MEMORANDUM

TO: PUBLIC WORKS COMMISSION
FM: CHAPIN SPENCER, DIRECTOR
DATE: MARCH 10, 2016
RE: PUBLIC WORKS COMMISSION MEETING

Enclosed is the following information for the meeting on March 16, 2016 at 6:30 PM at 645 Pine St – Main Conference Room

1. Agenda
2. Residential Parking Implementation
3. 66 South Union St - Appeal
4. 41 South Willard St – Appeal
5. 40-42 Colchester Ave - Appeal
6. Draft Minutes of 2-17-16

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.
MEMORANDUM

To: Hannah Cormier, Clerks Office  
From: Chapin Spencer, Director  
Date: March 10, 2016  
Re: Public Works Commission Agenda

Please find information below regarding the next Commission Meeting.

Date: March 16, 2016  
Time: 6:30 – 9:00 p.m.  
Place: 645 Pine St – Main Conference Room

AGENDA

ITEM

1 Call to Order – Welcome – Chair Comments

2 Agenda

3 10 Min Public Forum

4 10 Min Residential Parking Implementation Update  
   A Communication, N. Losch & D. Roy  
   B Commissioner Discussion  
   C Public Comment  
   D Action Requested – None

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<tr>
<td>5</td>
<td>20 Min</td>
<td>66 South Union St - Appeal</td>
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<tr>
<td>A</td>
<td>Staff Oral Presentation to Commission, N Baldwin</td>
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<td>B</td>
<td>Oral Presentation, Appellant</td>
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<td>C</td>
<td>Communication, W. Ward</td>
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<td>D</td>
<td>Commissioner Discussion</td>
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<td>E</td>
<td>Public Comment</td>
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<td>F</td>
<td>Action Requested – Vote</td>
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| 6 | 20 Min | 41 South Willard St - Appeal |
| A | Staff Oral Presentation to Commission, N Baldwin |
| B | Oral Presentation, Appellant |
| C | Communication, W. Ward |
| D | Commissioner Discussion |
| E | Public Comment |
| F | Action Requested – Vote |

| 7 | 20 Min | 40-42 Colchester Ave - Appeal |
| A | Staff Oral Presentation to Commission, N Baldwin |
| B | Oral Presentation, Appellant |
| C | Communication, W. Ward |
| D | Commissioner Discussion |
| E | Public Comment |
| F | Action Requested – Vote |

| 8 | 5 Min | Draft Minutes of 2-17-16 |
| 9 | 10 Min | Director’s Report |
| 10 | 10 Min | Commissioner Communications |
| 11 |   | Executive Session For Appeals |
| 12 |   | Adjournment & Next Meeting Date – April 20, 2016 |
Memo

Date: March 8, 2016

To: Public Works Commission

From: Nicole Losch, Senior Planner
       Damian Roy, Engineering Technician

Subject: Residential Parking Plan Implementation

The Residential Parking Management Plan identifies strategies that should be implemented in 0-1 years, 1-3 years, and 3+ years. This is a brief summary of the near-term implementation plan.

<table>
<thead>
<tr>
<th>Task / Implementation Strategy</th>
<th>Staff involved</th>
<th>Schedule</th>
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</table>
| Amend the ordinance to clarify eligibility for residential permits within existing RPP streets and for corner lots. | Damian Roy, DPW  
John King, BPD  
Gene Bergman, Asst. City Attorney | April: First set of ordinance changes will be proposed for Commission consideration. BPD to determine what forms of proof are acceptable to establish proof of primary frontage for a corner lot. |
| Revise the petition process. Include removal or modification of existing RPP restrictions. | Damian Roy, DPW | April update to the Commission. Require 51 percent of property owners’ signatures on petition. Petitioners will have the option to specify time periods for resident-only parking. Current RPP requests do not have complete petitions and will follow the revised process. |
| Clarify the parking assessment process. | Damian Roy, DPW | April update to the Commission. Current requests for new RPPs will follow the revised process. |
| Parking meters/pay stations and parking time limits will be | Damian Roy, DPW | On-going change to the RPP / Traffic Request program. |
A neighborhood improvement fund will be considered.

| Stripe parking stalls / reduce blocked driveways | Damian Roy, DPW  
Billy Burns, DPW  
John King, BPD  
Gene Bergman, Asst. City Attorney | A Driveway Encroachment Pilot consisting of regulatory changes will begin in 2016 to minimize the potential for blocking driveways and evaluate the need for future striping. |
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<tr>
<td>Evaluate existing requests (RFS’s) to adjust parking time periods in RPP areas and for new RPP requests.</td>
<td>Damian Roy, DPW</td>
</tr>
<tr>
<td>Evaluate parking areas as new RPP requests are received.</td>
<td>Damian Roy, DPW</td>
</tr>
<tr>
<td>Draft a written document (SOPs) detailing revised procedures for residents interested in the RPP program and for consistent assessments by staff.</td>
<td>Damian Roy, DPW</td>
</tr>
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</table>

Before DPW can begin to process RPP requests under the new program, the petition process needs to be very clear. Through April/May 2016, DPW will work with the Department of Planning & Zoning to identify the resources available and the process residents should follow to acquire property owner information and work with the Burlington Policy Department to create a revised petition form. Following the May update to the Public Works Commission, this process will be defined and RPP requests can be processed in June.

**Future implementation:**

1. Install downloadable RPP Application and Renewal Forms online and work with Champlain College to establish a mechanism for accessing the College’s student database for permit verification. (Lead: John King, BPD)
2. Incorporate a fee structure and allocate a maximum number of permits per dwelling unit. Include Identify a specific date at which point all new applications for residential permits, including renewals, will be subject to the new rules. (Lead: John King, BPD. Identify implementation steps and plan throughout summer 2016.)
3. Amend City Ordinances to reduce parking on lawns (Lead: John King, BPD; Bill Ward, Code Enforcement. DPW liaison: Damian Roy, DPW)
   a. BPD should revoke residential parking permits for the remainder of the year for dwelling units that receive three or more parking ban fines per year in an RPP area. If it remains a significant issue, the BPD will consider raising the fine from $75 to $125.
   b. Remove Chapter 20 Section 55(f), which defines areas that prohibit lawn parking and which is enforced by Code Enforcement. Chapter 20 Section 156, which prohibits parking on lawns or yards in all residential districts, could then be enforced citywide.

4. Mirror the shared parking arrangement process that is recommended in the 2015 Downtown Parking and Transportation Plan. (Lead: CEDO and DPW)

5. Improve Sustainable Transportation Modes (Lead: Nicole Losch, DPW; John King, BPD; CAO and others)
   a. Discuss directing a portion of ticket revenues towards TDM or sustainable transportation solutions

6. Expand satellite parking and incentivize parking in remote lots (Lead: Nicole Losch, DPW, with Institutions and CCRPC)
   a. Evaluate Park & Ride progress and new opportunities
   b. The City should work with the institutions to explore public access to the intercept lots and to campus shuttles traveling between intercept lots and campus.
   c. The City and the institutions should explore the feasibility of closing central areas of campus to cars to discourage SOV trips around campus.

7. Improve signage and wayfinding – 5 year review (Lead: Damian Roy, DPW; Billy Burns, DPW)

8. Improve enforcement and technology with License Plate Reader consideration. (Lead: John King, BPD)

Attachment: Residential Parking Management Plan Implementation Matrix
## Residential Parking Management Plan Implementation Matrix

<table>
<thead>
<tr>
<th>Description</th>
<th>Lead</th>
<th>Supporting</th>
<th>Requires Additional Public Process &amp; Commission / Council Action Prior to Implementation</th>
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<tbody>
<tr>
<td><strong>Strategic Approaches</strong></td>
<td></td>
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<tr>
<td>Improve Sustainable Transportation Modes</td>
<td>DPW</td>
<td>CEDO, Planning, CATMA, CCTA, CCRPC, CarShare VT, Institutions</td>
<td></td>
</tr>
<tr>
<td>Expand Satellite Parking and Incentivize Parking in Remote Lots</td>
<td>DPW</td>
<td>CEDO, Planning, CATMA, Institutions, CCTA</td>
<td>X</td>
</tr>
<tr>
<td>Improve Signage and Wayfinding</td>
<td>DPW</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>General Parking Management Approaches</strong></td>
<td></td>
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<tr>
<td>Install Parking Meters / Paystations</td>
<td>DPW</td>
<td>BPD</td>
<td>X</td>
</tr>
<tr>
<td>Implement Parking Time Limits in Non-RPP Areas</td>
<td>DPW</td>
<td></td>
<td>X</td>
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<tr>
<td>Scope Parking Stalls</td>
<td>DPW</td>
<td>BPD</td>
<td></td>
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<tr>
<td>Improve Lean Parking Ban Enforcement</td>
<td>BPD</td>
<td>Code Enforcement, DPW</td>
<td>X</td>
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<tr>
<td>Share Off-Street Parking</td>
<td>DPW</td>
<td>CEDO</td>
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### Short-Term Residential Permit Program Strategies

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<tr>
<th>0-1 year</th>
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<tbody>
<tr>
<td>1. Provide Online Resources: Downloadable Application and Renewal Documents</td>
<td>BPD</td>
<td>DPW</td>
<td></td>
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<tr>
<td>2. Establish Residential Parking Permit Periods Based on Supply and Demand</td>
<td>DPW</td>
<td>BPD</td>
<td>X</td>
</tr>
<tr>
<td>3. Evaluate Residential Parking Areas Rather Than Streets</td>
<td>DPW</td>
<td>BPD</td>
<td>X</td>
</tr>
<tr>
<td>4. Streamline the Petition Process</td>
<td>DPW</td>
<td>BPD</td>
<td></td>
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<tr>
<td>5. Establish a Process for Removing or Reallocation Residential Permit Parking</td>
<td>DPW</td>
<td>BPD</td>
<td>X</td>
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### Mid-Term Residential Permit Program Strategies

<table>
<thead>
<tr>
<th>1-3 years</th>
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<tbody>
<tr>
<td>(1) Provide Online Resources: Comprehensive Program Information</td>
<td>BPD</td>
<td>DPW</td>
<td></td>
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<tr>
<td>6. Revise Program to Incorporate Fee Structure and Allocate Maximum number of Permits per Dwelling Unit</td>
<td>BPD</td>
<td>DPW</td>
<td>X</td>
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<tr>
<td>7. Establish Construction Permits</td>
<td>BPD</td>
<td>DPW</td>
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### Long-Term Residential Permit Program Strategies

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<th>&gt;3 years</th>
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<tbody>
<tr>
<td>(1) Provide Online Resources: Online Payment of Permits and Fines</td>
<td>BPD</td>
<td>DPW</td>
<td></td>
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<tr>
<td>8. Improve Enforcement and Technology</td>
<td>BPD</td>
<td>DPW</td>
<td>X</td>
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March 10, 2016

TO: Public Works Commission

FROM: Norman Baldwin, P.E.
Assistant Director-Technical Services

RE: Appeal of Code Enforcement Orders related to Life Safety Requirements for three properties

- 66-68 South Union Street,
- 41 South Willard Street,
- 40-42 Colchester Avenue

Mr. Kwan is the owner of a three properties, 66-68 South Union Street, 41 South Willard Street and 40-42 Colchester Avenue. Mr. Kwon through his attorney Mr. William Towle has sought to appeal Code Enforcements Orders related to Life Safety Requirements for the three properties identified, attached is the request for the appeal to be heard, addressed to Director Spencer dated February 24, 2016. Below is the list of items for each of the properties and each property will be addressed as its own separate appeal.

- Appeal #1 66-68 South Union Street, Code Enforcement Order dated February 19, 2016
  - Item 7-BCO 18-95 Means of Egress

- Appeal #2 41 South Willard Street, Code Enforcement Order dated January 8, 2016
  - Item 10-BCO 18-96 Accumulation and Storage
  - Item 31-BCO 18-99 Smoke Detectors
  - Item 32-BCO 18-95 Means of Egress

- Appeal #3 40-42 Colchester Avenue, Code Enforcement Order dated January 4, 2016
  - Item 2-BCO 18-95 Means of Egress
  - Item 3-BCO 18-95 Means of Egress
  - Item 6-BCO 18-95 Means of Egress
Since receiving the appeal I have attempted to schedule this appeal to be heard at the March 16, 2016 Commission meeting. In doing so I have sent notice of the hearing via email, certified mail, as well as hand delivered hard copy notices to Mr. Kwon, and Mr. Towle as legal counsel to Mr. Kwon, all documents were issued and sent on March 7, 2016.

Since issuing the notice I received an email from Mr. Towle, on the evening of Wednesday March 9, 2016 seeking a request for an alternative date given Mr. Towle had a conflicting deposition. I explained to Mr. Towle that this would be a hardship for our Commission given the Commission had made a point to clear their agenda to accommodate and provide a timely response to this appeal given it relates to life safety requirements. It was at that time that I had committed to Mr. Towle that I would follow up with the Chair of the Commission, Jeff Padget, whom ultimately would decide as to whether or not this appeal would be heard at the March 2016 Commission Meeting or to postpone to another future meeting.

After consulting with Public Works Commission Chair Jeff Padget it was decided Mr. Kwon’s appeal would continue to be heard at our March 2016 meeting, and it would be placed later on the agenda, from 6:30 p.m. Time Certain to 6:50 p.m. Time Certain. I have sent via email to Mr. Towle notice the hearing would continue to be heard at our March 16, 2016 meeting.

It is the responsibility of Mr. Kwon and his representatives attend given there was adequate advance notice of the hearing.

I will be serving as staff to the Public Works Commission at the meeting and will introduce the two parties Code Enforcement as the administrators of the Ordinance and Mr. Kwon as the Appellant.

Andy Macilwaine, will serve as legal counsel to the Commission as well.
February 24, 2016

Chapin Spencer
Director of Public Works
Department of Public Works
PO Box 849
Burlington, VT 05402-0849

RE: 66-68 South Union Street
     41 South Willard Street
     40-42 Colchester Avenue
     34 Colchester Avenue

Dear Mr. Spencer:

This letter serves as notice that Mr. Kwon appeals any fire safety issues raised in:

1) the recent re-inspection at 66-68 South Union Street, including but not limited to inspection number 299422 and/or any subsequent inspection report for this location;
2) the recent re-inspection at 41 South Willard Street, including but not limited to inspection number 296531 and/or any subsequent inspection report for this location;
3) the recent re-inspection at 40-42 Colchester Avenue, including but not limited to inspection number 295388 and/or any subsequent inspection report for this location;
4) the recent re-inspection at 34 Colchester Avenue, including but not limited to inspection number 296523 and/or any subsequent inspection report for this location.

The basis for the appeal is: (1) inaccurate factual allegations; (2) allegations that are unrelated to the minimum housing code, and therefore are outside the jurisdiction of the housing inspector; and (3) any alleged violations related to lead paint are barred by res judicata as these alleged violations are subject to a separate enforcement action by the State of Vermont.

Mr. Kwon requests a determination that these location are not in violation of any
applicable fire safety issues.

These appeals are taken under objection.

As indicated in the enclosed letter to the Housing Board of Review dated February 24, 2016, which is adopted by reference, we believe that these appeals lie correctly with the Housing Board of Review. Mr. Kwon therefore adopts by reference the appeals filed in those pending actions before the Board of Review.

Sincerely,

William B. Towle

Enclosure: letter to the Housing Board of Review dated February 24, 2016

cc: Client
    Bill Ward (without enclosure)
    Gene Bergman (without enclosure)
February 24, 2016

William Ward
Director of Code Enforcement
Burlington Code Enforcement Office
P.O. Box 849
Burlington, VT 05402-0849

Eugene Bergman, Esq.
Assistant City Attorney
City Attorney's Office
149 Church Street, Room 11
Burlington, VT 05401

RE: 66-68 South Union Street

Dear Gentlemen:

This letter serves as notice that Mr. Kwon appeals the recent re-inspection at 66-68 South Union Street, including but not limited to inspection number 299422 and/or any subsequent inspection report for this location.

The basis for the appeal is: (1) inaccurate factual allegations; (2) allegations that are unrelated to the minimum housing code, and therefore are outside the jurisdiction of the housing inspector; and (3) any alleged violations related to lead paint are barred by res judicata as these alleged violations are subject to a separate enforcement action by the State of Vermont.

Mr. Kwon requests a determination that 66-68 South Union Street is not in violation of the minimum housing standards.

Sincerely,

William B. Towle

cc: Client
Chapin Spencer, Department of Public Works
February 24, 2016

Lisa Jones  
Board Clerk  
Housing Board of Review  
City of Burlington  
149 Church St. Room 11  
Burlington, VT 05401

Dear Ms. Jones:

I write in response to your letter of February 19, 2016.

My client does intend to appeal the 66-68 South Union order of February 19, 2016. For the record, we will issue a notice of appeal to Bill Ward on that matter.

I have reviewed your suggestion that certain provisions of the appeal related to fire safety must be appealed to the Public Works Commission. Although I do ask that you transfer those matters to the Public Works Commission as cross-appealed – and we will file our own notices as well -- we do so under objection.

We believe under the controlling state statute this entire appeal is correctly before the Housing Board of Review.

The current Minimum Housing Standards Ordinance of the City of Burlington were passed in 1986. Although based on an earlier ordinance, it is clear that the updated ordinances were passed under 24 V.S.A. Chapter 123, specifically 24 V.S.A. § 5003, and were not passed under the older municipal code statute, 24 V.S.A. Chapter 83. As proof, we point out that Division 2 of the ordinance establishes a housing board of review pursuant to 24 V.S.A. § 5005, which is solely authorized under ordinances established under 24 V.S.A. § 5003. We conclude that the current Ordinance Chapter 18, the Minimum Housing Standards Ordinance of the City of Burlington, was passed under authority of 24 V.S.A. Chapter 123.

All of the items referenced in the reports under appeal reference violations under Ordinance Chapter 18 (or are silent on their basis). I also note that there is no warning in the violation notice that appeal might be due to Public Works. Also, the split appeal is unnecessarily
confusing.

I recognize that Ordinance 18-94 purports to make violations of Division 5 (18-94 through 18-101) appealable to “the appeals board under the rules established in Chapter 8 of this Code of Ordinances.” It appears the Ordinance anticipates that certain fire related appeals are to be heard by the older appeals board, which is how older municipal codes under ordinances passed under the older 24 V.S.A. Chapter 83 (§3101-3120) handled appeals. The Ordinance explains the reason is for “consistent enforcement.”

Regardless, Public Works is a misplaced destination for an appeal for an updated ordinance, such as Burlington’s. 24 V.S.A. § 5010 specifically states that ordinances adopted pursuant to the newer 24 V.S.A. Chapter 123 are not subject to the provisions of the older 24 V.S.A. Chapter 83 (“The provisions of this chapter and ordinances and regulations adopted under its authority, shall not be subject to limitations, requirements or provisions contained in said chapter 83”). We find that by passing an ordinance under 24 V.S.A. Chapter 123 and setting up an enforcement scheme under that chapter, Burlington has removed statutory basis for an appeal to the appeal board as per the older statute. Instead, 24 V.S.A. § 5005.(b)(2) states that “[a]ny person aggrieved by an order issued by the enforcing officer may appeal to the [housing] board.”

We believe under 24 V.S.A. § 5005.(b)(2), the Board is the only permissible review of any alleged violation under Ordinance Chapter 18.

Sincerely,

[Signature]

William B. Towle

cc: Client
    Bill Ward
    Eugene Bergman
    Chapin Spencer
WARD & BABB
ATTORNEYS-AT-LAW
3069 WILLISTON ROAD
SOUTH BURLINGTON, VERMONT 05403-6044

BURLINGTON VT 054
24 FEB 2016 PM 1 L

RECEIVED
FEB 2 0 2016
City Of Burlington
Department Of Public Works

Chapin Spencer
Director of Public Works
Department of Public Works
PO Box 849
Burlington, VT 05402-0849
Mr. Towle,

The Public Works Commission was first notified of this appeal as a result of your letter dated February 24, 2016 addressed to Director Chapin Spencer. The Department responded in a timely manner to your clients appeal request, and has provided reasonable advance notice of the meeting, date, time and location.

I have spoken with the Chair of the Commission and it was his decision, which I support, to move ahead with these series of appeals at the March Commission meeting. I would note to provide further accommodation, the Chair of the Commission rescheduled this item to be heard at 6:50 p.m., versus the original time certain of 6:30 p.m..

Please confirm both yours and your clients ability to attend.

From: Wil Towle [mailto:towle@wardandbabb.com]
Sent: Thursday, March 10, 2016 12:04 PM
To: Eugene Bergman <Ergman@burlingtonvt.gov>; Andy MacIwaine <amacilwaine@DINSE.COM>; Norm Baldwin <nbaldwin@burlingtonvt.gov>
Cc: jeffpadgett10@gmail.com; Chapin Spencer <cspencer@burlingtonvt.gov>; Valerie Ducharme <vducharme@burlingtonvt.gov>; Eileen Blackwood <eblackwood@burlingtonvt.gov>; William Ward <wward@burlingtonvt.gov>

Mr. Baldwin:

The scheduling problems with the deposition are significant – as Andy can confirm we tried to wrap up yesterday’s deposition at 4:30 PM but the lawyer for the deponent refused, and the deposition continued until about 6:30 when all lawyers were satisfied with their examination. Most of the depositions in this case have run past 5 pm. It is the nature of this case so I am not as optimistic as Andy that we will be out of there on time.

There are no other lawyers in this firm who are familiar with the Kwon matter pending before the Board so it is not fair to Mr. Kwon to force him acquire backup counsel for this matter.

We appealed the first of these matters on January 27, 2016 and were only just notified on Monday, March 7 about the Wednesday, March 16 hearing, and duly made a timely request for a rescheduled date.

Most of the allegations against Mr. Kwon involve construction lumber and similar being stored in locked basements or locked closets so I do not believe there are any pressing life safety issues which require an expedited hearing.

I appreciate your consideration of our request for a rescheduled time.

Will
From: Eugene Bergman [mailto:EBergman@burlingtonvt.gov]
Sent: Thursday, March 10, 2016 9:05 AM
To: Andy MacIlwaine; Norm Baldwin
Cc: jeffpadgett10@gmail.com; Chapin Spencer; Valerie Ducharme; Eileen Blackwood; Will Towle; William Ward

I'm all for accommodating my brothers and sisters of the bar but do not believe justice would be done to delay this to the next commission meeting in April. I'm sure a special meeting of the commission to hear this appeal in the next week would be ok. I have a conflict on Wed. the 23rd but other than that I am free, including on the 17th. I'd need to check with Bill on his availability once we have a proposed date.

Gene

From: Andy MacIlwaine [mailto:amacilwaine@DINSE.COM]
Sent: Wednesday, March 09, 2016 8:28 PM
To: Norm Baldwin <nmbaldwin@burlingtonvt.gov>
Cc: jeffpadgett10@gmail.com; Chapin Spencer <cspencer@burlingtonvt.gov>; Valerie Ducharme <vducharme@burlingtonvt.gov>; Eugene Bergman <EBergman@burlingtonvt.gov>; Eileen Blackwood <eblackwood@burlingtonvt.gov>
Subject: Re: Notice of Appeal Hearing-Code Enforcement Decisions related to 66-68 S.Union, 41 S.Willard, 40-42 Colchester Ave

Folks,

For what it's worth, I am actually involved in the same case as Will and will be in the same deposition next Wednesday. I was planning on ending the deposition by 5-5:30 in light of this hearing and assumed Will would do the same. The deposition will be at my office on Battery. That said, if it's not too burdensome to postpone the hearing I don't have a particular concern about doing so (to the extent I have a say).

WAM/iPhone
www.dinse.com | Bio
tel: 802-654-5751

On Mar 9, 2016, at 8:19 PM, Norm Baldwin <nmbaldwin@burlingtonvt.gov> wrote:

I would have to consult with the chair of the commission and their legal counsel.

The Commission has made arrangements to clear their agenda and to provide a timely appeal hearing, I would further note other business has been put aside, for what is routinely a very busy commission
agenda, and at this stage staff would not be in a position to prepare other items to be heard in time for the agenda and packet to be reissued.

I would ask that you to consider finding other legal counsel to represent your client, in your place if at all possible.

Sent from my iPhone

On Mar 9, 2016, at 7:03 PM, Will Towle <towle@wardandbabb.com> wrote:

Mr. Baldwin:

I am scheduled to be in a deposition Wednesday March 16 in a multi-party case which has been plagued with great scheduling difficulties and a Court ordered March 31, 2015 fact discovery deadline.  It would a great difficulty or impossibility for me to reschedule this deposition. Given the number of parties in the case, the deposition is reasonably expected to go past 5 pm (Indeed, I have just now concluded a deposition in the same case at about 6:30 pm).

Would it possible to have the Public Works Commission hearing re-scheduled? (Please note that I am also scheduled to be out of state March 31-April 4)

Thank you for your consideration.

Will

William B. Towle, Esq.
Ward & Babb
3069 Williston Road
South Burlington, VT 05403
Phone 802/863-0307 ext. 18
Fax 802/863-4587
http://www.wardandbabb.com
http://www.linkedin.com/in/willtowle
WBNoEncrypt

From: Norm Baldwin [mailto:nbaldwin@burlingtonvt.gov]
Sent: Monday, March 07, 2016 4:11 PM
To: sookkwon@gmail.com
Cc: jeffpadgett10@gmail.com; Chapin Spencer; Valerie Ducharme; William Ward; Eugene Bergman; Will Towle
Subject: Notice of Appeal Hearing-Code Enforcement Decisions related to 66-68 S.Union, 41 S.Willard, 40-42 Colchester Ave

NOTICE OF HEARING
Pursuant to Burlington Code of Ordinances Chapter 18, Article III, Division 5, please take notice that the Public Works Commission will hold a hearing related to an appeal of a minimum housing code order regarding the fire safety division of the minimum housing code associated for the following properties.
• Appeal #1 66-68 South Union Street, Code Enforcement Order dated February 19, 2016
  o Item 7-BCO 18-95 Means of Egress

• Appeal #2 41 South Willard Street, Code Enforcement Order dated January 8, 2016
  o Item 10-BCO 18-96 Accumulation and Storage
  o Item 31-BCO 18-99 Smoke Detectors
  o Item 32-BCO 18-95 Means of Egress

• Appeal #3 40-42 Colchester Avenue, Code Enforcement Order dated January 4, 2016
  o Item 2-BCO 18-95 Means of Egress
  o Item 3-BCO 18-95 Means of Egress
  o Item 6-BCO 18-95 Means of Egress
  o Item 7-BCO 18-95 Means of Egress
  o Item 8-BCO 18-96 Accumulation and Storage
  o Item 9-BCO 18-95 Means of Egress
  o Item 13-BCO 18-99 Smoke Detectors
  o Item 19-BCO 18-98 Fire Protection Systems

Each Property will be addressed as individual Appeals. The three appeals will be heard starting at 6:30 p.m. on Wednesday, March 16, 2016 in the Front Conference Room at the Central Maintenance Facility at 645 Pine Street in Burlington, Vermont. Testimony will close at time certain of 8:30 p.m., and if required another subsequent hearing will scheduled as a continuance.

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.
Norman J. Baldwin, P.E.
City Engineer/Ass’t Director
Burlington Public Works Department
645 Pine Street
Burlington, Vermont 05401

V: 802.865.5826
F: 802.863.0466
EMAIL: nbaldwin@burlingtonvt.gov
March 7, 2016

Mr. Soon Kwon
20 Highland Terrace
Burlington, Vermont 05401

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

Sincerely,

[Signature]

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

<cc: Jeff Padgett, Chair of the Public Works Commission
Eugene Bergman, Assistant City Attorney
William Ward, Director of Code Enforcement
Chapin Spencer, Director of Public Works
Valerie Ducharme, Customer Service Representative
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**Sent To:**
Mr. Jason Russo
20 Highland Ter
Burlington, VT 05401

Date: 3/7/16
Tracking Number: 70121010000199316041

Updated Delivery Day: Thursday, March 10, 2016

Product & Tracking Information
Postal Product: Features:
Certified Mail™

DATE & TIME
March 10, 2016, 1:03 pm

STATUS OF ITEM
Delivered

LOCATION
SOUTH BURLINGTON, VT 05403

Your item was delivered at 1:03 pm on March 10, 2016 in SOUTH BURLINGTON, VT 05403.

March 10, 2016, 5:26 am
Arrived at Unit
BURLINGTON, VT 05401

March 9, 2016, 1:08 pm
Departed USPS Facility
ESSEX JUNCTION, VT 05452

March 8, 2016, 7:36 pm
Arrived at USPS Facility
ESSEX JUNCTION, VT 05452

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Inspector General
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Resources for Developers

LEGAL INFORMATION
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Terms of Use
FOIA
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February 19, 2016

Soon K. Kwon
PO Box 9492
South Burlington, VT 05407-9492

RE: Re-Inspection of 66-68 South Union Street, Inspection 299422

Dear Owner(s):

Thank you for your cooperation with the routine inspection I conducted on Friday, November 20, 2015 at 10:00:00 AM. My findings are included with this re-inspection report and Order. A re-inspection fee invoice in the amount of $240.00 is enclosed.

A second re-inspection has been scheduled for Friday, March 11, 2016 at 10:00:00 AM. Tenants must be notified at least 48 hours in advance. All areas of the property must be accessible. Please contact me at , at least 24 hours in advance, sooner if possible, if this needs to be rescheduled for any reason.

You may submit a written request for an extension of compliance date(s) if you need more time to complete repairs for a valid reason. Extension requests must include the reason the request is necessary and the extended compliance date requested for each item. Requests must be submitting in writing on our extension request form; verbal requests will not be accepted. You may obtain an extension request form by phone, at our Office, or on the web at www.burlingtonvt.gov under the Code Enforcement Office, Extension Request Form. The completed extension request, with all required information, must be approved by our office prior to the compliance date in order to avoid re-inspection fees. For this reason, and because application for an extension does not guarantee that it will be granted, you are encouraged to apply for an extension as early as possible if you anticipate difficulties with the Order compliance date(s).

If this office cannot verify compliance with the Order at the second re-inspection and a written extension has not been granted by our office, a re-inspection fee of $100.00 per unit will be charged.

You may also be ticketed for the Minimum Housing Standards violations found at re-inspections. Furthermore, failure to comply with this Order is a criminal offense punishable by a fine up to $500.00 and/or imprisonment; each day's failure to comply constitutes a separate offense. You may also be subject to provisions on suspension and revocation of Certificates of Compliance pursuant to Burlington Code of Ordinances section 18-20 if you fail to comply with this order or fail to get an extension.

Information available in alternative media forms for people with disabilities.
For disability access information call (802) 863-0450 TTY.
An Equal Opportunity Employer
Decisions stated in this Order and report relative to new findings at the re-inspection may be appealed in writing within thirty (30) days of the date of this correspondence, addressed to the Director of the Code Enforcement Office.

Please feel free to contact me at if you have any questions or concerns.

Sincerely,

Ted Miles
Minimum Housing Inspector
Finding: Unsound or unsanitary roof condition. Roof leaks into bathroom of unit 4 upstairs.

Remedy: Repair and maintain roof conditions to be structurally sound and sanitary to code.

**Code Section:** Foundation, exterior walls and roofs
18-71 Every roof shall be maintained structurally sound and in a sanitary condition. Every roof shall be structurally sound, tight, and not have defects which might admit rain and roof drainage; and roof drainage shall be prevented from causing dampness in the walls or interior portions of the building.

**11-20-15 Inspection STATUS:** Non Complied – Violation not corrected

**Enforcement and penalties 18-31** (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Deteriorated painted surfaces found on more than 1 square foot (sf) (aggregate). Exterior trim needs painting.

Remedy: Promptly and safely repair and/or stabilize deteriorated surfaces using lead safe work practices; do not use prohibited work practices; record repair on EMP compliance statement.

**Code Section:** Paint
18-112 (a) (1), (2) The interior and exterior of pre-1978 rental housing shall be free from deteriorated painted surfaces more than 1 square foot (sf) in the aggregate;

**11-20-15 Inspection STATUS:** Non Complied – Violation not corrected

**Enforcement and penalties 18-31** (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Date Printed 2/19/2016 10:14:27 AM
Finding: Rubbish, junk, refuse, garbage, metal or recyclables in basement area.

Remedy: Clean trash and straighten construction materials in basement area per Fire Marshall Inspection on 11/20/2015

Code Section: Premises to be kept clean and sanitary
18-106

Every owner or his agent shall maintain the shared or public areas of the dwelling unit or units or yard in a clean and sanitary condition.

11-20-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Unit/Area
Basement (Item 4 of 18)

Finding: Plumbing drain with obstruction, leak or defect in basement

Remedy: Repair obstruction, leak or defect in plumbing drain and maintain in good working order to code.

Code Section: Plumbing connections
18-79

Supply lines, plumbing fixtures, vents and drains shall be connected and maintained in good working order and kept free from obstructions, leaks and defects.

11-20-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Electrical appliance installed or maintained incorrectly, plug missing from junction box

Remedy: Repair or replace electrical appliance. Install and maintain all appliances in compliance with codes. Replace missing plug from junction box as per fire marshall visit on 11/20/2015

Code Section: Electrical facilities
18-85 All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with applicable laws.

11-20-15 Inspection STATUS: Non Complied –Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Plumbing facilities and fixtures not provided and maintained. Plumbing leak on south side of basement that owner has stated is from a leaking shower unit in the unit above.

Remedy: Install and maintain all required plumbing facilities and fixtures to code.

Code Section: Toilet and plumbing facilities
18-78 All plumbing fixtures and facilities shall comply with the requirements. The owner of the structure shall provide and maintain plumbing facilities and fixtures in compliance with the requirements.

11-20-15 Inspection STATUS: Non Complied –Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Date Printed 2/19/2016 10:14:27 AM
Finding: Path of egress is obstructed or otherwise unsafe. debris at top of stairs to basement not allowing door to open fully as per fire marshal inspection on 11/20/2015

Remedy: Remove obstructions behind door to basement and maintain safe path of egress at all times

**Code Section:** Means of egress
18-95 Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade.

**11-20-15 Inspection STATUS:** Non Complied - Violation not corrected

**Enforcement and penalties 18-31 (b):** In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.

**Front door**

Finding: Exterior door not constructed and maintained weather-tight. Door sweep at front door to units 1 worn or missing.

Remedy: Repair or replace exterior door, install weather-stripping if necessary, and maintain door weather-tight, in sound condition and good repair to code.

**Code Section:** Exterior windows and doors
18-73 Every exterior door and frame shall be constructed and maintained to prevent wind and water from entering the dwelling or structure. Each exterior door shall be fitted reasonably in its frame and weather-tight. Weather-stripping shall be used to prevent wind or rain from entering the dwelling and shall be kept in sound condition and good repair.

**11-20-15 Inspection STATUS:** Non Complied - Violation not corrected

**Enforcement and penalties 18-31 (b):** In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Garbage, trash, recycling or debris in the yard at rear porch.

Remedy: Remove garbage, trash, recycling and debris from yard. Maintain exterior common free of accumulations.

Code Section: Accum of trash, inoper. vehicles, appliances and furn prohibited
18-111Rubbish, junk, refuse, garbage, scrap metal, tin cans and recyclables shall only be allowed to remain outdoors and in plain view in the front yard of any property for the purpose of recycling and solid waste pickup for disposal and only if they are neatly kept, stored, maintained, or deposited in accordance with all minimum housing, health and solid waste ordinances and regulations.

11-20-15 Inspection STATUS: Non Complied –Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: No evidence of compliance with lead paint essential maintenance practices

Remedy: Comply with all requirements of VT Lead Paint Regs. Provide written documentation to this office of required lead safety training. Perform EMPs as required.

Code Section: Premises to be kept clean and sanitary
18-106Every owner or his agent shall maintain the shared or public areas of the dwelling unit or units or yard in a clean and sanitary condition.

11-20-15 Inspection STATUS: Non Complied –Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Roof conditions or defects might admit rain or roof drainage. Roof leak into unit 2 at bedroom and bathroom.
Remedy: Repair roof to be structurally sound and impervious to water. Maintain roof conditions to code.

Code Section: Foundation, exterior walls and roofs
18-71 Every roof shall be maintained structurally sound and in a sanitary condition. Every roof shall be structurally sound, tight, and not have defects which might admit rain and roof drainage; and roof drainage shall be prevented from causing dampness in the walls or interior portions of the building.

11-20-15 Inspection STATUS: Non Complied — Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Exterior door pane cracked, broken or absent. Rear door panel has crack in panel exposing light and air.
Remedy: Replace exterior door pane and maintain in weatherproof, in sound condition and good repair to code.

Code Section: Exterior windows and doors
18-73 Every exterior door shall be maintained to prevent wind and water from entering the dwelling or structure. Every door shall be weather-tight. Every door pane shall be fully and properly glazed.

11-20-15 Inspection STATUS: Non Complied — Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
IN: 299422
Inspection Detail for: 66-68 South Union Street
Inspection Date: Nov 20, 2015  Inspector: Ted Miles

Unit/Area: Unit 3  (Item 13 of 18)
bathroom

Finding: Plumbing facilities and fixtures not provided and maintained. Toilet tank cover broken.

Remedy: Install and maintain all required plumbing facilities and fixtures to code.

Code Section: Toilet and plumbing facilities
18-78 All plumbing fixtures and facilities shall comply with the requirements. The owner of the structure shall provide and maintain plumbing facilities and fixtures in compliance with the requirements.

11-20-15 Inspection STATUS: Non Compiled – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Unit 3  (Item 14 of 18)

Finding: Exterior door pane cracked, broken or absent. Glass on bedroom door to unit 3 cracked and is a potential hazard to the tenant.

Remedy: Replace exterior door pane and maintain in weatherproof, in sound condition and good repair to code.

Code Section: Exterior windows and doors
18-73 Every exterior door shall be maintained to prevent wind and water from entering the dwelling or structure. Every door shall be weather-tight. Every door pane shall be fully and properly glazed.

11-20-15 Inspection STATUS: Non Compiled – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Defective heating equipment. Cover on baseboard heat unit missing in kitchen

Remedy: Repair or replace heating equipment. Maintain in sound condition and good repair to code.

Code Section: Heating and cooking equipment
18-86 All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards. All mechanical equipment shall be properly installed and safely maintained in good working condition and be capable of performing the function for which it was designed and intended.

11-20-15 Inspection STATUS: Non Complied –Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Electrical wiring installed or maintained incorrectly. Outlets in living room not working

Remedy: Repair defective electrical wiring.

Code Section: Electrical facilities
18-85 All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with applicable laws.

11-20-15 Inspection STATUS: Non Complied –Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Roof conditions or defects might admit rain or roof drainage. Potential roof leak at rear causing water protrusion into unit 4 upper hallway.
Remedy: Repair roof to be structurally sound and impervious to water. Maintain roof conditions to code.

**Code Section**: Foundation, exterior walls and roofs
18-71 Every roof shall be maintained structurally sound and in a sanitary condition. Every roof shall be structurally sound, tight, and not have defects which might admit rain and roof drainage; and roof drainage shall be prevented from causing dampness in the walls or interior portions of the building.

**11-20-15 Inspection STATUS**: Non Complied – Violation not corrected

**Enforcement and penalties 18-31 (b)**: In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Electrical equipment installed or maintained incorrectly. Outlet cover missing from side of heating unit in living room to unit 4.
Remedy: Replace missing electrical plate cover.

**Code Section**: Electrical facilities
18-85 All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with applicable laws.

**11-20-15 Inspection STATUS**: Non Complied – Violation not corrected

**Enforcement and penalties 18-31 (b)**: In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Code Enforcement DPW appeal

66-68 South Union Street
# Code Enforcement Timeline of inspections at this property

<table>
<thead>
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<th>DATE</th>
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<tr>
<td>10/6/2015</td>
<td>Routine Housing Inspection</td>
<td>Ted Miles/Bill Ward</td>
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<td>10/8/2015</td>
<td>Order Sent</td>
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<tr>
<td>11/20/2015</td>
<td>Follow-up Inspection</td>
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<td>Complaint inspection - Heat</td>
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<td>1/5/2016</td>
<td>Heat complaint closed</td>
<td>Ted Miles</td>
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<tr>
<td>1/27/2016</td>
<td>Appeal received on for future inspections</td>
<td>Under Appeal</td>
<td>18</td>
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<tr>
<td>2/18 2016</td>
<td>Order Sent for Inspection on November 6, 2015</td>
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<tr>
<td>3/11/2016</td>
<td>Date set for compliance with 2/18/16 Order</td>
<td>Under Appeal</td>
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There were 18 deficiencies at the November 20, 2015 inspection.

1 of those deficiencies was from Division 5 of the housing ordinance and is subject to appeal review by the Public Works Commission.

➤ Item #7 of 18 – Obstructed egress
Unit/Area  Basement steps  (Item 7 of 18)

Finding: Path of egress is obstructed or otherwise unsafe. debris at top of stairs to basement not allowing door to open fully as per fire marshal inspection on 11/20/2015

Remedy: Remove obstructions behind door to basement and maintain safe path of egress at all times

Code Section: Means of egress
18-95 Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade.

11-20-15 Inspection STATUS: Non Complied –Violation not corrected

Basement door indicated by red rectangle. Door leads from ground floor into the basement. This door would not open fully. It was partially blocked by stored debris.

Floor plan sketch of 66-68 South Union Street
Requested action from the Public Works Commission

1. Uphold the Code Enforcement decision that the deficiencies ordered to be corrected were valid.

2. Require that the order be complied with and the deficiencies that have not been corrected be corrected to meet code requirements.
March 10, 2016

TO: Public Works Commission

FROM: Norman Baldwin, P.E. Assistant Director-Technical Services

RE: Appeal of Code Enforcement Orders related to Life Safety Requirements for three properties

- 66-68 South Union Street,
- 41 South Willard Street,
- 40-42 Colchester Avenue

Mr. Kwan is the owner of a three properties, 66-68 South Union Street, 41 South Willard Street and 40-42 Colchester Avenue. Mr. Kwan through his attorney Mr. William Towle has sought to appeal Code Enforcements Orders related to Life Safety Requirements for the three properties identified, attached is the request for the appeal to be heard, addressed to Director Spencer dated February 24, 2016. Below is the list of items for each of the properties and each property will be addressed as its own separate appeal.

- Appeal #1 66-68 South Union Street, Code Enforcement Order dated February 19, 2016
  - Item 7-BCO 18-95 Means of Egress

- Appeal #2 41 South Willard Street, Code Enforcement Order dated January 8, 2016
  - Item 10-BCO 18-96 Accumulation and Storage
  - Item 31-BCO 18-99 Smoke Detectors
  - Item 32-BCO 18-95 Means of Egress

- Appeal #3 40-42 Colchester Avenue, Code Enforcement Order dated January 4, 2016
  - Item 2-BCO 18-95 Means of Egress
  - Item 3-BCO 18-95 Means of Egress
  - Item 6-BCO 18-95 Means of Egress
Since receiving the appeal I have attempted to schedule this appeal to be heard at the March 16, 2016 Commission meeting. In doing so I have sent notice of the hearing via email, certified mail, as well as hand delivered hard copy notices to Mr. Kwon, and Mr. Towle as legal counsel to Mr. Kwon, all documents were issued and sent on March 7, 2016.

Since issuing the notice I had received an email from Mr. Towle, on the evening of Wednesday March 9, 2016 seeking a request for an alternative date given Mr. Towle had a conflicting deposition. I explained to Mr. Towle that this would be a hardship for our Commission given the Commission had made a point to clear their agenda to accommodate and provide a timely response to this appeal given it relates to life safety requirements. It was at that time that I had committed to Mr. Towle that I would follow up with the Chair of the Commission, Jeff Padget, whom ultimately would decide as to whether or not this appeal would be heard at the March 2016 Commission Meeting or to postpone to another future meeting.

After consulting with Public Works Commission Chair Jeff Padget it was decided Mr. Kwon’s appeal would continue to be heard at our March 2016 meeting, and it would be placed later on the agenda, from 6:30 p.m. Time Certain to 6:50 p.m. Time Certain. I have sent via email to Mr. Towle notice the hearing would continue to be heard at our March 16, 2016 meeting.

It is the responsibility of Mr. Kwon and his representatives attend given there was adequate advance notice of the hearing.

I will be serving as staff to the Public Works Commission at the meeting and will introduce the two parties Code Enforcement as the administrators of the Ordinance and Mr. Kwon as the Appellant.

Andy Macilwaine, will serve as legal counsel to the Commission as well.
February 24, 2016

Chapin Spencer  
Director of Public Works  
Department of Public Works  
PO Box 849  
Burlington, VT 05402-0849

RE: 66-68 South Union Street  
41 South Willard Street  
40-42 Colchester Avenue  
34 Colchester Avenue

Dear Mr. Spencer:

This letter serves as notice that Mr. Kwon appeals any fire safety issues raised in:

1) the recent re-inspection at 66-68 South Union Street, including but not limited to inspection number 299422 and/or any subsequent inspection report for this location;
2) the recent re-inspection at 41 South Willard Street, including but not limited to inspection number 296531 and/or any subsequent inspection report for this location;
3) the recent re-inspection at 40-42 Colchester Avenue, including but not limited to inspection number 295388 and/or any subsequent inspection report for this location;
4) the recent re-inspection at 34 Colchester Avenue, including but not limited to inspection number 296523 and/or any subsequent inspection report for this location.

The basis for the appeal is: (1) inaccurate factual allegations; (2) allegations that are unrelated to the minimum housing code, and therefore are outside the jurisdiction of the housing inspector; and (3) any alleged violations related to lead paint are barred by res judicata as these alleged violations are subject to a separate enforcement action by the State of Vermont.

Mr. Kwon requests a determination that these location are not in violation of any
applicable fire safety issues.

These appeals are taken under objection.

As indicated in the enclosed letter to the Housing Board of Review dated February 24, 2016, which is adopted by reference, we believe that these appeals lie correctly with the Housing Board of Review. Mr. Kwon therefore adopts by reference the appeals filed in those pending actions before the Board of Review.

Sincerely,

[Signature]

William B. Towle

Enclosure: letter to the Housing Board of Review dated February 24, 2016

cc: Client
    Bill Ward (without enclosure)
    Gene Bergman (without enclosure)
February 24, 2016

William Ward
Director of Code Enforcement
Burlington Code Enforcement Office
P.O. Box 849
Burlington, VT 05402-0849

Eugene Bergman, Esq.
Assistant City Attorney
City Attorney's Office
149 Church Street, Room 11
Burlington, VT 05401

RE: 66-68 South Union Street

Dear Gentlemen:

This letter serves as notice that Mr. Kwon appeals the recent re-inspection at 66-68 South Union Street, including but not limited to inspection number 299422 and/or any subsequent inspection report for this location.

The basis for the appeal is: (1) inaccurate factual allegations; (2) allegations that are unrelated to the minimum housing code, and therefore are outside the jurisdiction of the housing inspector; and (3) any alleged violations related to lead paint are barred by res judicata as these alleged violations are subject to a separate enforcement action by the State of Vermont.

Mr. Kwon requests a determination that 66-68 South Union Street is not in violation of the minimum housing standards.

Sincerely,

William B. Towle

cc: Client
Chapin Spencer, Department of Public Works
February 24, 2016

Lisa Jones
Board Clerk
Housing Board of Review
City of Burlington
149 Church St. Room 11
Burlington, VT 05401

Dear Ms. Jones:

I write in response to your letter of February 19, 2016.

My client does intend to appeal the 66-68 South Union order of February 19, 2016. For the record, we will issue a notice of appeal to Bill Ward on that matter.

I have reviewed your suggestion that certain provisions of the appeal related to fire safety must be appealed to the Public Works Commission. Although I do ask that you transfer those matters to the Public Works Commission as cross-appealed – and we will file our own notices as well -- we do so under objection.

We believe under the controlling state statute this entire appeal is correctly before the Housing Board of Review.

The current Minimum Housing Standards Ordinance of the City of Burlington were passed in 1986. Although based on an earlier ordinance, it is clear that the updated ordinances were passed under 24 V.S.A. Chapter 123, specifically 24 V.S.A. § 5003, and were not passed under the older municipal code statute, 24 V.S.A. Chapter 83. As proof, we point out that Division 2 of the ordinance establishes a housing board of review pursuant to 24 V.S.A. § 5005, which is solely authorized under ordinances established under 24 V.S.A. § 5003. We conclude that the current Ordinance Chapter 18, the Minimum Housing Standards Ordinance of the City of Burlington, was passed under authority of 24 V.S.A. Chapter 123.

All of the items referenced in the reports under appeal reference violations under Ordinance Chapter 18 (or are silent on their basis). I also note that there is no warning in the violation notice that appeal might be due to Public Works. Also, the split appeal is unnecessarily
I recognize that Ordinance 18-94 purports to make violations of Division 5 (18-94 through 18-101) appealable to “the appeals board under the rules established in Chapter 8 of this Code of Ordinances.” It appears the Ordinance anticipates that certain fire related appeals are to be heard by the older appeals board, which is how older municipal codes under ordinances passed under the older 24 V.S.A. Chapter 83 (§3101-3120) handled appeals. The Ordinance explains the reason is for “consistent enforcement.”

Regardless, Public Works is a misplaced destination for an appeal for an updated ordinance, such as Burlington’s. 24 V.S.A. § 5010 specifically states that ordinances adopted pursuant to the newer 24 V.S.A. Chapter 123 are not subject to the provisions of the older 24 V.S.A. Chapter 83 (“The provisions of this chapter and ordinances and regulations adopted under its authority, shall not be subject to limitations, requirements or provisions contained in said chapter 83”). We find that by passing an ordinance under 24 V.S.A. Chapter 123 and setting up an enforcement scheme under that chapter, Burlington has removed statutory basis for an appeal to the appeal board as per the older statute. Instead, 24 V.S.A. § 5005.(b)(2) states that “[a]ny person aggrieved by an order issued by the enforcing officer may appeal to the [housing] board.”

We believe under 24 V.S.A. § 5005.(b)(2), the Board is the only permissible review of any alleged violation under Ordinance Chapter 18.

Sincerely,

[Signature]

William B. Towle

cc: Client
Bill Ward
Eugene Bergman
Chapin Spencer
WARD & BABB
ATTORNEYS-AT-LAW
3069 WILLISTON ROAD
SOUTH BURLINGTON, VERMONT 05403-6044

RECEIVED
FEB 2016
City Of Burlington
Department Of Public Works

Chapin Spencer
Director of Public Works
Department of Public Works
PO Box 849
Burlington, VT 05402-0849
Mr. Towle,

The Public Works Commission was first notified of this appeal as a result of your letter dated February 24, 2016 addressed to Director Chapin Spencer. The Department responded in a timely manner to your clients appeal request, and has provided reasonable advance notice of the meeting, date, time and location.

I have spoken with the Chair of the Commission and it was his decision, which I support, to move ahead with these series of appeals at the March Commission meeting. I would note to provide further accommodation, the Chair of the Commission rescheduled this item to be heard at 6:50 p.m., versus the original time certain of 6:30 p.m..

Please confirm both yours and your clients ability to attend.

From: Wil Towle [mailto:towle@wardandbabb.com]
Sent: Thursday, March 10, 2016 12:04 PM
To: Eugene Bergman <Ebergman@burlingtonvt.gov>; Andy Macilwaine <amacilwaine@DINSE.COM>; Norm Baldwin <nbaldwin@burlingtonvt.gov>
Cc: jeffpadgett10@gmail.com; Chapin Spencer <cspencer@burlingtonvt.gov>; Valerie Ducharme <vducharme@burlingtonvt.gov>; Eileen Blackwood <eblackwood@burlingtonvt.gov>; William Ward <wward@burlingtonvt.gov>

Mr. Baldwin:

The scheduling problems with the deposition are significant – as Andy can confirm we tried to wrap up yesterday’s deposition at 4:30 PM but the lawyer for the deponent refused, and the deposition continued until about 6:30 when all lawyers were satisfied with their examination. Most of the depositions in this case have run past 5 pm. It is the nature of this case so I am not as optimistic as Andy that we will be out of there on time.

There are no other lawyers in this firm who are familiar with the Kwon matter pending before the Board so it is not fair to Mr. Kwon to force him acquire backup counsel for this matter.

We appealed the first of these matters on January 27, 2016 and were only just notified on Monday, March 7 about the Wednesday, March 16 hearing, and duly made a timely request for a rescheduled date.

Most of the allegations against Mr. Kwon involve construction lumber and similar being stored in locked basements or locked closets so I do not believe there are any pressing life safety issues which require an expedited hearing.

I appreciate your consideration of our request for a rescheduled time.

Will
From: Eugene Bergman  [mailto:EBergman@burlingtonvt.gov]
Sent: Thursday, March 10, 2016 9:05 AM
To: Andy MacIwaine; Norm Baldwin
Cc: jeffpadgett10@gmail.com; Chapin Spencer; Valerie Ducharme; Eileen Blackwood; Will Towle; William Ward

I’m all for accommodating my brothers and sisters of the bar but do not believe justice would be done to delay this to the next commission meeting in April. I’m sure a special meeting of the commission to hear this appeal in the next week would be ok. I have a conflict on Wed. the 23rd but other than that I am free, including on the 17th. I’d need to check with Bill on his availability once we have a proposed date.

Gene

From: Andy MacIwaine  [mailto:amacilwaine@DINSE.COM]
Sent: Wednesday, March 09, 2016 8:28 PM
To: Norm Baldwin <nbaladin@burlingtonvt.gov>
Cc: jeffpadgett10@gmail.com; Chapin Spencer <cspencer@burlingtonvt.gov>; Valerie Ducharme <vducharme@burlingtonvt.gov>; Eugene Bergman <EBergman@burlingtonvt.gov>; Eileen Blackwood <eblackwood@burlingtonvt.gov>
Subject: Re: Notice of Appeal Hearing-Code Enforcement Decisions related to 66-68 S.Union, 41 S.Willard, 40-42 Colchester Ave

Folks,

For what it’s worth, I am actually involved in the same case as Will and will be in the same deposition next Wednesday. I was planning on ending the deposition by 5-5:30 in light of this hearing and assumed Will would do the same. The deposition will be at my office on battery. That said, if it’s not too burdensome to postpone the hearing I don’t have a particular concern about doing so (to the extent I have a say).

WAM/iPhone
www.dinse.com  |  Bio
tel: 802-654-5751

On Mar 9, 2016, at 8:19 PM, Norm Baldwin <nbaladin@burlingtonvt.gov> wrote:

I would have to consult with the chair of the commission and their legal counsel.

The Commission has made arrangements to clear their agenda and to provide a timely appeal hearing, I would further note other business has been put aside, for what is routinely a very busy commission
agenda, and at this stage staff would not be in a position to prepare other items to be heard in time for the agenda and packet to be reissued.

I would ask that you to consider finding other legal counsel to represent your client, in your place if at all possible.

Sent from my iPhone

On Mar 9, 2016, at 7:03 PM, Will Towle <towle@wardandbabb.com> wrote:

Mr. Baldwin:

I am scheduled to be in a deposition Wednesday March 16 in a multi-party case which has been plagued with great scheduling difficulties and a Court ordered March 31, 2015 fact discovery deadline. It would a great difficulty or impossibility for me to reschedule this deposition. Given the number of parties in the case, the deposition is reasonably expected to go past 5 pm (indeed, I have just now concluded a deposition in the same case at about 6:30 pm).

Would it possible to have the Public Works Commission hearing re-scheduled? (Please note that I am also scheduled to be out of state March 31-April 4)

Thank you for your consideration.

Will

William B. Towle, Esq.
Ward & Babb
3069 Williston Road
South Burlington, VT 05403
Phone 802/863-0307 ext. 18
Fax 802/863-4587
http://www.wardandbabb.com
http://www.linkedin.com/in/willtowle
WBNNoEncrypt

From: Norm Baldwin [mailto:nbaldwin@burlingtonvt.gov]
Sent: Monday, March 07, 2016 4:11 PM
To: soonkkwon@gmail.com
Cc: jeffpadgett10@gmail.com; Chapin Spencer; Valerie Ducharme; William Ward; Eugene Bergman; Will Towle
Subject: Notice of Appeal Hearing-Code Enforcement Decisions related to 66-68 S.Union, 41 S.Willard, 40-42 Colchester Ave

NOTICE OF HEARING
Pursuant to Burlington Code of Ordinances Chapter 18, Article III, Division 5, please take notice that the Public Works Commission will hold a hearing related to an appeal of a minimum housing code order regarding the fire safety division of the minimum housing code associated for the following properties.
• Appeal #1 66-68 South Union Street, Code Enforcement Order dated February 19, 2016
  o Item 7-BCO 18-95 Means of Egress

• Appeal #2 41 South Willard Street, Code Enforcement Order dated January 8, 2016
  o Item 10-BCO 18-96 Accumulation and Storage
  o Item 31-BCO 18-99 Smoke Detectors
  o Item 32-BCO 18-95 Means of Egress

• Appeal #3 40-42 Colchester Avenue, Code Enforcement Order dated January 4, 2016
  o Item 2-BCO 18-95 Means of Egress
  o Item 3-BCO 18-95 Means of Egress
  o Item 6-BCO 18-95 Means of Egress
  o Item 7-BCO 18-95 Means of Egress
  o Item 8-BCO 18-96 Accumulation and Storage
  o Item 9-BCO 18-95 Means of Egress
  o Item 13-BCO 18-99 Smoke Detectors
  o Item 19-BCO 18-98 Fire Protection Systems

Each Property will be addressed as individual Appeals. The three appeals will be heard starting at 6:30 p.m. on Wednesday, March 16, 2016 in the Front Conference Room at the Central Maintenance Facility at 645 Pine Street in Burlington, Vermont. Testimony will close at time certain of 8:30 p.m., and if required another subsequent hearing will scheduled as a continuance.

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 specific 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.
Norman J. Baldwin, P.E.
City Engineer/Ass’t Director
Burlington Public Works Department
645 Pine Street
Burlington, Vermont 05401

V: 802.865.5826
F: 802.863.0466
EMAIL: nbaldwin@burlingtonvt.gov
March 7, 2016

Mr. Soon Kwon
20 Highland Terrace
Burlington, Vermont 05401

NOTICE OF HEARING

Pursuant to Burlington Code of Ordinances Chapter 18, Article III, Division 5, please take notice that the Public Works Commission will hold a hearing related to an appeal of a minimum housing code order regarding the fire safety division of the minimum housing code associated for the following properties:

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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,

[Signature]

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

<cc: Jeff Padgett, Chair of the Public Works Commission
     Eugene Bergman, Assistant City Attorney
     William Ward, Director of Code Enforcement
     Chapin Spencer, Director of Public Works
     Valerie Ducharme, Customer Service Representative
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Sent To: John Smith
Address: 123 Main St
City: Burlington, VT
State: VT
Zip: 05401
USPS Tracking®

Tracking Number: 70121010000199316041

Updated Delivery Day: Thursday, March 10, 2016

Product & Tracking Information

Postal Product:  

DATE & TIME | STATUS OF ITEM | LOCATION
--- | --- | ---
March 10, 2016, 1:03 pm | Delivered | SOUTH BURLINGTON, VT 05403

Your item was delivered at 1:03 pm on March 10, 2016 in SOUTH BURLINGTON, VT 05403.

March 10, 2016, 5:26 am | Arrived at Unit | BURLINGTON, VT 05401
March 9, 2016, 1:08 pm | Departed USPS Facility | ESSEX JUNCTION, VT 05452
March 8, 2016, 7:36 pm | Arrived at USPS Facility | ESSEX JUNCTION, VT 05452

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3/10/2016 3:25 PM
January 8, 2016

Soon K. Kwon
PO Box 9492
South Burlington, VT 05407-9492

RE: Re-Inspection of 41 South Willard Street, Inspection 296531

Dear Owner(s):

I conducted a follow-up inspection at this property on Friday, November 13, 2015 at 10:00:00 AM. My findings are included with this re-inspection report and Order. A re-inspection fee invoice in the amount of $400.00 for the November 13, 2015 re-inspection is enclosed.

The items on the attached report that are noted as non-complied will be inspected for compliance on February 11, 2016 at 11:00 AM. Tenants must be notified at least 48 hours in advance. All areas of the property must be accessible. Please contact me at 802-863-0442, at least 24 hours in advance, sooner if possible, if this needs to be rescheduled.

You may submit a written request for an extension of compliance date(s) if you need more time to complete repairs for a valid reason. Extension requests must include the reason the request is necessary and the extended compliance date requested for each item. Requests must be submitting in writing on our extension request form; verbal requests will not be accepted. You may obtain an extension request form by phone, at our Office, or on the web at https://www.burlingtonvt.gov/CodeEnforcement/Minimum-Housing under Extension Request Form. The completed extension request, with all required information, must be approved by our office prior to the compliance date in order to avoid re-inspection fees. For this reason, and because application for an extension does not guarantee that it will be granted, you are encouraged to apply for an extension as early as possible if you anticipate difficulties with the Order compliance date(s).

If this office cannot verify compliance with the Order at this re-inspection and a written extension has not been granted by our office, a re-inspection fee of $200.00 per unit will be charged.

You may also be ticketed for the Minimum Housing Standards violations found at re-inspections. Furthermore, failure to comply with this Order is a criminal offense punishable by a fine up to $500.00 and/or imprisonment; each day’s failure to comply constitutes a separate offense. You may also be subject to provisions on suspension and revocation of Certificates of Compliance pursuant to Burlington Code of Ordinances section 18-20 if you fail to comply with this order or fail to get an extension.

Information available in alternative media forms for people with disabilities.
For disability access information call (802) 863-0450 TTY.
An Equal Opportunity Employer
Decisions stated in this Order and report relative to new findings at the re-inspection may be appealed in writing within thirty (30) days of the date of this correspondence, addressed to the Director of the Code Enforcement Office.

Please feel free to contact me at 802-863-0442 if you have any questions or concerns.

Sincerely,

Tim Monen
Minimum Housing Inspector
INVOICE NO.: 176880  
INVOICE DATE: Nov 19, 2015  
PERMIT #: 15 211813 000  

City Of Burlington  
645 Pine Street  
Burlington, VT 05401  

INVOICE TO: Soon K. Kwon  
20 Highland TER  
South Burlington VT 05403  
PROJECT LOCATION: 41 South Willard ST  
PROJECT DESCRIPTION:  

<table>
<thead>
<tr>
<th>FEE DESCRIPTION</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>Reinspection Fee</td>
<td>$400.00</td>
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TOTAL: $400.00  
PAYMENT RECEIVED: $0.00  
BALANCE: $400.00
Inspection Detail for: 41 South Willard Street  
Inspection Date: November 13, 2015  
Inspector: Tim Ahonen

**Finding:** Bathroom floor not constructed and maintained impervious to water first floor unit rear

**Remedy:** Repair and maintain floor to be impervious to water, in sound condition and good repair to code.

**Code Section:** Floors, interior walls and ceilings  
18-72 The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition. Bathroom and kitchen floors shall be constructed and maintained so as to be substantially impervious to water.

**11-13-15 Inspection STATUS:** Non Complied - Violation not corrected

**Enforcement and penalties 18-31 (b):** In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.

**Finding:** Interior equipment not maintained sound, sanitary and in good repair many replacement doors not painted or stained.

**Remedy:** Repair or replace, and maintain all interior equipment in sound and sanitary condition, and good repair to code. must have cleanable surfaces, not raw wood.

**Code Section:** Floors, interior walls and ceilings  
18-72 The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition.

**11-13-15 Inspection STATUS:** Non Complied - Violation not corrected

**Enforcement and penalties 18-31 (b):** In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Remedy: Repair, sand and maintain stairway in safe and sound condition and good repair to code.

CODE SECTION: Stairways and porches
18-74 Every inside and outside stair, porch, railing and any appurtenance thereto shall be kept in sound condition and good repair.

11-13-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Unit/Area

Finding: Electrical equipment installed or maintained incorrectly: outlets damaged, broken covers, Duct taped.

Remedy: Repair defective equipment/installation.

CODE SECTION: Electrical facilities
18-85 All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with applicable laws.

11-13-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Deteriorated painted surfaces found on more than 1 square foot (sq ft) aggregate.

Remedy: Promptly and safely repair and/or stabilize deteriorated surfaces using safe work practices; do not use prohibited work practices; record repair on EMP compliance statement.

Code Section: Paint
18-112 (a) (1), (2) The interior and exterior of pre-1978 rental housing shall be free from deteriorated painted surfaces more than 1 square foot (sq ft) in the aggregate;

11-13-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Code Section: Paint
18-112 (h) Owners of pre-1978 rental housing shall have continuing disclosure, education, and cleaning obligations.

11-13-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the

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plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Garbage, trash, recycling or debris in the yard. Garbage bags swarming with flies. Old Xmas tree, dead potted plants, broken glass, wrappers, cups scattered all over. bicycle chain, broken grill parts, broken furniture.

Remedy: Remove garbage, trash, recycling and debris from yard. Maintain exterior common free of accumulations.

Code Section: Accum of trash, inoper. vehicles, appliances and furn prohibited 18-111 Rubbish, junk, refuse, garbage, scrap metal, tin cans and recyclables shall only be allowed to remain outdoors and in plain view in the front yard of any property for the purpose of recycling and solid waste pickup for disposal and only if they are neatly kept, stored, maintained, or deposited in accordance with all minimum housing, health and solid waste ordinances and regulations.

11-13-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Findings: Interior equipment not maintained sound, sanitary and in good repair. Splintered door jamb in bedroom on second floor north, of first floor unit.

Remedy: Repair or replace, and maintain all interior equipment in sound and sanitary condition, and good repair to code.

Code Section: Floors, interior walls and ceilings
18-72 The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition.
11-13-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Findings: Unsanitary condition in dwelling unit; cobwebs, dirty window, carpet not cleaned at turn over per EMP law.

Remedy: Clean and maintain dwelling unit clean and sanitary to code.

Code Section: Premises to be kept clean and sanitary
18-105 Every owner or his agent shall maintain the shared or public areas of the dwelling unit or units or yard in a clean and sanitary condition. Every occupant of a dwelling unit shall maintain in a clean and sanitary condition that part of the dwelling unit and yard which he occupies and controls.

11-13-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Remedy: Reduce accumulations of stored materials. Maintain premises free of excessive accumulations.

**Code Section:** Interior accumulations and storage
18-66 Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal residential use.

**11-13-15 Inspection STATUS:** Non Complied – Violation not corrected

**Enforcement and penalties 18-31 (b):** In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

**EMP lead paint law**

Finding: Interior wall/ceiling with peeling paint. Peeling paint in bedroom at first floor south east corner and first floor bathroom pipes.

Remedy: Repair, paint and maintain walls in good repair to code. Follow Vermont lead paint regulation guidelines when repairing and maintaining painted surfaces.

**Code Section:** Floors, interior walls and ceilings
18-72 Interior walls and ceilings shall be maintained in sound condition and good repair. Peeling paint and other deteriorated or damaged surface conditions shall be eliminated.

**11-13-15 Inspection STATUS:** Non Complied – Violation not corrected

**Enforcement and penalties 18-31 (b):** In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Exterior wall condition admits rain or dampness. Siding rotting on southwest corner where gable joins wall.

Remedy: Repair exterior wall to be weather-tight and impervious to moisture. Maintain exterior walls to code.

Code Section: Foundation, exterior walls and roofs
18-71 Every exterior wall shall be maintained structurally sound and in a sanitary condition. Every exterior wall shall be free of holes, breaks, loose or rotting boards, or timbers, and any other conditions that admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.

11-13-15 Inspection STATUS: Non Complied -- Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Defective heating equipment; baseboard in bathroom, rear of first floor unit is heavily damaged.

Remedy: Repair or replace heating equipment. Maintain in sound condition and good repair to code.

Code Section: Heating and cooking equipment
18-86 All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards. All mechanical equipment shall be properly installed and safely maintained in good working condition and be capable of performing the function for which it was designed and intended.

11-13-15 Inspection STATUS: Non Complied – Violation not corrected
FINDINGS: Heating to adequate temperature in all rooms causes overheating of some areas. First reported last winter, this was never addressed by you, Mr. Kwon. The rear bedroom, first floor unit (west) gets down to 50 degree range while the front side gets above 80. Your heating system appears to be cobbled together by an inebriated plumber with hot water boilers attached to old steam pipe systems.

REMEDY: Repair or replace heating system so that all areas in all rooms meet the requirement for minimum temperature of 65 degrees F, without overheating any other room.

Code Section: Heating and cooking equipment
18-85 Every dwelling unit and rooming unit shall be provided with heating facilities capable of maintaining a room temperature of sixty-five degrees Fahrenheit at a point three feet above the floor and three feet from an exterior wall in all habitable rooms and bathrooms at all times. The minimum capacity shall be obtained without overheating any other room.

11-13-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Interior walls/ceiling not maintained sound, sanitary and in good repair. Raw plywood patches layered on interior hallway in first floor unit. Not only is the plywood ugly, unpainted and dirty it has now got holes of its own.

Remedy: Repair any structural defects, cracked or loose plaster, peeling paint and maintain all interior surfaces in sound and sanitary condition and good repair to code. Remove plywood patches and finish the hallway in a workmanlike manner suitable to a residence.

Code Section: Floors, interior walls and ceilings
18-72 Interior walls and ceilings shall be maintained in sound condition and good repair. Cracked or loose plaster, peeling paint, decayed wood, and other deteriorated or damaged surface conditions shall be eliminated.

11-13-15 Inspection STATUS: Non Compiled - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Interior wall/ceiling not maintained sound, sanitary and in good repair. Dryer closet back wall sheetrock not attached to studs, not painted or finished.

Remedy: Repair any structural defects, cracked or loose plaster, peeling paint and maintain all interior surfaces in sound and sanitary condition and good repair to code.

Code Section: Floors, interior walls and ceilings
18-72 Interior walls and ceilings shall be maintained in sound condition and good repair. Cracked or loose plaster, peeling paint, decayed wood, and other deteriorated or damaged surface conditions shall be eliminated.

11-13-15 Inspection STATUS: Non Compiled - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

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dryer closet

Findings: Floor not in sound condition and repair, uneven, damaged or unsanitary gaps/holes under dryer closet that lead to cellar. A properly installed floor does not have holes.

Remedy: Repair uneven, damaged or unsanitary surface conditions. Maintain floors in sound and sanitary condition, and in good repair to code.

Code Section: Floors, interior walls and ceilings
18-72 The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition. Floors shall be in kept in sound condition and good repair.

11-13-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Unit/Area
First floor unit (item 19 of 32)
kitchen

Finding: kitchen floor not constructed and maintained impervious to water in first floor rental unit.

Remedy: Repair and maintain floor to be impervious to water, in sound condition and good repair to code.

Code Section: Floors, interior walls and ceilings
18-72 The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition. Bathroom and kitchen floors shall be constructed and maintained so as to be substantially impervious to water.

11-13-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
IN: 296531  
Inspection Detail for: 41 South Willard Street  
Inspection Date: November 13, 2015  
Inspector: Tim Ahonen

**First floor unit (Item 20 of 32)**

**Kitchen cabinets**

**Finding:** Kitchen counters/cabinets falling apart, damaged surfaces.

**Remedy:** Repair or replace, and maintain all interior equipment in sound and sanitary condition, and good repair to code.

**Code Section:** Floors, interior walls and ceilings  
18-72 The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition.  
11-13-15 Inspection STATUS: Non Complied — Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.

**First floor unit (Item 21 of 32)**

**Rear door**

**Finding:** Exterior door pane cracked, broken or absent; rear door to first floor rental missing glass pane.

**Remedy:** Replace exterior door pane and maintain in weatherproof, in sound condition and good repair to code.

**Code Section:** Exterior windows and doors  
18-73 Every exterior door shall be maintained to prevent wind and water from entering the dwelling or structure. Every door shall be weather-tight. Every door pane shall be fully and properly glazed.

11-13-15 Inspection STATUS: Non Complied — Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Unsafe condition of stairway-front porch steps out sagging and separating from porch.

Remedy: Repair unsafe stairway condition. Maintain stairway in safe and sound condition and good repair to code.

Code Section: Stairways and porches
18-74 Every inside and outside stair, porch, railing and any appurtenance thereto shall be safe to use and kept in sound condition and good repair.
11-13-15 Inspection STATUS: Non Complied –Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: No inspection tag on unit. All fuel burning heating systems must be inspected every 2 years and serviced and certified with a tag issued to the verified contractor by the Department of Public Works (DPW). MR Kwon you did not provide access to this area.

Remedy: Have a certified technician inspect and certify that system is functioning and operating in a safe manner, with proof of inspection stated on tag issued by DPW and placed in a conspicuous place on the unit.

Code Section: Heating and cooking equipment
18-86 All cooking equipment shall be maintained so as to be free from fire, health and accident hazards.

11-13-15 Inspection STATUS: Non Complied –Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Interior wall/ceiling with cracked or loose plaster virtually every room in both rental units has cracks, holes, and other damage.
Remedy: Repair any cracked or loose plaster, paint and maintain all interior surfaces smooth and in good repair to code.

Code Section: Floors, interior walls and ceilings
18-72 Interior walls and ceilings shall be maintained in sound condition and good repair. Cracked or loose plaster and other deteriorated or damaged surface conditions shall be eliminated.

11-13-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Unit/Area
rear porch (Item 25 of 32)

Finding: Dwelling infested with insects, rodents or other pests. Pigeons living in spaces inside rear stair tower
Remedy: Provide licensed exterminator. Provide this office with written documentation from exterminator of work completed. Maintain dwellings free of insects, rodents and pests.

Code Section: Extermination of vermin
18-107 Every owner or his agent shall be responsible for the extermination of any insects, rodents, or other pests whenever any such infestation exists, except when the infestation is in one dwelling unit only and is the sole result of a single occupant’s action as determined by the code official.

11-13-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Date Printed 1/7/2016 2:29:00 PM
Finding: All damaged, unstable or otherwise unsafe. Section of handrail for rear stairs is broken off of building.
Remedy: Replace handrail. Install new handrail to code.

Code Section: Stairways and porches
18-74 Every inside and outside stair, railing and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be put thereon and shall be kept in sound condition and good repair.

11-13-15 Inspection STATUS: Non Complied--Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Stair treads or risers worn, broken, warped or loose. 4 split stair treads on rear stairway. 1 loose and a fifth damaged. All are fall hazards.
Remedy: Repair or replace broken, worn or loose stair treads or risers. Maintain in sound condition and good repair to code.

Code Section: Stairways and porches
18-74 All stairs and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that are worn, broken, warped or loose.

11-13-15 Inspection STATUS: Non Complied--Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Exterior wall contains unpainted plywood exterior walls around entrance door to second floor unit.
Remedy: Repair exterior wall to be weather-tight and impervious to moisture; add tyvek and siding. Maintain exterior walls to code.

Code Section: Foundation, exterior walls and roofs
18-71 Every exterior wall shall be maintained structurally sound and in a sanitary condition. Every exterior wall shall be free of holes, breaks, loose or rotting boards, or timbers, and any other conditions that admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.
11-13-15 Inspection STATUS: Non Complied -Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Floors not in sound condition and repair. Surface uneven, damaged or unsanitary. Uneven floors where different materials meet.
Remedy: Repair uneven, damaged or unsanitary surface conditions. Maintain floors in sound and sanitary condition, and in good repair to code.

Code Section: Floors, interior walls and ceilings
18-72 The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition. Floors shall be in good condition and good repair.
11-13-15 Inspection STATUS: Non Complied -Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Exterior window does not fit frame and is a weather-tight Storm window second floor bedroom north side

Remedy: Repair and maintain window weather-stripping to code.

Code Section: Exterior windows and doors
18-73 Every exterior window shall be constructed and maintained to prevent wind and water from entering the dwelling or structure. Each window shall be fitted reasonably in its frame and be weather-tight. Weather-stripping shall be used to prevent wind or rain from entering the dwelling and shall be kept in sound condition and good repair.

11-13-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so that it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Smoke alarms (Item 31 of 32)

Finding: Smoke/CO detector does not meet required standards. All units seen were too old and should be replaced. Units older than 5 years should be replaced

Remedy: Replace smoke/CO detector to code. Carbon monoxide detectors much be UL 2034 listed or approved by a nationally recognized independent testing laboratory. Installation must be in the vicinity of sleeping areas and on every floor of the dwelling, in accordance with the manufacturer’s instructions and State law. City of Burlington electrical permit required for electrical work.

Code Section: Smoke detectors
18-99 Smoke detectors/alarmers shall be properly installed and shall be maintained in good working condition.

11-13-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Code Section: Means of egress
18-95 Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade.

11-13-15 Inspection STATUS: Non Compiled – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Code Enforcement DPW appeal hearing

41 South Willard Street
# Code Enforcement Timeline of inspections at this property

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTION</th>
<th>INSPECTOR</th>
<th>DEFICIENCIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/24/2015</td>
<td>Routine Housing Inspection</td>
<td>Tim Ahonen/ Bill Ward</td>
<td>39 Items</td>
</tr>
<tr>
<td>8/26/2015</td>
<td>Order Sent</td>
<td>Sybil Thomas</td>
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</tr>
<tr>
<td>9/23/2015</td>
<td>Follow-up Inspection</td>
<td>Tim Ahonen/ Bill Ward</td>
<td>37 Items</td>
</tr>
<tr>
<td>9/29/2015</td>
<td>Order Sent</td>
<td>Sybil Thomas</td>
<td></td>
</tr>
<tr>
<td>10/22/2015</td>
<td>2nd Follow-up Inspection</td>
<td>Tim Ahonen/ Bill Ward</td>
<td>35 Items</td>
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<tr>
<td>10/27/2015</td>
<td>Order Sent</td>
<td>Sybil Thomas</td>
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<tr>
<td>11/13/2015</td>
<td>3rd Follow-up Inspection</td>
<td>Tim Ahonen/ Bill Ward</td>
<td>31 Items</td>
</tr>
<tr>
<td>1/8/2016</td>
<td>Order Sent for Inspection on November 13, 2015</td>
<td>Sybil Thomas</td>
<td>UNDER APPEAL</td>
</tr>
<tr>
<td>1/27/2016</td>
<td>Appeal received on 1/8/16 order for November 2015 inspection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2/8/2016</td>
<td>Inspection rescheduled to 2-18-2016 at request of Attorney Will Towle</td>
<td>Bill Ward</td>
<td></td>
</tr>
<tr>
<td>2/11/2016</td>
<td>Compliance date from January 8, 2016 order</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2/18/2016</td>
<td>Inspection for compliance date 2-11-16</td>
<td>Tim Ahonen/ Bill Ward</td>
<td></td>
</tr>
</tbody>
</table>
There were 32 deficiencies at the November 2015 inspection. 3 of those deficiencies are from Division 5 of the housing ordinance and are subject to appeal review by the Public Works Commission.

- Item #10 of 32 – Excessive interior accumulations
- Item #31 of 32 – Expired Smoke/CO detectors
- Item #32 of 32 – Obstructed escape/egress
Unit/Area: cellar  
(Item 10 of 32)


Remedy: Reduce accumulations of stored materials. Maintain premises free of excessive accumulations.

Code Section: Interior accumulations and storage
18-96 Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal residential use.

11-13-15 Inspection STATUS: Non Complied –Violation not corrected

Conditions observed on 11-12-15–
Photo taken by William Ward
Unit/Area

Smoke alarms  (Item 31 of 32)

Finding: Smoke/CO detector does not meet required standards: all units seen were too old and should be replaced. Units older than 5 years should be replaced.

Remedy: Replace smoke/CO detector to code. Carbon monoxide detectors must be UL 2034 listed or approved by a nationally recognized independent testing laboratory. Installation must be in the vicinity off sleeping areas and on every floor of the dwelling, in accordance with the manufacturer’s instructions and State law. City of Burlington electrical permit required for electrical work.

Code Section: Smoke detectors
18-99 Smoke detectors/alarms shall be properly installed and shall be maintained in good working condition.

11-13-15 Inspection STATUS: Non Compl

Conditions observed on 11-12-15 –
Photo taken by
William Ward
How long do CO and CO/Smoke combo alarms last?

ANSI/UL2034 specifications have changed to require all CO alarms and combination smoke/CO alarms to have an end of life feature. This is an industry wide change. This requirement went into effect for any production beginning on August 1, 2009. All BRK/First Alert carbon monoxide alarms manufactured on or after this date meet this requirement. This information is stated on the original packaging, label on the alarm and the manuals.

Recent breakthroughs in CO sensor technology and alarm design improvements allow most BRK CO alarms and combination smoke and CO alarms to have a 10-year alarm life, a 10-year CO sensor life, and a 10-year warranty. Many also have batteries that last for 10 years. The end of life timer built into the alarm is a simple counter that begins working once the unit is activated either by plugging it in, hardwiring or inserting the battery. Then after approximately 120 months of operation (or other timing as coded in the alarm which may be 60 or 72 months) the unit will begin to sound 5 chirps. See the individual CO product on the BRK website and click on the “sounds” tab to hear this alert. This silence feature can temporarily quiet the End of Life warning “chirp” for up to 2 days. You can silence the End of Life warning “chirp” by pressing the Test/Silence button. The horn will chirp, acknowledging that the End of Life feature has been activated. After approximately 2 days, the End of Life “chirp” will resume. After approximately 2-3 weeks the End of Life warning cannot be silenced.

Return to New Construction FAQs/Troubleshooting
Finding: Path of egress is obstructed or otherwise unsafe; third floor east side bedroom egress window has broken off crank. can't be opened.

Remedy: Repair window

Code Section: Means of egress
18-95 Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade.

11-13-15 Inspection STATUS: Non Complied –Violation not corrected
Conditions observed on
11-12-15–
Photo taken by William Ward
Conditions observed on 2-18-16
Photo taken by William Ward
41 S. Willard

Conditions observed on 2-18-16
Photo taken by William Ward (close up of previous photo)
Requested action from the Public Works Commission

1. Uphold the Code Enforcement decision that the deficiencies ordered to be corrected were valid.

2. Require that the order be complied with and the 3 deficiencies be corrected to meet code requirements.
March 10, 2016

TO: Public Works Commission

FROM: Norman Baldwin, P.E. Assistant Director-Technical Services

RE: Appeal of Code Enforcement Orders related to Life Safety Requirements for three properties

- 66-68 South Union Street,
- 41 South Willard Street,
- 40-42 Colchester Avenue

Mr. Kwan is the owner of a three properties, 66-68 South Union Street, 41 South Willard Street and 40-42 Colchester Avenue. Mr. Kwan, through his attorney Mr. William Towle has sought to appeal Code Enforcements Orders related to Life Safety Requirements for the three properties identified, attached is the request for the appeal to be heard, addressed to Director Spencer dated February 24, 2016. Below is the list of items for each of the properties and each property will be addressed as its own separate appeal.

- Appeal #1 66-68 South Union Street, Code Enforcement Order dated February 19, 2016
  o Item 7-BCO 18-95 Means of Egress

- Appeal #2 41 South Willard Street, Code Enforcement Order dated January 8, 2016
  o Item 10-BCO 18-96 Accumulation and Storage
  o Item 31-BCO 18-99 Smoke Detectors
  o Item 32-BCO 18-95 Means of Egress

- Appeal #3 40-42 Colchester Avenue, Code Enforcement Order dated January 4, 2016
  o Item 2-BCO 18-95 Means of Egress
  o Item 3-BCO 18-95 Means of Egress
  o Item 6-BCO 18-95 Means of Egress
- Item 7-BCO 18-95 Means of Egress
- Item 8-BCO 18-96 Accumulation and Storage
- Item 9-BCO 18-95 Means of Egress
- Item 13-BCO 18-99 Smoke Detectors
- Item 19-BCO 18-98 Fire Protection Systems

Since receiving the appeal I have attempted to schedule this appeal to be heard at the March 16, 2016 Commission meeting. In doing so I have sent notice of the hearing via email, certified mail, as well as hand delivered hard copy notices to Mr. Kwon, and Mr. Towle as legal counsel to Mr. Kwon, all documents were issued and sent on March 7, 2016.

Since issuing the notice I had received an email from Mr. Towle, on the evening of Wednesday March 9, 2016 seeking a request for an alternative date given Mr. Towle had a conflicting deposition. I explained to Mr. Towle that this would be a hardship for our Commission given the Commission had made a point to clear their agenda to accommodate and provide a timely response to this appeal given it relates to life safety requirements. It was at that time that I had committed to Mr. Towle that I would follow up with the Chair of the Commission, Jeff Padget, whom ultimately would decide as to whether or not this appeal would be heard at the March 2016 Commission Meeting or to postpone to another future meeting.

After consulting with Public Works Commission Chair Jeff Padget it was decided Mr. Kwon’s appeal would continue to be heard at our March 2016 meeting, and it would be placed later on the agenda, from 6:30 p.m. Time Certain to 6:50 p.m. Time Certain. I have sent via email to Mr. Towle notice the hearing would continue to be heard at our March 16, 2016 meeting.

It is the responsibility of Mr. Kwon and his representatives attend given there was adequate advance notice of the hearing.

I will be serving as staff to the Public Works Commission at the meeting and will introduce the two parties Code Enforcement as the administrators of the Ordinance and Mr. Kwon as the Appellant.

Andy Macilwaime, will serve as legal counsel to the Commission as well.
February 24, 2016

Chapin Spencer
Director of Public Works
Department of Public Works
PO Box 849
Burlington, VT 05402-0849

RE: 66-68 South Union Street
     41 South Willard Street
     40-42 Colchester Avenue
     34 Colchester Avenue

Dear Mr. Spencer:

This letter serves as notice that Mr. Kwon appeals any fire safety issues raised in:

1) the recent re-inspection at 66-68 South Union Street, including but not limited to inspection number 299422 and/or any subsequent inspection report for this location;
2) the recent re-inspection at 41 South Willard Street, including but not limited to inspection number 296531 and/or any subsequent inspection report for this location;
3) the recent re-inspection at 40-42 Colchester Avenue, including but not limited to inspection number 295388 and/or any subsequent inspection report for this location;
4) the recent re-inspection at 34 Colchester Avenue, including but not limited to inspection number 296523 and/or any subsequent inspection report for this location.

The basis for the appeal is: (1) inaccurate factual allegations; (2) allegations that are unrelated to the minimum housing code, and therefore are outside the jurisdiction of the housing inspector; and (3) any alleged violations related to lead paint are barred by res judicata as these alleged violations are subject to a separate enforcement action by the State of Vermont.

Mr. Kwon requests a determination that these location are not in violation of any...
applicable fire safety issues.

These appeals are taken under objection.

As indicated in the enclosed letter to the Housing Board of Review dated February 24, 2016, which is adopted by reference, we believe that these appeals lie correctly with the Housing Board of Review. Mr. Kwon therefore adopts by reference the appeals filed in those pending actions before the Board of Review.

Sincerely,

[Signature]

William B. Towle

Enclosure: letter to the Housing Board of Review dated February 24, 2016

cc: Client
    Bill Ward (without enclosure)
    Gene Bergman (without enclosure)
February 24, 2016

William Ward
Director of Code Enforcement
Burlington Code Enforcement Office
P.O. Box 849
Burlington, VT 05402-0849

Eugene Bergman, Esq.
Assistant City Attorney
City Attorney's Office
149 Church Street, Room 11
Burlington, VT 05401

RE: 66-68 South Union Street

Dear Gentlemen:

This letter serves as notice that Mr. Kwon appeals the recent re-inspection at 66-68 South Union Street, including but not limited to inspection number 299422 and/or any subsequent inspection report for this location.

The basis for the appeal is: (1) inaccurate factual allegations; (2) allegations that are unrelated to the minimum housing code, and therefore are outside the jurisdiction of the housing inspector; and (3) any alleged violations related to lead paint are barred by res judicata as these alleged violations are subject to a separate enforcement action by the State of Vermont.

Mr. Kwon requests a determination that 66-68 South Union Street is not in violation of the minimum housing standards.

Sincerely,

William B. Towle

cc: Client
Chapin Spencer, Department of Public Works
February 24, 2016

Lisa Jones
Board Clerk
Housing Board of Review
City of Burlington
149 Church St. Room 11
Burlington, VT 05401

Dear Ms. Jones:

I write in response to your letter of February 19, 2016.

My client does intend to appeal the 66-68 South Union order of February 19, 2016. For the record, we will issue a notice of appeal to Bill Ward on that matter.

I have reviewed your suggestion that certain provisions of the appeal related to fire safety must be appealed to the Public Works Commission. Although I do ask that you transfer those matters to the Public Works Commission as cross-appealed -- and we will file our own notices as well -- we do so under objection.

We believe under the controlling state statute this entire appeal is correctly before the Housing Board of Review.

The current Minimum Housing Standards Ordinance of the City of Burlington were passed in 1986. Although based on an earlier ordinance, it is clear that the updated ordinances were passed under 24 V.S.A. Chapter 123, specifically 24 V.S.A. § 5003, and were not passed under the older municipal code statute, 24 V.S.A. Chapter 83. As proof, we point out that Division 2 of the ordinance establishes a housing board of review pursuant to 24 V.S.A. § 5005, which is solely authorized under ordinances established under 24 V.S.A. § 5003. We conclude that the current Ordinance Chapter 18, the Minimum Housing Standards Ordinance of the City of Burlington, was passed under authority of 24 V.S.A. Chapter 123.

All of the items referenced in the reports under appeal reference violations under Ordinance Chapter 18 (or are silent on their basis). I also note that there is no warning in the violation notice that appeal might be due to Public Works. Also, the split appeal is unnecessarily
confusing.

I recognize that Ordinance 18-94 purports to make violations of Division 5 (18-94 through 18-101) appealable to “the appeals board under the rules established in Chapter 8 of this Code of Ordinances.” It appears the Ordinance anticipates that certain fire related appeals are to be heard by the older appeals board, which is how older municipal codes under ordinances passed under the older 24 V.S.A. Chapter 83 (§3101-3120) handled appeals. The Ordinance explains the reason is for “consistent enforcement.”

Regardless, Public Works is a misplaced destination for an appeal for an updated ordinance, such as Burlington’s. 24 V.S.A. § 5010 specifically states that ordinances adopted pursuant to the newer 24 V.S.A. Chapter 123 are not subject to the provisions of the older 24 V.S.A. Chapter 83 (“The provisions of this chapter and ordinances and regulations adopted under its authority, shall not be subject to limitations, requirements or provisions contained in said chapter 83”). We find that by passing an ordinance under 24 V.S.A. Chapter 123 and setting up an enforcement scheme under that chapter, Burlington has removed statutory basis for an appeal to the appeal board as per the older statute. Instead, 24 V.S.A. § 5005.(b)(2) states that “[a]ny person aggrieved by an order issued by the enforcing officer may appeal to the [housing] board.”

We believe under 24 V.S.A. § 5005.(b)(2), the Board is the only permissible review of any alleged violation under Ordinance Chapter 18.

Sincerely,

[Signature]

William B. Towle

cc: Client
    Bill Ward
    Eugene Bergman
    Chapin Spencer
WARD & BABB
ATTORNEYS-AT-LAW
3069 WILLISTON ROAD
SOUTH BURLINGTON, VERMONT 05403-6044

BURLINGTON VT 054
24 FEB 2016 PM 1 L

RECEIVED
FEB 23 2016
City Of Burlington
Department Of Public Works

Chapin Spencer
Director of Public Works
Department of Public Works
PO Box 849
Burlington, VT 05402-0849
Mr. Towle,

The Public Works Commission was first notified of this appeal as a result of your letter dated February 24, 2016 addressed to Director Chapin Spencer. The Department responded in a timely manner to your clients appeal request, and has provided reasonable advance notice of the meeting, date, time and location.

I have spoken with the Chair of the Commission and it was his decision, which I support, to move ahead with these series of appeals at the March Commission meeting. I would note to provide further accommodation, the Chair of the Commission rescheduled this item to be heard at 6:50 p.m., versus the original time certain of 6:30 p.m..

Please confirm both yours and your clients ability to attend.

Mr. Baldwin:

The scheduling problems with the deposition are significant – as Andy can confirm we tried to wrap up yesterday’s deposition at 4:30 PM but the lawyer for the deponent refused, and the deposition continued until about 6:30 when all lawyers were satisfied with their examination. Most of the depositions in this case have run past 5 pm. It is the nature of this case so I am not as optimistic as Andy that we will be out of there on time.

There are no other lawyers in this firm who are familiar with the Kwon matter pending before the Board so it is not fair to Mr. Kwon to force him acquire backup counsel for this matter.

We appealed the first of these matters on January 27, 2016 and were only just notified on Monday, March 7 about the Wednesday, March 16 hearing, and duly made a timely request for a rescheduled date.

Most of the allegations against Mr. Kwon involve construction lumber and similar being stored in locked basements or locked closets so I do not believe there are any pressing life safety issues which require an expedited hearing.

I appreciate your consideration of our request for a rescheduled time.

Will
From: Eugene Bergman [mailto:EBergman@burlingtonvt.gov]
Sent: Thursday, March 10, 2016 9:05 AM
To: Andy MacIlwaine; Norm Baldwin
Cc: jeffpadgett10@gmail.com; Chapin Spencer; Valerie Ducharme; Eileen Blackwood; Will Towle; William Ward

I’m all for accommodating my brothers and sisters of the bar but do not believe justice would be done to delay this to the next commission meeting in April. I’m sure a special meeting of the commission to hear this appeal in the next week would be ok. I have a conflict on Wed. the 23rd but other than that I am free, including on the 17th. I’d need to check with Bill on his availability once we have a proposed date.

Gene

From: Andy MacIlwaine [mailto:amacilwaine@DINSE.COM]
Sent: Wednesday, March 09, 2016 8:28 PM
To: Norm Baldwin <nbaladin@burlingtonvt.gov>
Cc: jeffpadgett10@gmail.com; Chapin Spencer <cspencer@burlingtonvt.gov>; Valerie Ducharme <vducharme@burlingtonvt.gov>; Eugene Bergman <EBergman@burlingtonvt.gov>; Eileen Blackwood <eblackwood@burlingtonvt.gov>
Subject: Re: Notice of Appeal Hearing-Code Enforcement Decisions related to 66-68 S.Union, 41 S.Willard, 40-42 Colchester Ave

Folks,

For what it’s worth, I am actually involved in the same case as Will and will be in the same deposition next Wednesday. I was planning on ending the deposition by 5-5:30 in light of this hearing and assumed Will would do the same. The deposition will be at my office on Battery. That said, if it’s not too burdensome to postpone the hearing I don’t have a particular concern about doing so (to the extent I have a say).

WAM/iPhone
www.dinse.com | Bio
tel: 802-654-5751

On Mar 9, 2016, at 8:19 PM, Norm Baldwin <nbaladin@burlingtonvt.gov> wrote:

I would have to consult with the chair of the commission and their legal counsel.

The Commission has made arrangements to clear their agenda and to provide a timely appeal hearing, I would further note other business has been put aside, for what is routinely a very busy commission
agenda, and at this stage staff would not be in a position to prepare other items to be heard in time for the agenda and packet to be reissued.

I would ask that you to consider finding other legal counsel to represent your client, in your place if at all possible.

Sent from my iPhone

On Mar 9, 2016, at 7:03 PM, Will Towle <towle@wardandbabb.com> wrote:

Mr. Baldwin:

I am scheduled to be in a deposition Wednesday March 16 in a multi-party case which has been plagued with great scheduling difficulties and a Court ordered March 31, 2015 fact discovery deadline. It would a great difficulty or impossibility for me to reschedule this deposition. Given the number of parties in the case, the deposition is reasonably expected to go past 5 pm (indeed, I have just now concluded a deposition in the same case at about 6:30 pm).

Would it possible to have the Public Works Commission hearing re-scheduled? (Please note that I am also scheduled to be out of state March 31-April 4)

Thank you for your consideration.

Will

William B. Towle, Esq.
Ward & Babb
3069 Williston Road
South Burlington, VT 05403
Phone 802/863-0307 ext. 18
Fax 802/863-4587
http://www.wardandbabb.com
http://www.linkedin.com/in/willtowle
WBNoEncrypt

From: Norm Baldwin [mailto:nbaldwin@burlingtonvt.gov]
Sent: Monday, March 07, 2016 4:11 PM
To: soonkkwon@gmail.com
Cc: jeffpadgett10@gmail.com; Chapin Spencer; Valerie Ducharme; William Ward; Eugene Bergman; Will Towle
Subject: Notice of Appeal Hearing-Code Enforcement Decisions related to 66-68 S.Union, 41 S.Willard, 40-42 Colchester Ave

NOTICE OF HEARING
Pursuant to Burlington Code of Ordinances Chapter 18, Article III, Division 5, please take notice that the Public Works Commission will hold a hearing related to an appeal of a minimum housing code order regarding the fire safety division of the minimum housing code associated for the following properties.
• Appeal #1 66-68 South Union Street, Code Enforcement Order dated February 19, 2016
  o Item 7-BCO 18-95 Means of Egress

• Appeal #2 41 South Willard Street, Code Enforcement Order dated January 8, 2016
  o Item 10-BCO 18-96 Accumulation and Storage
  o Item 31-BCO 18-99 Smoke Detectors
  o Item 32-BCO 18-95 Means of Egress

• Appeal #3 40-42 Colchester Avenue, Code Enforcement Order dated January 4, 2016
  o Item 2-BCO 18-95 Means of Egress
  o Item 3-BCO 18-95 Means of Egress
  o Item 6-BCO 18-95 Means of Egress
  o Item 7-BCO 18-95 Means of Egress
  o Item 8-BCO 18-96 Accumulation and Storage
  o Item 9-BCO 18-95 Means of Egress
  o Item 13-BCO 18-99 Smoke Detectors
  o Item 19-BCO 18-98 Fire Protection Systems

Each Property will be addressed as individual Appeals. The three appeals will be heard starting at 6:30 p.m. on Wednesday, March 16, 2016 in the Front Conference Room at the Central Maintenance Facility at 645 Pine Street in Burlington, Vermont. Testimony will close at time certain of 8:30 p.m., and if required another subsequent hearing will scheduled as a continuance.

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.
March 7, 2016

Mr. Soon Kwon
20 Highland Terrace
Burlington, Vermont 05401

NOTICE OF HEARING

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  - Item 32-BCO 18-95 Means of Egress

- Appeal #3 40-42 Colchester Avenue, Code Enforcement Order dated January 4, 2016
  - Item 2-BCO 18-95 Means of Egress
  - Item 3-BCO 18-95 Means of Egress
  - Item 6-BCO 18-95 Means of Egress
  - Item 7-BCO 18-95 Means of Egress
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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,

[Signature]

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

<: Jeff Padgett, Chair of the Public Works Commission
Eugene Bergman, Assistant City Attorney
William Ward, Director of Code Enforcement
Chapin Spencer, Director of Public Works
Valerie Ducharme, Customer Service Representative
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Tracking Number: 7012101000199316041

Updated Delivery Date: Thursday, March 10, 2016

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March 10, 2016, 5:26 am Arrived at Unit BURLINGTON, VT 05401
March 9, 2016, 1:08 pm Departed USPS Facility ESSEX JUNCTION, VT 05452
March 8, 2016, 7:36 pm Arrived at USPS Facility ESSEX JUNCTION, VT 05452

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Search or Enter a Tracking Number
January 4, 2016

Soon K. Kwon
PO Box 9492
South Burlington, VT 05407-9492

RE: Re-Inspection of 40-42 Colchester Avenue, Inspection 295388

Dear Owner(s):

I conducted a follow up inspection at this property on Monday, August 31, 2015 at 12:00:00 Noon. My findings are included with this re-inspection report and Order along with a letter from the Director of Code Enforcement. A re-inspection fee invoice in the amount of $1080.00 is enclosed.

The items on the attached report that are noted as non-complied will be inspected for compliance on January 28, 2016 at 10:00 AM. Tenants must be notified at least 48 hours in advance. All areas of the property must be accessible. Please contact me at 802-863-0442, at least 24 hours in advance, sooner if possible, if this needs to be rescheduled.

You may submit a written request for an extension of compliance date(s) if you need more time to complete repairs for a valid reason. Extension requests must include the reason the request is necessary and the extended compliance date requested for each item. Requests must be submitting in writing on our extension request form; verbal requests will not be accepted. You may obtain an extension request form by phone, at our Office, or on the web at www.ci.burlington.vt.us under the Code Enforcement Office, Extension Request Form. The completed extension request, with all required information, must be approved by our office prior to the compliance date in order to avoid re-inspection fees. For this reason, and because application for an extension does not guarantee that it will be granted, you are encouraged to apply for an extension as early as possible if you anticipate difficulties with the Order compliance date(s).

If this office cannot verify compliance with the Order at this re-inspection and a written extension has not been granted by our office, a re-inspection fee of $200.00 per unit will be charged.

You may also be ticketed for the Minimum Housing Standards violations found at re-inspections. Furthermore, failure to comply with this Order is a criminal offense punishable by a fine up to $500.00 and/or imprisonment; each day’s failure to comply constitutes a separate offense. You may also be subject to provisions on suspension and revocation of Certificates of Compliance pursuant to Burlington Code of Ordinances section 18-20 if you fail to comply with this order or fail to get an extension.

Information available in alternative media forms for people with disabilities.
For disability access information call (802) 863-0450 TTY.
An Equal Opportunity Employer
Decisions stated in this Order and report relative to new findings at the re-inspection may be appealed in writing within thirty (30) days of the date of this correspondence, addressed to the Director of the Code Enforcement Office.

Please feel free to contact me at 802-863-0442 if you have any questions or concerns.

Sincerely,

Tim Ahonen
Minimum Housing Inspector
Finding: Electrical appliance installed or maintained incorrectly. Ceiling fixtures missing lenses/globes throughout building. Missing light globes or covers should be replaced. (See supplemental report dated December 30, 2015 attached)

Remedy: All ceiling, wall sconces, closet lights and exterior light fixtures are to have function light bulbs and lenses in place.

Code Section: Electrical facilities
18-85 All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with applicable laws.

8-31-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Light well for 40a has no means of escape. (See supplemental report dated December 30, 2015 attached)

Remedy: Install handrail to code: 34 to 38 inches above surface of tread, 1 1/4 to 2 inches in diameter. Building permit may be required.

Code Section: Means of egress
18-95 Egress paths shall be safe to use and shall conform to the requirements of the City building code.

8-31-15 Inspection STATUS: This condition is being referred to the Fire Marshal.

Finding: Exterior door not maintained in sound condition and good repair. Cracked and loose concrete on stoops, the thresholds were improperly repaired. (See supplemental report dated December 30, 2015 attached)

Remedy: Replace or repair exterior door threshold/step. Maintain in sound condition and good repair to code.
**Code Sections:** Means of egress/Stairways and porches
18-95 Egress paths shall be safe to use and shall conform to the requirements of the City building code. 18-74 Stairways and porches: Every inside and outside stair, porch, railing and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be put thereon and shall be kept in sound condition and good repair. Specifically, all stairs and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that are worn, broken, warped or loose.

**8-31-15 Inspection STATUS:** Non Complied – Violation not corrected

**Enforcement and penalties 18-31 (b):** In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

**Finding:** Exterior windows in Unit 40B on north side were leaking rainwater causing interior ceiling and wall to be damaged. (See supplemental report dated December 30, 2015 attached)

**Remedy:** Replace or repair the windows and maintain weather-tight to code.

**Code Section:** Exterior windows and doors
18-73 Every exterior window shall be constructed and maintained to prevent wind and water from entering the dwelling or structure. Each window shall be fitted reasonably in its frame and be weather-tight. Weather-stripping shall be used to prevent wind or rain from entering the dwelling and shall be kept in sound condition and good repair.

**8-31-15 Inspection STATUS:** Complied

No water leaks were detected during this inspection

**Unit/Area**

| 40 b (Item 4a of 25) | Wall and ceiling in basement apt. |

**Finding:** Exterior windows in 40B on north side were leaking rainwater and interior ceiling and wall are damaged. (See supplemental report dated December 30, 2015 attached)

**Remedy:** Repair all the water damage to the wall and ceiling interior surfaces. Building permit may be required.

**Code Section:** 18-72 Floors, interior walls and ceilings
18-72 (b) Interior walls and ceilings shall be maintained in sound condition and good repair. Cracked or loose plaster, peeling paint, decayed wood, and other deteriorated or damaged surface conditions shall be eliminated.

**8-31-15 Inspection STATUS:** Non Complied – Violation not corrected
Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

40b (Item 5 of 25)
Basement Water Intrusion

Finding: Water intrusion into two bedrooms in basement unit on east side, causing carpeting to grow mold. (See supplemental report dated December 30, 2015 attached)

Remedy: Determine source of water intrusion: Repair and maintain floor in sound and sanitary condition and good repair to code.

Code Section: Floors, interior walls and ceilings
18-72 The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition. Floors shall be kept in sound condition and good repair.

8-31-15 Inspection STATUS: No Violation found this date
The wet carpet conditions were not present on August 31, 2015. Landlord’s independent inspection report from Home Check Incorporated Professional Inspection Services in March 2015 “all room areas appeared to be dry and no water or elevated moisture levels were found”. Landlord’s independent inspection from Cardno AT in February 2015 concluded “...Cardno considers the bio aerosol data to be representative of a normal indoor environment”.

40b (Item 5 of 25)
Missing handrails on stairs

Finding: Egress stairways without handrails in 40b. (See supplemental report dated December 30, 2015 attached)

Remedy: Install handrail to code: 34 to 38 inches above surface of tread, 1 1/4 to 2 inches in diameter. Building permit may be required.

Code Section: Means of egress
18-95 Egress paths shall be safe to use and shall conform to the requirements of the City building code.
8-31-15 Inspection STATUS: Non Complied — Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Unit/Area
40 b (Item 7 of 25)

Finding: Required egress path unsafe or unusable. Egress window route on east side has a hole in the ground over one foot deep. The stairs are rickety and the shed roof impedes egress by being below the required clear headroom of 6 feet 8 inches. (See supplemental report dated December 30, 2015 attached)

Remedy: Repair and maintain safe and stable egress path to code at all times.

Code Section: Means of egress
18-95 Egress paths shall be safe to use. All required fire escapes shall be structurally sound and maintained safe and useable and free of snow and ice.

8-31-15 Inspection STATUS: Non Complied — Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Unreasonable quantities of accumulated and stored materials on premises. There is a closet in 40 b heaped with building supplies no space to walk. (See supplemental report dated December 30, 2015 attached.)

Remedy: Reduce accumulations of stored materials. Maintain premises free of excessive accumulations. Storage area to be orderly and free of combustible or hazardous materials. Mr. Kwon a big pile of stuff with no order or any room to step through is not acceptable.

Code Section: Interior accumulations and storage
18-90 Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal residential use.

8-31-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Path of egress is obstructed or otherwise unsafe rear exit from 40b obstructed by storage in hallways, missing light bulbs, and passes through boiler room exterior door not proper size. (See supplemental report dated December 30, 2015 attached.)

Remedy: Remove obstructions and maintain safe path of egress at all times. Building permit required to replace door.

Code Section: Means of egress
18-95 Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade.

Date Printed 1/7/2016 4:12:34 PM
8-31-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Unit/Area
40A  (Item 10 of 25)

Finding: Light in closet at the rear of unit 40A is hanging from the wall by the exposed wire and it does not work. (See supplemental report dated December 30, 2015 attached)

Remedy: Repair or replace electrical appliance. Install and maintain all appliances in compliance with codes. Workmanlike repair required.

Code Section: Electrical facilities
18-85 All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with applicable laws.

Status: Complied

42  (Item 11 of 25)

Unfinished construction – loose plaster

Finding: Unit 42 has construction that was never completed with loose plaster or sheetrock mud present. (See supplemental report dated December 30, 2015 attached)

Remedy: Repair any structural defects, cracked or loose plaster, peeling paint and maintain all interior surfaces in sound and sanitary condition and good repair to code.

Code Section: Floors, interior walls and ceilings
18-72 Interior walls and ceilings shall be maintained in sound condition and good repair. Cracked or loose plaster, peeling paint, decayed wood, and other deteriorated or damaged surface conditions shall be eliminated.

8-31-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Date Printed 1/7/2016 4:12:34 PM
Finding: Plumbing drain not connected and maintained in good working order. Several water leaks from fixtures in unit 42 are staining the ceiling in 406 (basement). Tenants told not to use one shower stall. (See supplemental report dated December 30, 2015 attached)

Remedy: Repair plumbing drains to be connected and maintained in good working order to code. Locate and repair leaks, repair the damage they have caused, remove rotted and moldy sheetrock and replace with new. Repairs to be done in a workmanlike manner. i.e. do not simply paint over stains and allow leak to continue as you have previously done. Mr. Kwon you should hire a trained plumber to do these repairs as they seem to be beyond your skillset.

Code Section: Plumbing connections
18-79 Supply lines, plumbing fixtures, vents and drains shall be connected and maintained in good working order and kept free from obstructions, leaks and defects.

8-31-15 Inspection STATUS: Non Complied --Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Alarm units in apartment 42 not talking to each other. (See supplemental report dated December 30, 2015 attached)

Remedy: Electrician needed to diagnose and repair problem so that alarms meet code. Each alarm must signal all of the others.

Code Section: Smoke detectors
18-99 AC/DC interconnected smoke detectors shall be installed inside and outside every bedroom and on every level of the dwelling unit. FINALIZED CITY OF BURLINGTON ELECTRICAL PERMIT REQUIRED.

Status: Complied
Finding: Electrical outlets throughout the building missing cover plates. Thermostat covers missing in building in Apartment 42. (See supplemental report dated December 30, 2015 attached)

Remedy: Install outlet cover plates on outlets where they are broken or missing. Install thermostat covers where they are broken or missing. Inspect all units for these problems as this should have been done at turnover.

Code Section: Electrical facilities
18-85 All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with applicable laws.

8-31-15 Inspection STATUS: Non Compiled – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Baseboards (Item 15 of 25)

Finding: Hot water radiator baseboards in all three units are damaged with crushed, bent vanes, missing or damaged guard plates and louvers that no longer function. Some guard plates screwed together over existing unrepaired damage. Accumulated dirt, lint, hair, toilet paper, corrosion, dirt and detritus adhered to components. (See supplemental report dated December 30, 2015 attached)

Remedy: Replace all damaged components to restore full function and efficiency. CLEAN them. Mr. Kwon I will check to make certain that you have not simply tried to cover up damage as has been done in the past. I will open louvers to check function and observe the interior to make sure that the vanes aren’t crushed, missing or coated with hair, toilet paper and other detritus.

Code Section: Heating and cooking equipment
18-86 All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards. All mechanical equipment shall be properly installed and safely maintained in good working condition and be capable of performing the function for which it was designed and intended.

8-31-15 Inspection STATUS: Non Compiled – Violation not corrected
Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Tears and runs in carpets, paint stains. (See supplemental report dated December 30, 2015 attached)

Remedy: Repair or replace damaged carpeting, clean stains.

Code Section: Floors, interior walls and ceilings
18-72: The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition. Floors shall be in kept in sound condition and good repair.

8-31-15 Inspection STATUS: Non Complied—Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Dryer Ventilation Systems (Item 17 of 25)

Finding: Electrical appliance installed or maintained incorrectly specifically the dryer vents are clogged with lint and flexible hose is not to accepted by code. (See supplemental report dated December 30, 2015 attached)

Remedy: Replace fire damaged dryer vent with code compliant material, clean all vents and bring all dryer ventilation to code. Building permit required. Remove the foil hose dryer vent and replace with code compliant materials, CLEAN ALL VENTS AND VENT OPENINGS.

Code Section: Electrical facilities
18-85 All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with applicable laws.

8-31-15 Inspection STATUS: Non Complied – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appear within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Exterior (Item 18 of 25)

Finding: Unpainted plywood on exterior. (See supplemental report dated December 30, 2015 attached)

Remedy: Paint exterior wall surface to be impervious to rain and dampness. Maintain exterior walls to code.

Code Section: Foundation, exterior walls and roofs
18-71 Every exterior wall shall be maintained structurally sound and in a sanitary condition. Every exterior wall shall be free of holes, breaks, loose or rotting boards, or timbers, and any other conditions that admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.

8-31-15 Inspection STATUS: Complied
Finding: Fire alarm system not maintained in proper operating condition- not inspected. (See supplemental report dated December 30, 2015 attached)

Remedy: Inspect required fire alarm system and maintain in proper operating condition at all times.

Code Section: Fire protection systems
18-98 All required fire protection systems and equipment including fire alarms and fire suppression systems shall be maintained in proper operating condition.

8-31-15 Inspection STATUS: This condition is being referred to the Fire Marshal

Finding: Expiring Inspection tags on units. All fuel burning heating systems must be inspected every 2 years and serviced and certified with a tag issued by the Department of Public Works (DPW). Existing tags expire August 1, 2015. (See supplemental report dated December 30, 2015 attached)

Remedy: Have a certified technician inspect and certify that system is functioning and operating in a safe manner, with proof of inspection stated on tag issued by DPW and placed in a conspicuous place on the unit prior to August 1, 2015. In other words this is a reminder to not let the tags lapse.

Code Section: Heating and cooking equipment
18-86 All cooking equipment shall be maintained so as to be free from fire, health and accident hazards.

8-31-15 Inspection STATUS: Valid as on 8-31-15 but expiring that day

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Paint chips found in outdoor areas of pre-1978 rental housing. Light wells have paint chips.  
(See supplemental report dated December 30, 2015 attached)

Remedy: Remove paint chips and record removal activity on EMP compliance statement.

Code Section: Paint
18-112 (a) (3) Outdoor areas of pre-1978 rental housing shall be paint chip free
8-31-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Plumbing drain with obstruction, leak or defect. The drains in the basement unit are backing up, as was first reported by tenants in 2010 and on July 7, 2015 the tub was blocked again.  
(See supplemental report dated December 30, 2015 attached)

Remedy: Repair obstruction, leak or defect in plumbing drain and maintain in good working order to code. Have the line augered or steam cleaned or routed to clear blockages.

Code Section: Plumbing connections
18-79 Supply lines, plumbing fixtures, vents and drains shall be connected and maintained in good working order and kept free from obstructions, leaks and defects.

8-31-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Numerous holes, cracks, gouges and dents and stains in sheetrock throughout all units in the building. (See supplemental report dated December 30, 2015 attached)

Remedy: Replace/repair deteriorated or damaged interior surfaces. Maintain interior surfaces in sound condition and good repair to code. REPAIRS TO BE WORKMANLIKE: holes filled, sanded level and painted to match wall. Water damaged materials to be cut out and replaced, not painted over.

Code Section: Floors, interior walls and ceilings
18-72 Interior walls and ceilings shall be maintained in sound condition and good repair. Cracked or loose plaster, peeling paint, decayed wood, and other deteriorated or damaged surface conditions shall be eliminated.

8-31-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.

Finding: Exterior windowpanes on two skylights in unit 40A appear broken, inner pane only intact. (See supplemental report dated December 30, 2015 attached)

Remedy: Replace windowpane. Maintain all windows weatherproof, in sound condition and good repair to code.

Code Section: Exterior windows and doors
18-73 Every exterior window shall be maintained to prevent wind and water from entering the dwelling or structure. Every window shall be weather-tight. Every windowpane shall be fully and properly glazed.

8-31-15 Inspection STATUS: Non Complied - Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney's fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Finding: Garbage, trash, recycling or debris in the yard and around the dumpster. Inadequate recycling receptacle for 3 unit building. (See supplemental report dated December 30, 2015 attached)

Remedy: Remove garbage, trash, recycling and debris from yard. Maintain exterior common free of accumulations. Provide appropriately sized recycling receptacle for 3 unit building with multiple tenants. Picking up trash is not a one time exercise Mr. Kwon, you are responsible for your property being clean at all times. Do not wait for written orders to pick up trash.

Code Section: Accumulation of trash, inoperable vehicles, appliances and furniture prohibited
18-111 Rubbish, junk, refuse, garbage, scrap metal, tin cans and recyclables shall only be allowed to remain outdoors and in plain view in the front yard of any property for the purpose of recycling and solid waste pickup for disposal and only if they are neatly kept, stored, maintained, or deposited in accordance with all minimum housing, health and solid waste ordinances and regulations.

8-31-15 Inspection STATUS: Non Compilled – Violation not corrected

Enforcement and penalties 18-31 (b): In addition to the penalty provisions of this section, if the enforcement officer or inspector finds that any person has failed to comply with any order issued by him/her within the time specified therein and that such person has failed to appeal such order within the time prescribed, he/she may notify the office of the city attorney who may bring suit to enforce such order. Such suit may be brought in Chittenden Superior Court and at the request of either party, the court shall advance the case so it may be heard and determined with as little delay as possible. The court may issue a temporary restraining order or preliminary or permanent injunction in any such proceedings and may exercise all the plenary powers available to such court to obtain compliance with the ordinance and any order issued pursuant thereto. The court may award costs of suit which may include, if the plaintiff prevails and the court deems the defense without substantial merit, the attorney’s fees incurred by the plaintiff or so much thereof as the court finds reasonable.
Code Enforcement DPW appeal hearing

40/42 Colchester Avenue
# Code Enforcement Timeline of inspections at this property

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTION</th>
<th>INSPECTOR/STAFF</th>
<th>DEFICIENCIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/7/2015</td>
<td>Routine Housing Inspection</td>
<td>Tim Ahonen / Patti Wehman</td>
<td>24 Items</td>
</tr>
<tr>
<td>7/16/2015</td>
<td>Order Sent</td>
<td>Sybil Thomas</td>
<td></td>
</tr>
<tr>
<td>7/24/2015</td>
<td>Follow-up Inspection</td>
<td>Tim Ahonen / Bill Ward</td>
<td>25 Items</td>
</tr>
<tr>
<td>7/29/2015</td>
<td>Order Sent</td>
<td>Sybil Thomas</td>
<td></td>
</tr>
<tr>
<td>8/12/2015</td>
<td>2nd Follow-up Inspection</td>
<td>Tim Ahonen / Bill Ward</td>
<td>25 Items</td>
</tr>
<tr>
<td>8/14/2015</td>
<td>Order Sent</td>
<td>Sybil Thomas</td>
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<tr>
<td>8/31/2015</td>
<td>3rd Follow-up Inspection</td>
<td>Tim Ahonen / Bill Ward</td>
<td>19 Items</td>
</tr>
<tr>
<td>1/8/2016</td>
<td>Order Sent for November</td>
<td>Sybil Thomas</td>
<td>UNDER APPEAL</td>
</tr>
<tr>
<td>1/27/2016</td>
<td>Appeal received on 1/8/16 order</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1/28/2016</td>
<td>Inspection for compliance date 1-28-16</td>
<td></td>
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</tr>
</tbody>
</table>
There were 25 deficiencies at the November 2015 inspection.

6 of those deficiencies are from Division 5 of the housing ordinance and are subject to appeal review by the Public Works Commission.

- Item #6 of 25 – Missing handrails on stairs
- Item #7 of 25 – Unsafe egress path – hole in the ground in window well
- Item #8 of 25 – Unreasonable/excessive accumulations in storage closet
- Item #9 of 25 – Path of egress obstructed
- Item #13 of 25 – Smoke/CO detectors not interconnected – COMPLIED
- Item #19 of 25 – Fire alarm system tested with deficiencies – COMPLIED by Fire Marshall -2016
40 b  (Item 6 of 25)
Missing handrails on stairs

Finding: Egress stairways without handrails in 40b. (See supplemental report dated December 30, 2015 attached)

Remedy: Install handrail to code: 34 to 38 inches above surface of tread, 1 1/4 to 2 inches in diameter. Building permit may be required.

Code Section: Means of egress
18-95 Egress paths shall be safe to use and shall conform to the requirements of the City building code.
Non Complied –Violation not corrected

Conditions observed on 12-30-15–
Photo taken by William Ward
Unit/Area
40 b  (Item 7 of 25)

Finding: Required egress path unsafe or unusable: egress window route on east side has a hole in the ground over one foot deep. The stairs are rickety and the shed roof impedes egress by being below the required clear headroom of 6 feet 8 inches. (See supplemental report dated December 30, 2015 attached)

Remedy: Repair and maintain safe and stable egress path to code at all times.

Code Section: Means of egress 18-95 Egress paths shall be safe to use. All required fire escapes shall be structurally sound and maintained safe and useable and free of snow and ice.

8-31-15 Inspection STATUS: Non Complied – Violation not corrected

Conditions observed
on 8-31-15 –
Photo taken by
William Ward

Photo depicts the view of the escape window well on Northeast side of the building
Conditions observed on 10-6-14
Photos taken by William Ward

Photos depict the interior of the escape window well on the northeast side of the building and a close up of the hole in the ground.
Finding: Unreasonable quantities of accumulated and stored materials on premises; There is a closet in 40 b heaped with building supplies no space to walk. (See supplemental report dated December 30, 2015 attached)

Remedy: Reduce accumulations of stored materials. Maintain premises free of excessive accumulations. Storage area to be orderly and free of combustible or hazardous materials. Mr. Kwon a big pile of stuff with no order or any room to step through is not acceptable.
Code Section: Interior accumulations and storage
18-96 Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal residential use.

8-31-15 Inspection STATUS: Non Complied –Violation not corrected

Conditions observed on 7-24-15 -
Photo taken by William Ward
Finding: Path of egress is obstructed or otherwise unsafe rear exit from 40b obstructed by storage in hallways, missing light bulbs, and passes through boiler room exterior door not proper size. (See supplemental report dated December 30, 2015 attached)

Remedy: Remove obstructions and maintain safe path of egress at all times. Building permit required to replace door.

Code Section: Means of egress

18-95 Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade.

8-31-15 Inspection STATUS: Non Complied –Violation not corrected

Conditions observed on 8-31-15 -
Photo taken by William Ward
Finding: Alarm units in apartment 42 not talking to each other. (See supplemental report dated December 30, 2015 attached)

Remedy: Electrician needed to diagnose and repair problem so that alarms meet code. Each alarm must signal all of the others.

Code Section: Smoke detectors
18-99 AC/DC interconnected smoke detectors shall be installed inside and outside every bedroom and on every level of the dwelling unit.
FINALIZED CITY OF BURLINGTON ELECTRICAL PERMIT REQUIRED.

Status: Complied on 8-31-15

Conditions observed on 7-24-15 –
Photo taken by William Ward
This issue was found in compliance on 8-31-15

Conditions observed on 8-31-2015 - Photo taken by William Ward
Unit/Area:  fire alarm system  

(Finding): Fire alarm system not maintained in proper operating condition - not inspected. (See supplemental report dated December 30, 2015 attached)

(Remedy): Inspect required fire alarm system and maintain in proper operating condition at all times.

(Code Section): Fire protection systems  
18-98 All required fire protection systems and equipment including fire alarms and fire suppression systems shall be maintained in proper operating condition.

8-31-15 Inspection STATUS: This condition is being referred to the Fire Marshal.

Conditions observed on 8-31-2015  
Photo taken by William Ward
Conditions observed on 8-31-2015
Photo taken by William Ward
Requested action from the Public Works Commission

1. Uphold the Code Enforcement decision that the deficiencies ordered to be corrected were valid.

2. Require that the order be complied with and the deficiencies that have not been corrected be corrected to meet code requirements.
Burlington Department of Public Works Commission Meeting
Draft Minutes, 17 February 2016
645 Pine Street
(Meetings can be viewed at www.cctv.org)

Commissioners Present: Tiki Archambeau (Vice Chair); Jim Barr; Chris Gillman; Solveig Overby; Jeff Padgett (Chair). Commissioners Absent: Robert Alberry; Tom Simon.

Item 1 – Call to Order – Welcome – Chair Comments
Chair Padgett calls meeting to order at 6:34pm and recognizes Assistant Director of Water Resources Laurie Adams for 33 years of service to the city; Director Chapin Spencer and Assistant Director Adams also speak on recognition.

Item 2 – Agenda
Commissioner Barr makes motion to approve agenda and is seconded by Vice Chair Archambeau.
Action taken: motion approved;
“Ayes” are unanimous.

Item 3 – Recognition of Service – Laurie Adams, Assistant Director Water Resources

Item 4 – Public Forum

Item 5 – Consent Agenda
A. Accessible Space on Lake St
B. State of Traffic Request Backlog
C. Haswell Street Parking
Vice Chair Archambeau makes motion to accept staff’s recommendation in Consent Agenda and is seconded by Commissioner Barr.
Action taken: motion approved.
“Ayes” are unanimous.

Item 6 – 199 South Union St – Appeal
A) Staff Presentation introduced by Assistant Director of Technical Services Norm Baldwin and given by Code Enforcement Director William Ward who presents the city’s case concerning Appealed Items 2, 4, and 5 of the Inspection Report for Appellant’s 199 South Union St rental property, and introduces Code Enforcement’s appeal packet, returned and signed certified mail label, and copies of email correspondence between Director Ward and the Appellant for the record; Appellant Presentation by Chris Khamnei who responds to the city’s case and introduces the Kidde Combination Photoelectric Smoke and Carbon Monoxide Alarm manual for the record.
B) Commission Questions
Chair Padgett and Vice Chair Archambeau ask questions concerning staff’s presentation with Director Ward answering; the commission asks questions concerning Appellant’s presentation with Mr. Khamnei answering.
C) Public Comment
D) Commissioner Discussion
E) Motion made by N/A.
Seconded by N/A.
Discussion
Action taken: no action taken – vote on appeal takes place in Executive Session following Commission Meeting adjournment.
Item 7 – FY’16 Workplan Progress Report
   A) Staff Presentation by Director Spencer who speaks on the city’s progress concerning key DPW initiatives the Commission approved in June 2015 for FY’16.
   B) Commission Questions
      Chair Padgett, Vice Chair Archambeau, and Commissioner Overby ask questions about the FY’16 Workplace Progress Report with Director Spencer answering.
   C) Public Comment
   D) Commissioner Discussion
   E) Motion made by N/A.
      Seconded by N/A.
      Discussion
      Action taken: no action taken.

Item 8 – Annual Schedule of Commission Meetings
   A) Staff Presentation by Director Spencer who speaks on staff’s prepared list, in response to a commission request, for Annual Commission Meeting Schedules and associated items.
   B) Commission Questions
      Chair Padgett and Vice Chair Archambeau ask questions about the Annual Schedule of Commission Meetings with Director Spencer answering.
   C) Public Comment
   D) Commissioner Discussion
   E) Motion made by Commissioner Barr to approve Annual Schedule of Commission Meetings.
      Seconded by Commissioner Gillman.
      Discussion
      Action taken: motion approved;
      “Ayes” are unanimous.

Item 9 – Draft Minutes of 1-20-16
   Director Spencer, Assistant City Attorney Gene Bergman, Chair Padgett, Vice Chair Archambeau, and Commissioners Barr and Overby engage in a discussion on the Draft Minutes of 1-20-16 with Vice Chair Archambeau requesting one, a breakout of Vice Chair Padgett’s friendly amendments in Agenda Item 5; two, take “(see video)” out of minutes altogether; and three, include Commissioner Overby’s paragraph on the Residential Parking Management Plan as an online document.
   Commissioner Barr makes motion to accept minutes of 1-20-16 with Vice Chair Archambeau’s changes and is seconded by Vice Chair Archambeau.
   Action take: motion approved;
   “Ayes” are unanimous.

Item 10 – Director’s Report
   Director Spencer gives thanks to Assistant Director Adams for her service to the city. Chair Padgett asks about city’s salt budget with Director Spencer answering it’s good. Commissioner Overby asks about comments she’s heard about ice buildup on sidewalk in front of Edmund’s Middle School with Director Spencer answering that Assistant Director of Right-of-Way Rob Green is aware of it and DPW has been dealing with it.

Item 11 – Commissioner Communications
   Vice Chair Archambeau comments on the elections occurring before next Commission Meeting and expresses support for the North Avenue Pilot Project. Commissioner Overby comments on watching the City Council Meeting and is excited about the permit reform effort with Assistant Director Baldwin discussing it with her.
Item 12 – Adjournment & Next Meeting Date – March 16, 2016
Motion to adjourn made by Commissioner Barr and seconded by Commissioner Gillman.
Action taken: motion approved;
“Ayes” are unanimous.

Meeting adjourned at 8:15pm.
To: DPW Commissioners  
Fr: Chapin Spencer, Director  
Re: Director’s Report  
Date: March 10, 2016

ASSISTANT DIRECTOR UPDATES:
- Laurie Adams’ last day was March 5th. Water Resources Engineer Steve Roy has taken over as Interim Assistant Director – Water Resources. Thank you Steve! The position is currently posted and the application deadline is March 18.
- Pat Cashman, our new Assistant Director – Parking & Traffic, will be starting at the end of March. We will have him attend the April Commission meeting.

PROJECT UPDATES
- There will be a public meeting for the Champlain Elementary Pedestrian Improvement Project March 17, 7pm at DPW, 645 Pine Street. The project will include new sidewalk on Birchcliff Parkway and intersection improvements on Locust Street and Birchcliff Parkway. More information at: https://www.burlingtonvt.gov/DPW/Champlain-Elementary-Pedestrian-Improvements
- Cleared final hurdle before putting the Manhattan Drive slope failure out to bid. Project construction will occur this season.
- Staff continues to take advantage of the warm winter to catch up on deferred maintenance (continued some construction projects, cleaned up soil storage area, etc). We will begin roadway sweeping this Sunday.
- Installed new pedestrian signal at Park & Manhattan – request from IAA parents who walk to school.
- Permit reform effort is fully underway. Lead consultant Matrix is currently interviewing key stakeholders. Public engagement will occur this spring and summer.
- Staff is continuing to advance preparations for the North Avenue pilot project. In an effort to address public concern in the New North End after the Town Meeting Day vote, staff is updating the performance metrics to establish clear thresholds that need to be met in order to continue with the pilot once it is underway. Agendas, minutes and materials from the North Avenue Task Force meetings are at: https://www.burlingtonvt.gov/node/1074.

As always, feel free to reach out with any questions. See you next Wednesday.