

Code & License Appeals Board
Minutes
Tuesday, February 25, 2024
3:00 pm
Hybrid Appeal Hearing
152 Douglass St, 1228 Chestnut St & 534 Oley St
Council Chambers
Minutes

Board Members Attending: M Cianciosi, J. Kelly – in person & B. Waller, D. Reed - virtually

Others Attending: M. Mayfield, Esq., L. Kelleher, R. Estrada, G. Marte – in person

Mr. Cianciosi called the hearing to order at 3:07 pm. The Board members and staff present introduced themselves. Mr. Cianciosi asked Ms. Mayfield to conduct the hearing.

Ms. Mayfield noted that the appellant and owner of all three properties, Mr. Duran, is not present in person or virtually.

In response to a question from Ms. Mayfield, Mr. Estrada explained that the notices mailed to Mr. Duran were not returned to the office. Mr. Guido stated that he conversed with Mr. Duran about the appeal hearing and he expressed the belief that Mr. Duran is out of the country.

Public Comment

There was no one registered to provide public comment and there was no one from the public attending. The public comment period was closed.

Hearing

Ms. Mayfield entered the following into the record:

- The agenda
- The appeal submitted by the property owner
- The hearing advertisement
- The Code & License Appeals Board ordinance and procedures along with the Property Maintenance Code
- The packets of evidence prepared by Property Maintenance for 152 Douglass St, 1228 Chestnut St & 534 Oley St

Ms. Mayfield stated that the property owner is still not present in any capacity.

Ms. Kelleher administered the oath to Mr. Estrada and Mr. Marte.

The evidence packets for all three properties shows:

- 152 Douglass St – purchased in 2006, with approx. \$5,000 of delinquent fees and violations dating back to 2013 and the last inspection in 2021
- 1228 Chestnut St – purchased 2006, with approx. \$4,000 of delinquent fees and violations dating back to 2013 and the last inspection in 2023
- 534 Oley St - purchased 2006, with approx. \$3,500 of delinquent fees and violations dating back to 2010 and the last inspection in 2023

In response to a question from Mr. Kelly, Mr. Marte stated that the property owner was informed in writing and verbally about the total amount owed for all three properties. He added that the property owner filed a change of address form in January 2024.

Mr. Kelly noted that one of the money orders attached to the evidence packets is unsigned and without an address. He suggested getting that corrected.

In response to a question from Mr. Kelly, Mr. Marte stated that if the owner was present at this hearing, Property Maintenance would be willing to consider a modified payoff amount for the three properties.

In response to a question from Mr. Cianciosi, Mr. Marte and Mr. Estrada explained that the appeal was filed due to the issuance of the fines and fees and the amount of the delinquencies.

In response to a question, Mr. Marte stated that the purpose of the appeal hearing was explained to the property owner. He noted that while the property owner is out of the country, there is a local property manager that could attend for the property owner.

In response to a question about errant zip codes from Ms. Waller, Mr. Estrada explained that all the first-class notices mailed to the property owner were not returned; therefore, the notices are deemed delivered and received.

In response to a question from Mr. Cianciosi, Mr. Estrada stated that Property Maintenance is unaware about the status of the property tax payments.

In response to a question from Ms. Mayfield, Mr. Marte stated that the property manager lists an apartment in one of the buildings as their mailing address.

Mr. Marte stated that his last conversation with the property owner about this appeal hearing was yesterday.

As there were no further questions, Ms. Mayfield again noted that the property owner is not present in any capacity and she closed the record and admitted the exhibits.

Ruling

Mr. Kelly moved, seconded by Mr. Cianciosi, to deny the appeal made to object to the delinquent fines and fees for 152 Douglass St, 1228 Chestnut St & 534 Oley St, with a credit for the unapplied fees paid. The motion was approved unanimously.

Mr. Kelly moved, seconded by Ms. Reed, to authorize Ms. Mayfield to draft and sign the order.

Ms. Mayfield will prepare the order for the property owner which will include their ability to appeal this decision to the Court of Common Pleas within 30 days.

Mr. Kelly suggested filing a civil judgement with the Prothonotary for the total amount owed,

Ms. Waller moved, seconded by Mr. Kelly, to adjourn the hearing at approximately 3:50 pm.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk