



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOICE
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov/dpw

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: PUBLIC WORKS COMMISSION
FM: CHAPIN SPENCER, DIRECTOR
DATE: MARCH 7, 2016
RE: PUBLIC WORKS SPECIAL COMMISSION MEETING

Enclosed is the following information for the meeting on March 8, 2016 at 6:30 PM at **53 Lavalley Lane – Main Wastewater Conference Room**

1. Agenda
2. 10-12 Intervale Ave Appeal of Plumbing Code

Non-Discrimination

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.



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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

M E M O R A N D U M

To: Hannah Cormier, Clerks Office
From: Chapin Spencer, Director
Date: March 7, 2016
Re: Public Works Commission Agenda

Please find information below regarding the next **Special** Commission Meeting.

Date: **March 8, 2016**
Time: 6:30 – 9:00 p.m.
Place: **53 Lavalley Lane – Main Wastewater Conference Room**

A G E N D A

ITEM

- 1 Call to Order – Welcome – Chair Comments
- 2 Agenda
- 3 10 Min Public Forum
- 4 30 Min 10-12 Intervale Ave Appeal of Plumbing Code
 - A Communication, J. Ryan & G. Bergeman
 - B Commissioner Discussion
 - C Oral Presentation, Appellant
 - D Public Comment
 - E Action Requested – Vote
- 12 Executive Session For Appeal
- 13 **Adjournment**

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Norm Baldwin

From: Norm Baldwin
Sent: Sunday, March 06, 2016 5:49 AM
To: jeffpadgett10@gmail.com
Cc: Chapin Spencer; Eileen Blackwood; Eugene Bergman; Andy MacIlwaine
Subject: 10-12 Intervale Avenue
Attachments: doc049116.pdf; ATT00001.htm

Jeff,

This is all I have to offer as background for this appeal. Most of the information, given the short turnaround time, will be presented at the meeting.

As background information.

There are two work scopes of work that Mr.Khamnei has described and submitted under a permit application to City staff which he was subsequently denied a permit absent a licensed professional to do the scope of work described.

Mr.Khamnei contends that he is exempt by State statute and is contesting our plumbing inspectors decision denying him a permit. City staff(Plumbing Inspector John Ryan) has contended that under our delegated inspection authorities, and local ordinances he is justified in denying Mr.Khamnei of his permit absent a licensed professional.

I hope this is helpful. Thank you for your help on this appeal.

Norman J. Baldwin, P.E.
City Engineer
Assistant Director of Public Works
645 Pine Street
Burlington, Vermont 05401

P 802.865.5826
Email nbaldwin@burlingtonvt.gov

Begin forwarded message:

From: <scanner@burlingtonvt.gov>
Date: February 29, 2016 at 2:52:30 PM EST
To: <nbaldwin@burlingtonvt.gov>
Subject: Scanned Image

TASKalfa 5551ci
[00:c0:ee:3e:8e:18]

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC
WORKS

Director Chapin Spencer

645 Pine Street, Suite A



www.burlingtonvt.gov

INSPECTION SERVICES
DIVISION

Norm Baldwin, P.E., City Engineer
Assistant Director of Technical
Services

Burlington, Vermont 05401

STATEMENT OF PROCEDURAL RIGHTS
Plumbing Chapter 25 Sec 25-17

Specific to the City of Burlington Code of Ordinances any owner of a building or structure or any other interested person aggrieved by an inspector's directive respective to the BCO and life safety codes, may appeal to the Public Works Board of Appeals by requesting such appeal in writing to the Director of Public Works, 645 Pine St., Burlington VT.

- Submittal of appeals need to be submitted within 10 days from the issuance date of any order or date determined by an inspector
- Define what order or decision being appealed and by who's directive
- Provide legal argument or bases of the appeal

The Public Works Commission acts as the Board of Appeals and as a rule meet every third Wednesday of the month. This office will be in contact with the appellant to confirm dates, times and location where the case will be held and heard upon receipt and review of the appellant's documentation supporting their appeal

Name: Chris C. Khamnei Submittal Date: 02-24-16

Mailing address 119 Spruce Street,

1) Please define what enforcement action is being appealed, by who's directive, property location and date of directive.

two permits: (1)

Appeal of John Ryan denying a permit to repair a waste pipe and (2) another permit to connect hot/cold water supply to a new hot water heater both located at 10/12 Intracale Avenue, Burlington. John Ryan denied the permit based on the applicant did NOT have a plumbing license.

2) Provide legal argument or bases of the appeal.

Vermont statute provides an exception to the owner and his maintenance person that they do NOT need a licence to get a permit. U

(Please attach additional correspondence to this form)

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

Norm Baldwin

From: chriskhamnei@gmail.com on behalf of Chris Khamnei <chris@rentinvt.com>
Sent: Tuesday, February 23, 2016 9:47 PM
To: John Ryan
Cc: Chapin Spencer; Norm Baldwin; Brad Biggie; Ned Holt
Subject: Re: 10/12 Intervale Ave.

Norm, Chapin et al,

Please consider this email a formal request of an appeal of John Ryan's decision to the DPW commission. Because this matter is urgent to me and goes to the occupancy of the building, I would like to have an emergency hearing to minimize my damages and costs associated with your department's decision.

Sincerely,
Chris

Chris C. Khamnei, Ph.D.
Green Mountain Real Estate
199 South Union Street #0
Burlington, VT 05401
802.222.6080 (Main Line)
802.222.6081 (Fax Line)
802.222.6090 (Maintenance)
802.222.6091 (Landlord)
chris@rentinvt.com
www.RentInVT.com

On Tue, Feb 23, 2016 at 2:29 PM, John Ryan <JRyan@burlingtonvt.gov> wrote:

Chris:

This email is in response to your request to secure a Plumbing Permit for the 10—12 Interval Street property. This Department cannot issue you a Plumbing Permit for any plumbing drain or water distribution on any public building, supported by

- a) Burlington City Ordinances,*
- b) Vt. Plumbing Rules 2015*
- c) the Vt. Fire and Building Safety Code 2015.*

However, this Department would be happy to issue the necessary Plumbing Permit(s) to a Vt. Licensed Master Plumber for the proposed project.

John P. Ryan

City of Burlington

Plumbing/Mechanical Inspector

(802) 865-7560

Plumbing

25-17 Appeals.

(a) A person aggrieved by an action of the plumbing inspector taken under this chapter may appeal therefrom to the public works commission. A request for the appeal shall be made by filing with the director of the department of public works within ten (10) days of receiving actual notice of the order complained of a notice of appeal setting forth in detail his/her grievances. The director of the department of public works shall notify the chair of the commission of the notice of appeal forthwith. The commission shall meet upon notice of the chair within ten (10) days of the filing of the notice of appeal. All hearings shall be public and all interested parties shall be given an opportunity to be heard and present evidence and arguments.

(b) Four (4) members of the commission must be present to constitute a quorum. The commission shall affirm, modify or reverse an action aggrieved from by a majority vote of the members present. A tie vote shall be an affirmation of the decision from which the appeal is taken. The commission shall give written notice of its decision, which shall include findings of facts and all necessary orders, to all interested parties not later than thirty (30) days after the date of the hearing. The plumbing inspector may take action in accordance with the decision of the commission immediately upon the sending of the written decision to all interested parties.

(c) A member of the commission shall not pass on any question in which that member had any fiduciary, personal or financial interest, or which otherwise constitutes a conflict of interest.

(d) Any interested person may appeal a decision of the commission by instituting relief in the Chittenden Superior Court under V.R.C.P. 74

(Ord. of 10-24-88; Ord. of 9-26-94)

10-12 Intervale Avenue Plumbing Appeal Scheduling

2/23/2016 - 3/12/2016						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
February 22	23	24	25	26	27	28
		Appeal Received	Day 1	Day 2		
29	March 1	2	★ 3	4	5	6
Day 3	City Holiday X	Day 4	Day 5	Day 6		
7	★ 8	★ 9	★ 10	11	12	13
Day 7	Day 8	Day 9	Day 10			

★ -Staff Attorney's availability 6:30 p.m.-

● -Commission Attorney's availability unknown at this time



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Chapin Spencer
DIRECTOR OF PUBLIC WORKS

Norman J. Baldwin, P.E.
*ASSISTANT DIRECTOR OF PUBLIC WORKS
CITY ENGINEER*

February 29, 2016

Chris Khamnei
119 Spruce Street
Burlington, Vermont 05401

NOTICE OF HEARING

Pursuant to Burlington Code of Ordinances Chapter 25 Plumbing, the **Public Works Commission** will hold a hearing related to an appeal of the Plumbing Inspector's decision to deny the appellant the issuance of a plumbing permit for his property at 10-12 Intervale Road. This issue will be heard **6:30 p.m. on Wednesday, March 8, 2016 in the Main Conference Room at the Wastewater Treatment Plant at 53 Lavalley Lane** in Burlington, Vermont.

In order to expeditiously hear this appeal, the Commission needs and hereby notifies you as the appellant to provide it with a short and concise statement outlining the specific items to be heard and addressed by the Commission. This statement must also specify the factual or legal basis of the appeal.

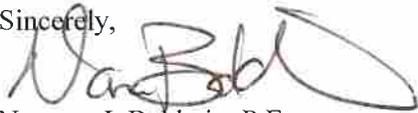
Each party will be given the opportunity to present the facts, as they believe them to be, and to make legal arguments. The Commission will hear testimony and take documentary evidence in support of each party's position.

You are welcome to provide supporting documentary evidence in advance of the hearing. **Witnesses must be present**; the Commission will not accept written statements from absent witnesses, even in affidavit form. The Commission will resolve disputed questions of fact and apply the law governing the situation to those facts. If you intend to present documentary evidence, please bring 9 copies of each document to the hearing.

If you are the person who requested the hearing and you fail to appear, your case will be dismissed. If there are special circumstances as to why you cannot appear in person for a hearing, please call 863-9094. Postponement of your case will be permitted only for good cause. If settlement is reached, please notify the Commission immediately.

If you have any questions, please call 863-9094.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman J. Baldwin". The signature is fluid and cursive, with a large loop at the end.

Norman J. Baldwin, P.E.
Assistant Director of Public Works

cc: Eugene Bergman, Assistant City Attorney
Chapin Spencer, Director of Public Works
Valerie Ducharme, Customer Service Representative
John Ryan, Plumbing Inspector

Norm Baldwin

From: Norm Baldwin
Sent: Thursday, March 03, 2016 12:06 PM
To: 'Chris Khamnei'
Cc: Chapin Spencer; jeffpadgett10@gmail.com; Eugene Bergman; Ned Holt; John Ryan; Andy MacIlwaine (amacilwaine@DINSE.COM)
Subject: RE: 10-12 Intervale Road Plumbing Appeal Hearing Notice

Chris,

Sorry. Tuesday, March 8th, 2016. Thank you for pointing that out.

From: chriskhamnei@gmail.com [mailto:chriskhamnei@gmail.com] **On Behalf Of** Chris Khamnei
Sent: Thursday, March 03, 2016 12:05 PM
To: Norm Baldwin <nbaldwin@burlingtonvt.gov>
Cc: Chapin Spencer <cspencer@burlingtonvt.gov>; jeffpadgett10@gmail.com; Eugene Bergman <EBergman@burlingtonvt.gov>; Ned Holt <NHolt@burlingtonvt.gov>; John Ryan <JRyan@burlingtonvt.gov>; Andy MacIlwaine (amacilwaine@DINSE.COM) <amacilwaine@dinse.com>
Subject: Re: 10-12 Intervale Road Plumbing Appeal Hearing Notice

March 8th is a Tuesday.

Did you mean Tuesday, March 8th or Wednesday, March 9th?

Thank you,
Chris

Chris C. Khamnei, Ph.D.
Green Mountain Real Estate
199 South Union Street #0
Burlington, VT 05401
802.222.6080 (Main Line)
802.222.6081 (Fax Line)
802.222.6090 (Maintenance)
802.222.6091 (Landlord)
chris@rentinvt.com
www.RentInVT.com

On Mon, Feb 29, 2016 at 3:24 PM, Norm Baldwin <nbaldwin@burlingtonvt.gov> wrote:

Mr.Khamnei,

Thank you for taking my call earlier today. As promised I am providing you with written notice of the upcoming appeal hearing for 10-12 Intervale Road. Below is the explicit appeal hearing instructions with the date, time and location for the appeal hearing. **Please reply to this email confirming in writing your ability**

to attend the scheduled appeal hearing, consistent with our phone conversation earlier today affirming your ability to attend.

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Norman J. Baldwin, P.E.

City Engineer/Ass't Director

Burlington Public Works Department

645 Pine Street

Burlington, Vermont 05401

V: [802.865.5826](tel:802.865.5826)

F: [802.863.0466](tel:802.863.0466)

EMAIL: nbaldwin@burlingtonvt.gov

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Sent To	Chris Khamnei
Street, Apt. No., or PO Box No.	119 Spruce St
City, State, ZIP+4	Bennington VT 05401

PS Form 3800, August 2006 See Reverse for Instructions

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DATE & TIME

STATUS OF ITEM

LOCATION

March 1, 2016 , 10:39 am

Notice Left (No Authorized Recipient Available)

BURLINGTON, VT 05401

March 1, 2016 , 9:27 am

Out for Delivery

BURLINGTON, VT 05401

March 1, 2016 , 9:17 am

Sorting Complete

BURLINGTON, VT 05401

March 1, 2016 , 5:41 am

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BURLINGTON, VT 05401

We attempted to deliver your item at 10:39 am on March 1, 2016 in BURLINGTON, VT 05401 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by March 16, 2016 then it will be returned to sender.

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