

**Health Commission Meeting  
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June 14, 2018**

Commissioners Attendance September 2017 - June 2018:

Present:

Absent:

Dr. Barbara Decker (6-2)  
Dr. Thomas Getreuer (7-0)  
Ms. Patricia Parry (7-1)

Dr. Peggy Cobb (4-4)  
Dr. Roslyn Burton-Robertson (4-4)

Guest Attendance: Mr. Ted Jankowski, Director of Public Safety, Health & Welfare, Dr. Jennifer Calder, Director of Health, Michael Toma, General Counsel, and Ms. Deborah Clark, Recording Secretary

Meeting called to order		Dr. Getreuer called the meeting to order at 9:02 am.
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**Minutes:**

Minutes of May 10, 2018	May 10, 2018, meeting minutes were reviewed.	Ms. Parry moved to not approve minutes until corrections have been made.
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**Correspondence:**

	Jose Luis Fornis re: 34 Nobile Street sent a letter withdrawing his appeal.	
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**Director of Health Report:**

Dr. Jennifer Calder	Dr. Calder updated on the following issues: ● Dental hygiene program:	
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- Formal 2yr MOU with UB's Dental Hygiene School for interns. Currently, there is an intern from UB. Wants to establish an MOU with other institutions like Columbia, and Yale  
- Met with Stamford Dental Society to collaborate on adult oral care along with Nurses.  
- SEALS program grant ends shortly, and State may not renew grant. Ending that program for 1<sup>st</sup>, 6<sup>th</sup>, and 7<sup>th</sup> graders. Program will continue for 2<sup>nd</sup> graders.

- Environmental Health Services:
  - Looking into acquiring Acela software used by other Health Departments for tracking violations. Ron Miller is reviewing.
  - Approved to hire new Environmental Inspector Level I for April 2019.
- Laboratory:
  - Cut 2 lab technicians due to FY 18/19 budget cuts leaving 2 full time lab technicians remaining.
- Nursing:
  - Clinic is still short staffed. Hiring April 2019
- Public Health Education:
  - Nothing new to report.
- Emergency Preparedness:

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- Staff changes. Providing deliverables via a grant  
- CERT / MRC Citizens core umbrella. Chris Munger is creating a Stamford CERT and recruiting.  
Stamford to be featured in MRC newsletter

- WIC:
  - WIC funding is flat.
- General Department Issues:
  - Challenges with customer service due to inefficient tracking or follow up of violations.
  - Mentioned PatientTrak Kiosk to be installed in reception area to monitor wait times
  - G2Z invitations have been sent for June 27<sup>th</sup> kickoff
  - Vermiculite issue - present in building's fire proofing. EPA considers same as asbestos. Department of Health recommends City of Stamford hire a consultant to develop testing plan proposal for EPA. Board of Education's presence on floors 1 - 5 technically makes Stamford Government Center a School, and requires a maintenance plan, which BOE has. Upon determination of the condition of the vermiculite, staff must be educated on vermiculite.

Dr. Calder stated the State is involved with remediation requirement. Calking around walls of garage. State has removed top soil around the site,

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	Ms. Parry asked about PCBs in UCONN garage	and in adjacent homes. Some homeowners have refused the State entry to their property.
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**Director of Public Safety, Health & Welfare Report:**

Mr. Ted Jankowski	Director Jankowski updated on the following issues: <ul style="list-style-type: none"> <li>○ PD – investigating 2 homicides.</li> <li>○ Public Safety Analyst Kathy Payea (distributed a handout)             <ul style="list-style-type: none"> <li>▪ Responsible to work with all Public Safety Department Directors and Chiefs to gather all data departments have and provide analysis of the data.</li> </ul> </li> <li>○ Expects PD to move in new police station by end of 2018.</li> </ul>	
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**Old Business:**

Health Commission meeting date for August 2018	Dr. Getreuer stated the Health Commission will hold a special meeting for July 5 <sup>th</sup> .	The Health Commissioners will decide on the August meeting date at the July 5 <sup>th</sup> meeting.
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**New Business:**

Attorney Michael Toma, Assistant Corporation Counsel City of Stamford	Questions asked by the Health Commissioners	Attorney Michael Toma's answers:
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	<p>Question from Dr. Getreuer: Where is the Health Commission’s legal jurisdiction with appeals?</p> <p>Question from Dr. Getreuer: Where does Health Commission fit in the appeals process?</p> <p>Question from Ms. Parry: What is the Health Commission’s authority?</p> <p>Question from Dr. Getreuer: Does Health Commission has complete authority to make those decisions in other words, not just agree with the appeal, or deny the appeal, but rather to amend it?</p>	<p>Mr. Toma: Generally speaking the responsibility for issuing orders rests with the Health Director, if she or staff determines there’s a violation in the community. Orders emanates from Heath Department.</p> <p>Mr. Toma: The Charter allows for the property owner to file an appeal of that order with the Health Commission should they disagree with it. Health Commission sits as an appellate body to review whether that order is appropriate or not.</p> <p>Mr. Toma: Health Commission has authority to consider whether the order should be overturned, upheld, or do something in between which can become a gray area. For example, Health Commission may not want to overturn an order completely, but order may be calling for compliance in a very short time window, and would rather give more time. That’s where it’s not all that clear to the extent Health Commission can do that.</p> <p>Mr. Toma: I don’t think Health commission has the ability to amend an appeal because Charter doesn’t say that. Charter says Health Commission has the ability to hear appeals from orders. Fairest interpretation of the language is that that doesn’t extend to modifying an order making it the Health Commission’s own order. Mr. Toma thinks the Health Commission can do indirectly is work within</p>
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		<p>time constraints the Health Commission has in order to try to give the property owner more time. For example, Health Commission has thirty (30) days to hear an appeal. If Health Commission hears appeal at latest possible time, and take some additional time to render a decision, in effect, giving the property owner time to do something about the order. An appeal stays the execution of the order unless the Health Director feels the violation is so urgent, so injurious to public health that action needs to be taken right away. Let's say this isn't one of those situations. If an appeal is filed, then Health Director cannot execute the order. The easiest example is if the Health Director files an order and there's no appeal. If the time for compliance comes, and there hasn't been compliance then the Health Director can take legal steps to execute and enforce the order. She can go to court and in certain situations condemn the property, and forbid occupancy. So there are steps she can take to execute the order. When an appeal is filed, she loses the ability to do that to execute the order during time the appeal is active.</p> <p>In my experience, what a lot of property owners are looking for is some time to figure out what the problem is, may be come up with the money to do repairs. Many times, for example, it may be a nuisance type of complaint and their yard is a complete mess. They may be in the middle of a</p>
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		<p>renovations or something, they have a dumpster, or building supplies strewn all over their yard. Their neighbors are complaining. The Health Department has determined this to be a rodent harborage or mosquito harborage just by virtue of all this mess in the yard. It's inviting unhealthy situations, and often times the property owner will say 'look I understand. I just need another month or two because I'm in the middle of this big project and everything is going to get cleaned up soon.' Sometimes the machinery of the appeal will accomplish that for the property owner. If they appeal, by the time they have a hearing, and by the time you render a decision, they got their two months, and it resolves itself.</p> <p>Mr. Toma: I don't think the Health Commission has the ability to modify an order issued by the Health Director to have the yard cleaned up in 30 days, to 60 days. However, they can indirectly have influence through the timeline of the appeal process.</p> <p>The Health Director has the authority to certainly modify the orders and work with the property owner. So if her initial order says we need compliance within thirty days, and the property owner makes an appeal to the Health Commission and explains why thirty days is not possible. The Health Commission is free to recommend to the Health Director based up what they've heard in the</p>
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	<p>Question from Dr. Getreuer: If a property owner appeals with the State's Department of Health and is turned down can that same property owner also appeal to us as a local health department?</p> <p>Dr. Getreuer said it's not clear because when these orders go out, it's says to the Local health department or the State.</p>	<p>appeal to extend the deadline. She's free to accept the recommendation or not, but she has the ability to do that. To communicate with the property owner and indicate that compliance will not be enforced for an additional thirty days. Upon the end of those thirty days, here's what I plan to do. That's kind of how the process should work.</p> <p>Mr. Toma: That happened a couple of times. Practically speaking, it is hard to do both due to time constraints. If the property owner starts at the State and doesn't get relief from the State, they probably will be outside the time window to request an appeal at the local level. By the same token, if the property owner starts at the local level and then tries to file another appeal at the State level, Mr. Toma is almost certain the State will say they're not wasting their time hearing an appeal when that same appeal is active at the local level. There may be a strong reluctance by the State not to have dual appeals being heard. It's inefficient. It's problematic because it could lead to two conflicting decisions.</p> <p>Mr. Toma: It's a little bit of a weird situation because the property owner has the right to choose which path they want to take. So they have the ability to take the appeal locally or to the State. Once they've made that decision. Mr. Toma tried to come up with such a scenario for an example. He also said he didn't believe such a situation wouldn't</p>
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	<p>Question from Ms. Parry: Are the timelines shorter at the State level?</p> <p>Question from Ms. Parry: Can I ask about enforcement? As I see it, we have no enforcement authority at all. We simply uphold an order of the Health Director. I think in fact most of the time we function as an intermediary at the Commission's appeals. And the Health Department is there, and usually the Director is there, and we kind of try and work out is there some other way to work this out an agreement and that agreement frequently works out to say okay we'll let you do this, but you can have until another month to accomplish the second part if the Health Director agrees to it at that meeting. But, as I see</p>	<p>happen. The State wouldn't allow it to happen, and if the property owner did meet the timelines, they wouldn't be able to do it at the Local level, either.</p> <p>Mr. Toma: They are. What needs to be taken into consideration is that hearings will take place faster at the local level. The State is taking in appeals from the entire state and has a limited number of hearing officers. It'll be quicker at the local level. Also, it's an inconvenience to file an appeal with the State because that means going to Hartford. The process is more formal in Hartford. The hearing officer holds an evidentiary hearing where witnesses are sworn in. That may deter property owners because they may feel the need for a lawyer, while they can come on their own on the local. Mr. Toma said he wouldn't start actively holding an appeal at the local level if you know it's already going up to the State.</p> <p>Mr. Toma: That's right. That's right. So in the scenario you just mentioned, agreements between the property owner and the Health Director can certainly happen as long as both parties consent. The Health Director is not under an obligation to make an agreement that varies from her order. If she feels that everything in her order is necessary she's not under any obligation to extend the time. She can voluntarily do that. The Health Commission, much like an appellate court, is reviewing what happened at the lower level. And is</p>
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	<p>it, our order is to agree to allow this agreement to happen, or to uphold the order? But no enforcement whatsoever. Absolutely zero authority.</p> <p>Question from Dr. Getreuer: And that's the extent of it?</p> <p>Question from Dr. Calder: Let's say the Health Commission decides to overturn the order, but the Health Department very strongly feels the order is valid now what happens?</p> <p>Question from Ms. Parry: So if we saw that what was cited was not actually the issue at the inspection, we cited the wrong order so we overturn it?</p>	<p>either upholding as an appellate court the order from a trial court, or saying no it's invalid for some reason, and overturning it. But an appellate court would never write its own order. That's not what an appellate court does. By the same token you're not in a position to craft your own order. All you can is agree with the Health Director's order, or overturn it.</p> <p>Mr. Toma: That's the extent of it.</p> <p>Mr. Toma: Legally in that situation because your order has been overturned, the property owner would not bound by your order. If you feel that there are continuing public health problems, you would have to reissue a new order which would be geared towards addressing whatever problems the Health Commission found. If they found fault with a certain aspect of your order, you have the ability to issue a new order curing or correcting whatever other problems there may be.</p> <p>Mr. Toma: It could be that the property owner was inaccurately listed on the order. Maybe the true property owner didn't receive the order, or maybe the section of the code was the wrong section. Certainly the Health director can reissue a new order correcting those mistakes. The whole process doesn't end with the appeal necessarily.</p>
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	<p>Question from Dr. Calder: Let's say the Health Commission decides to overturn the order for something the Health Department feels very strongly feels is correct and now we have a stalemate. The Health Director says I rewrite the order, but the same as it was written before. Then what happens? Would we need to get Legal?</p> <p>Question from Ms. Parry: If an order is issued, an appeal is filed, and in the interim the property is sold. My understanding is the new property owner is not bound by the old order, and that the Health Department would have to go out and reissue a new order to the new owner.</p> <p>Question from Dr. Getreuer: That seems odd. In a real estate transaction, there's a discovery period.</p>	<p>Mr. Toma: I would think you would have to find a way to persuade the Health Commission that the order you are issuing is well grounded in the law and the facts at the scene are serious enough that attention really has to be made, and the facts call for action and enforcement. Perhaps the Health Commission the first time around simply wasn't convinced that there was enough of a problem. You can issue the order a second time and it goes back to the Commission and appealed a second time. You can invite the Health Commission to view the property so they can see for themselves. So they can see the seriousness of the situation. Point out to them the law that requires you (in your opinion) to take action. Hopefully, that would do the trick.</p> <p>Mr. Toma: Yes. I think that would be the safest way to do it legally is to issue an order to the actual property owner. So if the property changes hands rather than trying to enforce an old order that names someone else which can get complicated in court. I think it the safer route would be to reissue a new order to the new property owner, and take it from there.</p> <p>Mr. Toma: You would hope that the seller would be aware of pending orders against the property and notify the buyer. But currently in the State it's a situation of buyer beware. And buyers although are advised by their real estate agents, and closing</p>
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	<p>Question from Dr. Getreuer: So if there's an order from the Health Department that a property is in violation, where is it on file that potential new homeowner would find that?</p> <p>Question from Dr. Getreuer: In theory, is there a better that that could be reported? That a potential new homeowner would always have access to? I just don't see the average new homeowner even knowing to look there.</p> <p>Question from Dr. Calder: Are orders public</p>	<p>attorneys to do their due diligence, they don't always do. So there are situations where buyers simpler don't come to their town hall or city hall and check with the Health Department, or Building Department to see if there is a pending order.</p> <p>Mr. Toma: They would have to visit the Health Department, and say I'm interested in buying 4 Elm Street, could you tell me whether your department has a file on 4 Elm Street under "Violations"?</p> <p>Mr. Toma: That is an issue that's been bounced around now for a few months here, and we've been looking into it. The law in Connecticut doesn't mandate that a seller do anything other than provide disclosures as to the condition of the property, but that has been interpreted to mean the physical condition. Such as if the basement leaks, you're supposed to disclose that on a disclosure form the basement is leaking. But, if they have an illegal tenant in the building, that's not part of the normal disclosure. The law doesn't require a seller to go to that extent, and say by the way we're operating this as a three unit building when it's really only a two unit and we have a Health Department order against us right now the says the attic is an illegal unit. The seller doesn't have a legal obligation to disclose that. It's up to the buyer.</p> <p>Mr. Toma: Yes they're public.</p>
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	<p>documents?</p> <p>Question from Dr. Calder: We've been talking for almost a year now about the Health Department's website, and what information should be made available on the website. From what I've seen at other health department websites, why can't we redesign our site to have outstanding orders available and list them by restaurant, housing, so forth, so that it's searchable?</p> <p>Question from Dr. Getreuer: Isn't that a violation of the Privacy Act? These are public orders.</p> <p>Ms. Parry said because you might go in and find out that it's not the case. Actually once you get an order, you've done an inspection from what I understand.</p> <p>Dr. Calder stated: Right. Because we wouldn't have written the order without the inspection.</p> <p>Dr. Calder: So we could put the orders up, but I wouldn't agree to put the complaints up.</p> <p>Ms. Parry: The problem is we issue orders to a person. We don't issue orders to a property. That person is no longer the owner. If I bought a place and there was an issue ordered to the owner, I would not feel in any way it applied to me.</p>	<p>Mr. Toma: I think there is some limited protection against disclosure some of those types of complaints that would lead to the orders. At least for an initial thirty day period I think? I'll have to check. If I recall correctly, I think for thirty days or so complaints about a living unit through the Health Department are supposed to be kept confidential for a period of time. I can only guess that the policy behind that is it could be very damaging to a landlord if people are maliciously complaining saying hey this building is infested with roaches. I think that what the law says is that those complaints and any orders that emanate from those complaints are kept confidential for at least thirty days.</p> <p>Mr. Toma: Right. It may simply be that it's the complaints that are kept confidential. Once the order is issued it's more investigative. Orders are public.</p> <p>Mr. Toma: Yes, I agree. I've been to appeals at the State where the State hearing office hearing the appeal will ask who is the property owner? Who is the order issued to? They expect that they will match. If it doesn't match, they won't enforce the</p>
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	<p>Ms. Parry: And they could've bought the house knowing they may have made changes and maybe they're not even moving into it until those conditions are corrected. So that becomes a real issue. I think you have to just <i>(Inaudible)</i>.</p> <p>Question from Dr. Getreuer: I get that. Taking that a step further, what we're seeing, and I don't know if that just applies only to this year, is the easy way out is to sell the home. And we're, unless you tell me otherwise, we're not notified necessarily that the home is sold. We have no mechanism to know that.</p> <p>Question from Dr. Getreuer: So if we don't learn about it, and these violations have been issued on the property, to the owner of the property, and not the property itself, now these violations have technically gone away.</p> <p>Ms. Parry: No, but the Health Department has them, and they know because they have to follow up on any orders they issue.</p> <p>Ms. Parry: No, no. I understand that, but if you have something pending, don't you have a regular schedule of sorts for the inspectors to go back out, and they would then learn the house is sold?</p> <p>Dr. Calder: The challenge is we write orders to the owner. So now the property has now changed hands and we're waiting and so forth. And sometimes we may or may not know that the property has now changed hands.</p>	<p>order. They will uphold appeal simply by virtue of that. Because as Pat said, if the order is issued to Person A, but Person B is the owner.</p> <p>Mr. Toma: No. You wouldn't have a mechanism to learn that.</p>
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That's important information for us to know because it would trigger a new order. And we're trying to search for Mr. X and he longer owns the property when we should be speaking with (*inaudible*).

Dr. Calder: Prior to my arrival I know that was one of the challenges Mr. Knauf had, and I've been having since I've been here. I said that I need to have a mechanism to know when my orders have been complied with, and that's been a challenge getting that information.

Dr. Getreuer: Well see this particular nuance would be quite a challenge.

Dr. Calder: So what we have is some statistics the database we have isn't flexible enough, and that's why we're looking at trying to get software. So there are some challenges. I think that for me, that should be in the database that "Complied with" checked off. And you can actually run some statistics. I would love to know about statistics on compliance time, how long it takes to comply, break this down by the type of order, so forth and so on. And, I've never been able to get that type of statistic. So this is why we're trying to find a software system that would help.

Dr. Getreuer: And I also see this thing being very too loose quite frankly.

Dr. Calder: Yes. It's loosey goosey. So David Knauf had the same challenges, and I've been trying for some while

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	<p>to get it. So what we've been able to get is some aggregate statistics, but not to be able to track the individual order itself to say are you sure? Because one may say so how come we didn't follow up on this? How long has this been sitting there? Oh, we forgot. We don't have a way of tracking. We should have a software system that once it's in there it flags.</p> <p>Ms. Parry: Okay. Just back to the Health Commission. We hear an appeal. We're either able to negotiate an agreement between the homeowner and the Director of Health to modify it in some way, or we uphold it, or we don't uphold it. And then in our letter that we send, I think just we state those facts. But as far as suggesting that this will be referred and legal action will be taken is going to be up to Dr. Calder to do?</p> <p>Ms. Parry: In a separate letter. Not our letter.</p> <p>Question from Dr. Calder: So that means a concrete instance where we had a situation where there was an appeal to the Health Commission. During that meeting, I think the Health Commission and I, we agreed to give this homeowner additional time. So in that case, who notifies that homeowner that they've gotten additional time? Should that letter in come from the Health Commission? Or should I have written a modified order?</p> <p>Question from Dr. Calder: So the order was valid. Once we had the homeowner in our presence, we realized that</p>	<p>Mike Toma: Correct. Yes. It's the Health Director's purview to determine whether she wants to come to the law department and seek avenues to enforce the order legally. The Health Commission is not the enforcer of them.</p> <p>Mr. Tom: Yes</p> <p>Mike Toma: Well I think technically, if the appeal wasn't heard because before you guys had to render a decision.</p> <p>Mr. Toma: But what I guess I'm saying is did you</p>
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	<p>this was a lady who was trying to do the right thing. Purchased a home that no one did due diligence on to figure out that she bought this home, and she was just, you just felt sorry for her. So it just seemed reasonable to give, she was asking can you give us more time for me to try to get the money to do the repairs. The Health Commission and I agreed.</p> <p>Ms. Parry: No, no, no. This was the appeal which was agreed during the appeal process.</p> <p>Ms. Parry: What we said is it was agreed at the meeting between the Director of Health and you to do this and agreed to that process.</p> <p>Question from Dr. Getreuer: So technically then the</p>	<p>have to formally decide whether the order was upheld or not? Or short of that did the property owner say look I do agree?</p> <p>Mr. Toma: I think what I would do in that situation, is the Health Commission write a letter saying as a result of the hearing on such and such a date, the Health Commission determined that the order was valid. As a result of conversations between the Health Department and the property owner the Health Department has agreed to modify certain aspects of its order which will be detailed in a new order from the Health Director. So legally if anybody looks back on that file, they will that the Health Commission upheld that particular order. They didn't find that it was a bad order. They found that it was valid. But they will also see a subsequent letter from the Health Director which should say something to the effect As a result of the hearing on such and such a date, I have agreed to modify my order in the following respects.</p>
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	<p>Health Commission shouldn't put that information in their letter of response? It is not our purview?</p> <p>Ms. Parry: I think there should be something in our letter. I'm just going to say I think when the homeowner gets our letter and it's a very simple, cut, and dry we uphold the order of the Health Department it's going to create panic. I think it's very reasonable to include a paragraph at the meeting some agreements were made with the Director of Health you should be expecting a further order something that references so that they don't just read this and go oh my God. I'm in trouble now.</p> <p>Dr. Calder: That's helpful. That sounds helpful.</p> <p>Dr. Getreuer: You can see why we've been confused. There is such a big grey area here, and I'm amazed at how poorly how all of this is reported on some kind of a date back. Our neighbors New York for instance has a whole different real estate system, I'm shocked frankly to hear how loose this is. And I'm sitting back and I think wow we have a lot of loop holes we should encourage our legislators to close. Because we've discussed this years ago that during the appeals process how is it that the real estate agents don't talk about a lot of the things that they could be aware of.</p> <p>Ms. Parry: They're not legally held to that standard.</p>	<p>Mr. Toma: No. I think that is the purview of the Health Director to say because of our little negotiation session I am agreeing to revise my order in the following respects: I'm going to give you a little extra time.</p> <p>Mr. Toma: You're right. You should say that there was an agreement reached and you will be getting communication from the Health Department.</p>
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	<p>Dr. Getreuer: They're not legally bound to and they're certainly not going to do that. The lawyers themselves don't really have a chance to find all the information they're looking for.</p> <p>Ms. Parry: Well they do have the opportunity to find it.</p> <p>Question from Mr. Jankowski: Here's what you do. This doesn't only affect here. It also affects the fire department, the buildings department. This is a hot topic that we've been trying to address. And it is certainly legal and what makes that. In an ideal situation from my perspective, I would like every real estate transaction to require a municipal search. And that something that legal is looking into?</p> <p>Ms. Parry: So caveat enter buyer beware.</p> <p>Ms. Parry: Or, you better hire an attorney you trust whose going to do all of those searches.</p> <p>Dr. Getreuer: They won't. You know they can't.</p> <p>Ms. Parry: Well -</p> <p>Mr. Jankowski: But there are. There are attorneys. So there are a lot of people who come here working for attorneys who do perform those municipal searches, but if you're an individual I'm going to make this up because</p>	<p>Mr. Toma: We haven't found any support in the state to allow us to do that. That's the problem, and I have found –</p> <p>Mr. Toma: Yeah, well see that's –</p>
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I have a friend who buys up real estate and he does his own closing. He's not an attorney. And you know what? If you come here, and you're not familiar with it, then you should do a municipal search. You could have outstanding whether it's the Health Department, zoning. There are a lot of issues.

Ms. Parry: Exactly. My mother bought a house. She lived in it for fifteen years. When she died, we found out that ten years before she bought it, a permit was pulled for electrical work. We don't know anything. We don't know if it was a permit that was pulled; no work was done, was the work done, and was just an open permit that we hadn't resolved. That occurred ten years before she even bought this house. It was twenty – five years old. So those things do happen And yeah I mean homeowners do have recourse. They can sue the attorney who represented them and didn't do a good job.

Mr. Toma: Or in rarer instances, they can sue the real estate agent. But the real estate agent and this is something I looked at, the real estate agent operates under a certain code of responsibility, but it has kind of wishy washy language. It says they're supposed to disclose any problems with the property that they're aware of. So they kind of sometimes will operate under this willing blindness where they simply will not go the extra step to even learn about a potential problem because they don't want it to blow up the deal. Or they'll just say hey I don't know if it's got issues with the building code, or the Health department or zoning. And they don't go the extra step because they know that's going to complicate a sale. The law in the state of Connecticut is that historically it's been the caveat buyers beware. The burden is on the buyer to know what he or she is buying. It's slowly moving toward a place where there are additional protections built in. But every step along the way to passing legislation there's resistance. So they try to firm up the realtor obligations and the realtors fought that

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	<p>Question from Ms. Parry: For municipal searches are they actually required now? Or just more do them, but it's not yet required?</p> <p>Question from Dr. Getreuer: Probably the biggest common reason for many complaints or any appeals that we hear are illegal housing units. And they're sold knowing they're illegal. It's just really hard for me to understand how that can't be something that is in the City's best interest to have some control over before these homes are sold. It just, I get that there's a lot of</p>	<p>very hard. You can't put the burden on us to know every possible violation that's out there. That's unfair. So it didn't go as far as some people thought it should. Same thing with the attorney who feel like look it's not my job to uncover all these things. Now I did speak to an attorney who practices in Fairfield County, and who does real estate primarily. And she told me as a practice she'll check, because she doesn't want to be part of a closing that later gets blown up because at the last moment it comes to light that there's an outstanding order. So she does it herself and she tells the buyer. I'm going to do a search of the municipal records to see what I'm going to find out what I'm can find out. She says probably a majority of the attorneys who do real estate in Stamford do that. But she said there are some that don't. And like Ted said, there will be people who elect for whatever reason not to, or aren't savvy enough to do it. It is a problem.</p> <p>Mr. Toma: Not required.</p>
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interest I get, but that spawns so much difficulty. That is a big problem that the City is dealing with. And really until we look at that going forward instead of constantly trying to catch up how we can ever gain any control over it?

Ms. Parry: This is the first appeal we've had in how many years? That's huge. We used to have these all the time. I mean it was constant, and then it really did quiet down. One of the things that Dr. Lee did was that he went, although, he initially said he wanted to go talk to the realtors, and I said forget talking to realtors. Go out and talk to the lawyers association. The lawyers who represent the buyers are the ones who had the legal responsibility and that's where you should concentrate any efforts of education. That's my opinion. I believe they did do something and it really did quiet down for a while. It's certainly something worth reading about.

Ms. Parry: And I think a real estate broker can handle the closing, can't they?

Question from Dr. Getreuer: Anybody else have any more questions? Well I want to thank very much for coming.

Mr. Toma: Yes. I've been told that more attorneys in Stamford are performing those searches. More than in the past, and I think that's what's been helping things. I think the Fairfield County bar recommends that real estate lawyers do it. They can't mandate it, but they do advise attorneys to perform that search, but it takes time. It results in attorneys having to charge more for their closing fees. There's business interest at stake, too. With competition where you're going to get an attorney who says I can do the closing for less. Some people will look at the bottom line number and say well I want to pay more, or pay less. And then they do it without the search.

Mr. Toma: Yes. Sometimes brokers can, and like I said, it just seems to me the brokers are sometimes reluctant to uncover these things because it does complicate the sale.

Mr. Toma: You're welcome. And hopefully, it helped a little bit.

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Lead poisoning	Ms. Parry and Dr. Calder met with Stamford Advocate's editorial department along with reporter, Kat Russell. Ms. Parry suggested to not move any further with lead poisoning.	Dr. Getreuer will not be writing a response.
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**Appeal:**

There were no appeals		
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**Adjournment:**

There being no further business before the regular session of the Health Commission, Dr. Getreuer moved to adjourn the meeting at 11:43 a.m. The motion passed unanimously.
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Submitted by,