



Town Manager Giles has a preliminary matter from the town that this is an appeal proceeding tonight and that the town will be governed by the rules and the guideline for an appeal and not a petition.

Mr. Joseph Turturo stated his name and his wife Patricia and that he has owned the property at 1358 Maple Ave for over 30 years,

Mr. Turturo discussed the 5 Violations that lead up to his repeat public nuisance fine and stated that all the Citations were taken care of in allotted time and that no fines were issued.

Mr. Turturo said that first 6-8 months that his new tenant Keysha Caulk had moved he received a telephone call at least once a week from the neighbor at 1356 Maple Avenue with multiple complaints. He asked the neighbor to have you ever thought of talking to Keysha and the response was no thank you.

Town Manager Giles opening statement from the town attends to prove that there were multiple violations at the said property and that town followed the property procedure. That the violations have continued and continue. That the appellant refers to the occupants family cleaning up the garbage at the rear of the property that the town will be introducing a video showing the neighbor son taking trash across the street and throwing it upon a fence for the town to clean up. That the town will maintain the requirements of town Chapter 145 of the Town of Elsmere Code that the property owner owes a \$1,000.00 fine for repeat public nuisance.

Chairman Personti asked the appellant does he have anything else to ad.

Mrs. Turturo stated her name and that the paperwork she received in the mail said she has up to 5 days prior to the meeting that she did not get her mail until the 22<sup>nd</sup>. She stated that the tenant Keysha would like to speak if she is allowed. She also asked where the video came from.

Town Manager Giles stated that we will present that later.

Keysha Caulk stated her name and asked about the video and stated the neighbor told them to throw the trash over the fence.

Town Manager Giles stated the facts of the Violations to Mr. Tuturo.

Code Officer Allen has been called to testify.

Town Manager Giles questioned Code Officer Allen about 4 violations 305, 306,307 and 308. Was it a violation written by him on 04/01/2019 to the subject property for an abandoned vehicle, is this correct?

Code Officer Allen stated yes and described what he observed as an abandoned vehicle. The vehicle had a missing front bumper and the radio.

Town Manager Giles asked if on the back of the summons does it refer to Chapter 145 repeated Public Nuisance violations. Code officer Allen responded yes.

Town Manager Giles asked if violation V1900306 was issued on 04/01/2019 for 1358 Maple Avenue a violation that you wrote for outdoor appliances. Code officer Allen responded yes; it is.

Town Manager Giles said could you please respond what this one is about.

Code Officer Allen responded that with the abandoned vehicle complaint the outdoor furniture and appliances were part of the complaint. A cabinet and a couple other items outside in rear yard area were a violation

Town Manager Giles asked our code 302-10 prohibits furniture pertaining to indoor is not allowed outside correct and on the back of the summons does it refer to Chapter 145 repeated Public Nuisance violations. Code officer Allen responded yes.

Town Manager Giles presents Violation V1900305, issued on 04/01/2019 1358 Maple Avenue a violation ipc code 308-2, disposal of rubbish.

Code Officer Allen responded this was miscellaneous trashy and debris collected out back by the trash receptacles.

Town Manager Giles asked if on the back of the summons does it refer to Chapter 145 repeated Public Nuisance violations. Code officer Allen responded yes.

Town Manager Giles presents Violation V1900308 issued on 04/02/2019 for dumping of yard refuse.

Code Officer Allen responded that a complaint was made about the violations from the previous day have been dumped out behind the said property in the Town's property to be cleaned up by the town.

Town Manager Giles asked if on the back of the summons does it refer to Chapter 145 repeated Public Nuisance violations. Code officer Allen responded yes.

Town Manager Giles questioned Code Officer Allen since the violation was issued had he received a video of a subject from the property at 1358 Maple Ave dumping the trash on towns property, Code Officer Allen responded yes.

At this time a video was presented showing someone from the property of 1358 Maple walking out the back door and taking trash across the alley and throwing it on town property.

Mr. and Mrs. Turturo asked where the video came from as well how the violations were seen either by complaint or driving by.

Code Officer Morgan has been called to testify,

Town Manager Giles is introducing Violation V2000178 and V2000188 as evidence.

Town Manager Giles asked Code Officer Morgan did you issue Violation V2000178 for infestation. Code Office Morgan responded yes; he did due to a complaint from several sides of the property.

Town Manager Giles asked if on the back of the summons does it refer to Chapter 145 repeated Public Nuisance violations. Code officer Morgan responded yes.

Chairman Personti asked Code Officer Morgan did you see these said bugs and is why you issued the summons. Code Officer Morgan said he did not.

Town Manager Giles asked is there a repeated complaint about the infestation of bugs at this premise. Code Office Morgan responded yes, it is from both sides of the property,

Town Manager Giles asked Code Officer Morgan on 02/03/2020 did you issue summons V2000188.to the property owner at 1358 Maple Avenue for a repeated public nuisance. Code Officer Morgan responded yes.

Town Manager Giles asked if on the back of the summons does it refer to Chapter 145 repeated Public Nuisance violations. Code officer Morgan responded yes.

Town Manager Giles calls Mrs. Steevie Keeley to the podium who resides at 1356 Maple Avenue.

Town Manager Giles asked Mrs. Steevie Keeley to explain what her living conditions are living next to 1358 Maple Avenue.

Mrs. Steevie Keeley responded that have had to have pest control come out to service their property for several years as well as the property at 1360 Maple Avenue. She stated that they have had throw away a lot of their belongings due to bed bugs and lots of bugs. They have early morning music blaring in the summertime. That is has been an absolute nightmare since they moved in.

Mrs. Joyce Mchugh from 1360 Maple Avenue testified that she has never had a bug at her place and now she has lots of them. She has been battling with the infestation for

over a year. She also stated she is getting water damage in her kitchen and her roofer stated it is coming from the gutters at 1358 Maple Avenue.

Town Manager Giles gave his closing arguments. He stated that the Town has met its burden of proof beyond any reasonable doubt. Chapter 145 1;4 of the Town of Elsmere code states that if you have more than 2 violations for prohibited conduct occurring within 12 months of each other have caused a repeated public nuisance to exist. This presumption shall be effective for any combination occurring within 12 months.

**ACTION:** A motion was made by Board Member Smith to deny the appeal 20-04 repeat public nuisance. The motion was seconded by Board Member Boyd.

**VOTE:** All in favor Motion carried

**ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:**

None

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

**ACTION:** A motion was made by Chairman Personti to adjourn. The motion was seconded by Board Member Russo.

**VOTE:** All in favor Motion carried

These minutes summarize the agenda items and other issues discussed at the February 25, 2020 Board of Adjustment meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

  
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JAMES PERSONTI, CHAIRMAN

  
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PATTY BOYD, SECRETARY