Houston McInvale. Assessor's Map 11 Lot 26.

The following evidence was listed into record:

- a) Request for Modification of the State Building Code dated May 21, 2019
- b) Notice of Violation dated May 7, 2019
- c) Portland Code of Ordinance Chapter 10, Article XI Hearings and Appeals
- d) Response from the Office of the State Building Inspector

Mr. White reviewed the circumstances whereby he discovered the violation that the ceilings of the dwelling were only 6'-5" in height much lower than anything allowed by known codes.

Mr. McInvale's attorney; Barry Pontolillo, contended that the Building Code was not retroactive and that it could not be applied to the existing structure as presented by the Town and further that the Housing code did not separate owner occupied from rentals.

Mr. White handed out the State's response indicating that this was a Housing Code violation notice, not under the jurisdiction of the State Building Code.

Mr. White read the Housing Code Sec. 10-1. Purpose, outlining that it applies to all dwellings now in existence or here after constructed. Sec.10- 2, ...that the intent is to eliminate unsafe housing stock.

Russell Melmed pointed out that the code was to ensure life safety for occupants owners or otherwise and that the Board had the ability to grant variances if it so deemed.

A Q&A session between Mr. McInvale, the Board, Lincoln White, and Susan Bransfield commenced.

Amanda Hertzog asked if there were any pictures of the property, and how long had it been rented. Answer: about 7 years.

Houston McInvale said there are pictures but, not on hand.

Raymond Sajdak stated that there was a lot to process and to keep the various codes and jurisdictions straight he asked that the hearing be tabled to allow time for members to digest the material and options.

5. SET MEETING DATES FOR CALENDAR YEAR 2019 - NOT DONE

In accordance with Portland Code of Ordinance Chapter 10, Article XI, Section 10-245: *"The board shall adopt rules for its procedure and meet every six months..."*

The next meeting is scheduled for July 16th, 2019.

6. ADJOURNMENT

There being no further business, there was a motion to adjourn the meeting by Raymond Sajdak, seconded by Russell Melmed. Vote unanimous. The meeting adjourned at 6:52 PM.

Respectfully submitted,



Lincoln White, Building Official