

**MINUTES
SPECIAL MEETING
BOARD OF MAYOR AND BURGESSES
NOVEMBER 16, 2010**

1. Deputy Mayor Rossi called the special meeting to order at **6:00 p.m.** in the absence of Mayor Robert A. Mezzo with the following in attendance:
Mayor Mezzo arrived at 6:20 p.m.

BURGESSES:

T. K. Rossi	H. Kuczenski
R. Burns	R. Neth, absent
A. Campbell	P. Scully
M. Ciacciarella	R. Woodfield, arrived 6:05 p.m.
M. V. Fragoso, absent	

PRESS:

R. DeRosa
Q. Leonard
L. Weschler

OTHERS:

Attorney Fitzpatrick
Attorney McSherry
L. Ackerman

DEPARTMENT HEADS:

W. Herzman, Building Inspector
E. Carter, Mayoral Aide

RESIDENTS:

Four

2. Deputy Mayor Rossi led in the Pledge of Allegiance to the flag.
3. In accordance with Section 7-30 of the Code of Ordinances of the Borough of Naugatuck, the Board of Mayor and Burgesses will hear the appeal of **Lois Ann Ackerman, individually, and as Administratrix of the Estate of Anna M. Ackerman**, 146 Walnut Street, Naugatuck, CT 06770, from the decision of the **Building Code Board of Appeals rendered on September 21, 2010, and filed with the Borough Clerk on September 22, 2010.**
4. Borough Attorney Edward Fitzpatrick represented the borough board with regard to the appeal of the decision of the Building Code Board of Appeals. The Board of Mayor and Burgesses has never had to enforce the ordinance until now. The board was charged to affirm, modify, extend or alter the decision of the Building Code Board of Appeals. There were two respondents who are the owners of the property, Lois Anne Ackerman as an individual and as the fiduciary for her mother, Anne Ackerman. Attorney Kevin McSherry represented the respondents.

Attorney Fitzpatrick clarified the hearing procedure. The Board of Mayor and Burgesses is the hearing panel of judges whose duty was to determine whether the Building Code Board of Appeals' decision was to be upheld. The respondents had the obligation of the burden of proof to convince the board that the Building Code Board of Appeals' decision was made in error. The respondents went first to present testimony and/or argument through their attorney. For the record Mary Lou Sharon, Lois Ackerman and Building Official Bill Herzman were sworn in by Attorney Fitzpatrick as witnesses under oath. This meeting was considered a public hearing but members of the public were not invited to comment. Only

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witnesses that had relevant testimony were allowed to speak. The process was agreed upon by Attorney McSherry on behalf of the respondents. The ordinance does not provide a time frame for a decision to be made by the board.

Attorney McSherry spoke to the board regarding Lois Ackerman’s appeal. Witnesses gave their testimony, presented evidence and were questioned by Attorney Fitzpatrick, Attorney McSherry and the Board of Mayor and Burgesses. There was a clerical error on the respondent’s Exhibit R8 in the amount of \$3,500. The Mayor noted the following on the record regarding the error.

For the record:

Mayor Mezzo: “Let the record note that R8 paragraph #4 – \$35,000.”

A letter in support of the appeal of Lois Ackerman from Edward H. Walker, 55 Phyllis Drive, Naugatuck, CT was accepted into the record as R21.

- 5. Motion by Deputy Mayor Rossi and seconded by Burgess Campbell that the Board of Mayor and Burgesses affirm the decision of the Building Code Board of Appeals but extend the demolition date to January 10, 2011.

ROLL CALL VOTE:

FOR:

Mayor Mezzo	M. Ciacciarella
T. K. Rossi	H. Kuczenski
R. Burns	P. Scully
A. Campbell	R. Woodfield

OPPOSED:

ABSTAIN

Motion carried 8-0-0

For the record:

T.K. Rossi: “It’s probably one of the most difficult and upsetting motions that I’ve made in the almost eight years I’ve sat on this board.”

- 6. **VOTED:** Unanimously on a motion by Deputy Mayor Rossi and seconded by Burgess Burns to adjourn the meeting at **9:18 p.m.**

A recording of this meeting is available in the office of the Borough Clerk for further review.

Attest:

Nancy K. DiMeo
Borough Clerk

cc: Mayor/Burgesses/Controller/Mayoral Aide/File