

SPECIAL MEETING MINUTES

**BUILDING BOARD OF APPEALS
WATERFORD TOWN HALL**

**NOVEMBER 18, 2010
3:45 PM**

Members Present: Chairman Russell Dinoto, Terry McCarthy, George Gardner, Jose-Miguel Albaine

Member Absent: Paul Goldstein

Staff Present: Frank Hoagland III, Building Official, Thomas V. Wagner, Planning Director, Carol Libby, Recording Secretary

Also Present: Town Counsel Attorney Nicholas Kepple

The Building Board of Appeals special meeting was called to order at 3:50 PM to consider the request of Adam McNiece of 11 Hathaway Road, East Lyme, CT regarding a request for a hearing for property he owns located at 184 Oswegatchie Road, Waterford, CT. Chairman Dinoto asked Mr. Mc Niece to confirm that the subject of his request was the conduct referenced in his September letters regarding the building office entry onto his property to take photos, since this was not specifically referenced in his letter to Mr. Steward. Mr. McNiece confirmed this was the subject of his request. The request relates to review of the November 10, 2010 correspondence from Mr. McNiece to First Selectman, Daniel Steward regarding request for hearing.

EXHIBIT LIST

- Exhibit A - Agenda, posted with the Town Clerk on November 15, 2010
- Exhibit B - Special Meeting Minutes, July 14, 2010
- Exhibit C - Letter dated November 10, 2010 from Adam P. McNiece to Daniel Stewart, First Selectman requesting a hearing from the Building Board of Appeals and Freedom of Information requests.
- Exhibit D – Facsimile Transmission dated November 12, 2010 from Attorney Nicholas Kepple to Daniel Stewart, First Selectman regarding Mr. Mc Niece's FOI request.

Chairman R. Dinoto opened the hearing on Mr. McNiece's request.

Attorney Kepple read Exhibit E into the record and distributed copies to attendees. Exhibit E is a letter dated November 18, 2010 from Attorney Kepple to Mr. Russell Dinoto, Chairman, Building Board of Appeals.

A. McNiece left the meeting at 4:00 momentarily, apparently to answer a cell telephone call

Chairman R. Dinoto called Adam McNiece forward to speak to the Board regarding his request.

Adam McNiece discussed his request with the Board members.

Chairman R. Dinoto asked Mr. McNiece, board members and staff if they had any questions or comments regarding the request of Mr. McNiece.

There were no questions or additional comments.

After discussion by the board the following motion was made:

MOTION: Motion made by Chairman Dinoto, I move that this Board determines, on advice of counsel, that the issue raised by Mr. McNiece in his November 10, 2010 letter to First Selectman Daniel M. Steward does not fall within the jurisdiction of the Building Board of Appeals as a proper matter for the board to consider under CGS §29-266(b) and therefore no hearing should be convened and Mr. McNiece should be promptly notified of this determination, seconded by Jose Miguel Albaine.

VOTE: 4-0

Mr. Mc Niece left the meeting at 6:07 PM during the motion made by Chairman Dinoto.

MOTION: Motion made by G. Gardiner, seconded by J. Albaine to approve the Special Meeting, July 14th, 2010 minutes as written.

VOTE: 4-0

MOTION: Motion made by J. Albaine, seconded by T. McCarthy to adjourn the meeting at 6:11 PM.

VOTE: 4-0

Respectively submitted,

Carol Libby
Recording Secretary