

HOW TO USE THE BOARD OF HOUSING APPEALS MINUTES ARCHIVE

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City of Kenosha
Department of Neighborhood Services and Inspections
625 52nd Street, Room 100, Kenosha, WI 53140
Phone: 262.653.4263, Fax: 262.653.4254

MINUTES BOARD OF HOUSING APPEALS May 19, 2010

MEMBERS PRESENT: Eric Belongia, Lawrence Cappozzo, Donna Cook,
Mitch Engen, Barbara Mouzes, and Frank Parise

OTHERS PRESENT: Jim Schultz

The meeting was called to order at 4:03 p.m. by Chairman Larry Cappozzo; the roll was called.

ITEM #1 - Approval of Minutes of May 20, 2009

A motion was made by Larry Cappozzo and seconded by Barbara Mouzes, to approve the minutes of May 20, 2009; the motion carried unanimously.

ITEM #2 – Board Member Recognition

On behalf of the Mayor and City of Kenosha, Mitch Engen had a Certificate of Recognition to present to Phil Wade for his years of service from August 15, 2005, to May 19, 2010 on the Board of Housing Appeals; however, Phil Wade was absent from the meeting.

ITEM #3 - Introduction of New Board Members

Mr. Engen introduced Eric Belongia and Frank Parise, two new Board members. Larry Cappozzo, as well as the other Board members, welcomed them.

ITEM #4 – Election of Officers

The floor was opened to nominations for chairman. Donna Cook nominated Larry Cappozzo for chairman; Barbara Mouzes seconded the nomination. There being no further nominations, Larry Cappozzo was unanimously elected as chairman.

The floor was opened to nominations for vice-chairman. Donna Cook nominated Barbara Mouzes; Eric Belongia seconded the nomination. There being no further nominations, Barbara Mouzes was unanimously elected as vice chairman.

ITEM #5 - 2009 Annual Report

Jim Schultz, Director of Neighborhood Services and Inspections (NS&I), reviewed the figures from the department's 2009 Annual Report and spoke about the different divisions (Zoning, Building, and Property Maintenance) within the department. He explained that the services, such as housing complaints, grass and weed complaints, targeted inspections, and occupancy inspections, etc., that the Property Maintenance Division provides are more directly related to the BOHA committee. Mr. Schultz also added that part of the reason the BOHA committee is not more active with appeals is because of the hard work conducted on behalf of the inspectors.

Mr. Schultz also informed the board that NS&I handles board-ups on foreclosure properties and approximately three to five raze orders are issued each year.

Information regarding snow removal, inspections of vacant properties, and special assessments was discussed.

ITEM #6 – Update and Review Board Manuals

Eric Belongia and Frank Parise received BOHA manuals. Other members were asked by Mr. Engen to replace Section C (BOHA Members) and Section E (Chapter XVI, Property Maintenance Code, 2010 Code of General Ordinances).

Mr. Engen gave an overview of Section E, stating that NS&I gives fifteen (15) days to property owners that have received an *Order to Repair* to comply; five days for compliance for grass cutting. If a property owner has begun the work, the inspector can grant a thirty-day extension.

He then spoke about Section A (Board of Housing Appeals Overview) and how a person may appeal an *Order to Repair* issued by the Code Official.

ITEM #7 - Public Comments

There were no public comments.

ITEM #8 - Any Other Business as Authorized by Law

Frank Parise made a motion to adjourn the meeting at 4:34 p.m., Donna Cook seconded the motion. The motion carried unanimously.

Mitchell J. Engen
Board of Housing Appeals



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Department of Neighborhood Services and Inspections
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MINUTES
BOARD OF HOUSING APPEALS
June 16, 2010

MEMBERS PRESENT: Eric Belongia, Lawrence Cappozzo, and Frank Parise

MEMBERS EXCUSED: Donna Cook, Barbara Mouzes

OTHERS PRESENT: Mitch Engen, James Schultz, Martha Swartz, and Anthony Tristano

The meeting was called to order at 4:02 p.m. by Chairman Larry Cappozzo; the roll was called.

ITEM #1 - Approval of Minutes of May 19, 2010

A motion was made by Larry Cappozzo and seconded by Frank Parise, to approve the minutes of May 19, 2010; the motion carried unanimously.

ITEM #2 – Petition to Appeal the *Orders to Repair*, each issued on May 7, 2010, per Chapter 16 of the Code of General Ordinances. Petitioner: Anthony Tristano; Parcel Number 05-123-06-177-015 at 844 65th Street, and Parcel Number 05-123-06-178-009 at 6520 Eighth Avenue

The Department of Neighborhood Services and Inspections (NS&I) recommends denial of the petitioner's requests; and, that Mr. Tristano make the repairs per the *Orders to Repair* to both appealed properties.

Anthony Tristano, 844 65th Street, Kenosha, Wisconsin

At 4:10 p.m. Mr. Tristano appeared at the meeting. He stated that Lou Chiappetta, a Property Maintenance Inspector with NS&I, had issued orders on a property that he owned (not a property involved in these appeals). He said that he was in the process of making repairs to that property when Martha Swartz, another Property Maintenance Inspector, left tags at his two properties at 844 65th Street and 6520 Eighth Avenue. He stated that he called Ms. Swartz and had asked her to delay conducting inspections on the two properties because he wanted to finish the work on the property that Mr. Chiappetta had issued orders on; and, that he would call her when the work was completed. He said that Ms. Swartz agreed.

Mr. Tristano stated that he attended the Neighborhood Inspections Program (NIP) meeting in 2009 because his properties were in the targeted areas. He said that it was mentioned at the meeting that the NIP inspections would be conducted during the months of April and May with any *Orders to Repair* issued during that time. He said that he had saved and placed money aside to pay for the repairs that he thought he would have to make, but after May passed, since he never received *Orders to Repair*, he believed he would not receive them at all. He stated that he believed that his appeals should be approved based on the fact that his properties made it through the NIP program without having been issued *Orders to Repair* on them.

He also said that he felt that Ms. Swartz was "on him" because all of a sudden he had *Orders to Repair* on all three properties he owns.

Frank Parise asked Mr. Tristano if he knew of any ordinance that stated orders could only be written or issued during the NIP meeting year.

Mr. Tristano replied that he did not; however, he asked what the point of having people attend a NIP meeting is if they are not going to be issued orders during that particular NIP year.

Larry Cappozzo answered that NS&I can conduct inspections at anytime; that they are not mandated to do inspections at any specific time.

Ms. Swartz said that she did agree to delay the conducting of inspections at 844 65th Street and 6520 Eighth Avenue in 2009 per Mr. Tristano's request because he agreed to call her when he completed his work at his other property (the property that Mr. Chiappetta had issued orders on). She said that, as of September 2009, Mr. Tristano never called her back. At that time a decision had been made by the Property Maintenance Division of NS&I to put off Mr. Tristano's inspections until Spring. Ms. Swartz said she tried to contact Mr. Tristano in Spring of 2010 and a woman answered the phone, but the phone line disconnected. Ms. Swartz said she immediately called back, but there was no answer. Ms. Swartz said she then conducted the inspections on both properties and issued orders in the Spring of 2010.

Larry Cappozzo asked Mr. Tristano if he returned Ms. Swartz's phone call as he agreed to. Mr. Tristano replied that he did not. Mr. Tristano asked why he would receive a letter and phone call from Ms. Swartz while his properties were in the targeted area, but never received a letter or phone call when his properties were no longer in the targeted area, but received *Orders to Repair*.

Mr. Tristano said that as a taxpayer, he would like to be notified before inspections are conducted. He also stated that he didn't think it was fair that he received only twenty days to make repairs because he was in Florida when he received the orders.

Mr. Cappozzo asked Mr. Tristano who maintains his properties while he is in Florida? Mr. Tristano replied, "nobody."

Mr. Cappozzo asked the other Board members if they needed any more time or information before making a decision. The other Board members replied they did not.

Frank Parise stated that he reviewed the ordinance which relates to this type of appeal and that nothing in the ordinance states that inspections can only be conducted during a specific time of year. Based on this, he said that he would deny Mr. Tristano's petition to appeal.

Eric Belongia stated that Neighborhood Services and Inspections is reasonable to work with. He said he believed that NS&I did nothing against the ordinances and that he concurred with Frank Parise to deny the petition to appeal.

Larry Cappozzo said since there was nothing in the ordinance stating that inspections can only be conducted during a specific time of year, he agreed with the other Board members to deny the petition to appeal.

Frank Parise made a motion to deny the petition to appeal. Eric Belongia seconded the motion; the motion carried unanimously.

ITEM #3 - Public Comments

There were no public comments.

ITEM #4 - Any Other Business as Authorized by Law

Mr. Tristano asked if he could request a different inspector for his properties. Mr. Schultz suggested that Mr. Tristano submit a letter to his attention in NS&I and that the request would be discussed, reviewed; and, he would notify Mr. Tristano of the decision.

Frank Parise made a motion to adjourn the meeting at 4:28 p.m., Eric Belongia seconded the motion. The motion carried unanimously.

Mitchell J. Engen
Board of Housing Appeals