



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

**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 65<sup>th</sup> 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 65<sup>th</sup> 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 65<sup>th</sup> 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 65<sup>th</sup> 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.

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Mitchell J. Engen  
Board of Housing Appeals