



# CITY OF NEW BRITAIN

EST. 1871

CORPORATION COUNSEL

WWW.NEWBRITAINCT.GOV

Gennaro Bizzarro, Corporation Counsel  
Joseph E. Skelly, Jr., Assistant Corporation Counsel  
Mary C. Pokorski, Associate City Attorney  
John F. Diakun, City Attorney

VIA ELECTRONIC ([melanie.bachman@ct.gov](mailto:melanie.bachman@ct.gov))  
AND REGULAR MAIL



July 26, 2021

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**RE: DOCKET NO. 503 - Arx Wireless Infrastructure, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 43 Osgood Avenue, New Britain, Connecticut.**

Dear Attorney Bachman:

In accordance with your letter dated July 16, 2021 I am submitting the original and 15 copies of a May 14, 2021 Notice of Imminent Danger; May 17, 2021 Notice of Imminent; and a June 15, 2021 Notice of Violation, all of which were delivered to the property owner of 43 Osgood Avenue.

Very truly yours,  
Office of Corporation Counsel

Joseph E. Skelly, Jr.  
Assistant Corporation Counsel

JES/tm

**Enclosures**

cc: Electronic copy served via e-mail to:

- 1) Service List
- 2) [siting.council@ct.gov](mailto:siting.council@ct.gov)



**Service List**

**Docket No. 503**

Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
[Siting.council@ct.gov](mailto:Siting.council@ct.gov)

Arx Wireless Infrastructure, LLC  
C/O David A. Ball, Esq. and Philip C. Pires, Esq.  
Cohen and Wolf, P.C.  
1115 Broad Street  
Bridgeport, CT 06604  
[ppires@cohenandwolf.com](mailto:ppires@cohenandwolf.com)  
[DBall@cohenandwolf.com](mailto:DBall@cohenandwolf.com)

New Cingular Wireless PCS, LLC D/B/A AT&T  
C/O Thomas J. Regan, Esq.  
Brown Rudnick LLP  
185 Asylum Street  
Hartford, CT 06103  
[tregan@brownrudnick.com](mailto:tregan@brownrudnick.com)



## Joseph Skelly

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**From:** Joseph Skelly  
**Sent:** Monday, July 26, 2021 9:30 AM  
**To:** dball@cohenandwolf.com; PPires@cohenandwolf.com; Regan, Thomas J. (TRegan@brownrudnick.com)  
**Cc:** Sergio Lupo; Justin Dorsey; John Diakun  
**Subject:** 43 Osgood Avenue  
**Attachments:** 20210726092927851.pdf

Good Morning:

The attached Order for 43 Osgood Avenue dated May 14, 2021 came across my desk at the end of last week so I am forward on to you.

Please let me know if you have any questions.

Joe  
Joseph E. Skelly, Jr.  
Assistant Corporation Counsel  
Office of Corporation Counsel  
City of New Britain  
27 West Main Street  
New Britain, Connecticut 06052  
(860) 826-3427

-----Original Message-----

**From:** [Administrator@newbritainct.gov](mailto:Administrator@newbritainct.gov) [mailto:[Administrator@newbritainct.gov](mailto:Administrator@newbritainct.gov)]  
**Sent:** Monday, July 26, 2021 9:29 AM  
**To:** Joseph Skelly  
**Subject:** Message from "RNP5838795295E0"

This E-mail was sent from "RNP5838795295E0" (IM C3000).

Scan Date: 07.26.2021 09:29:27 (-0400)  
Queries to: [Administrator@newbritainct.gov](mailto:Administrator@newbritainct.gov)





EST. 1871

# CITY OF NEW BRITAIN

## DEPARTMENT OF BUILDING, ZONING AND HEALTH

SERGIO LUPO, R.S., M.P.H.  
DIRECTOR

SCOTT WADOWSKI BO, E 1  
BUILDING OFFICIAL

5-14-2021

Certified Mail Return Receipt #7019 2280 0000 8100 9539

Doc ID: 006568940002 Type: LAN  
BK 2085 PG 1038-1039

Osgood Avenue Property LLC  
c/o Matt Ross, Member  
c/o Kevin Kingston, Member  
119 Liberty Street  
Newington, CT.06111

Re: 43 Osgood Avenue New Britain, CT.06053-Building is severely dilapidated and a major hazard and risk of collapse.

### STATE BUILDING CODE §117

### NOTICE OF IMMINENT DANGER, ORDER TO VACATE AND POSTING OF UNSAFE STRUCTURE

To: Osgood Avenue Property LLC-c/o Matt Ross, Member+ c/o Kevin Kingston, Member:

On 5-8-2021, an inspection was conducted of the premises located at 43 Osgood Avenue New Britain, CT.06053 for the purposes of determining compliance with the State Building Code as amended and the applicable referenced standards, adopted pursuant to the Connecticut General Statutes §29-252. The Code and said standards are available for your inspection at this office. The inspection revealed the following condition(s) in violation of the State Building Code which present an **IMMINENT DANGER** of failure or collapse of the premises, and endanger the life of the occupant(s) there in:

- The roof is no intact and open to the weather and other negative elements
- The interior floor is severely dilapidated be unstable as the roof section is missing

#### PURSUANT TO STATE BUILDING CODE §117:

##### 117.1. Imminent Danger:

When, in the opinion of the *Building Official*:

- When there is imminent danger or failure or collapse of a building or structure, or any part of thereof which endangers human life, or when any building or structure or part thereof has fallen and human life is endangered by the occupation of the building or structure, the *Building Official* is hereby authorized and empowered to order and require the occupants to vacate the same forthwith.
- The *Building Official* shall post, or cause to be posted, at each entrance to such building or structure a notice that reads as follows "This structure is unsafe and its occupancy has been prohibited by the *Building Official*."
- It shall be unlawful for any such person to enter such premises except upon permission granted by the *Building Official* for the purposes of making the required repairs or of demolishing the premises.
- The posted identification shall not be defaced or removed except by the *Building Official* or his Authorized Representative.
- 117.2. Temporary safeguards:

When, in the opinion of the *Building Official*, there is imminent danger to human life due to an unsafe condition, the *Building Official* shall cause the necessary work to be done to render such building or structure temporarily safe, whether the legal procedure in I.B.C Section 116 has been instituted.

117.4 Emergency work: When imminent danger or an unsafe condition requiring immediate action exists and the Owner of the building or structure cannot be located, or refuses or is unable to expeditiously render the building safe, the *Building Official* shall order the employment of the necessary labor and materials to perform the required work as expeditiously as possible. Such work shall include that required, in the *BUILDING OFFICIAL'S SOLE OPINION*, to make the premises temporarily safe, up to and including the demolition.

117.5 Costs of emergency work: Costs incurred in the performance of emergency repairs or demolition under the order of the *Building Official* shall be paid form the treasury of the Town, City or Borough shall institute appropriate action against the Owner of the premises where the building or structure is or was located.

27 WEST MAIN STREET • ROOM 404 • NEW BRITAIN, CT 06051  
PHONE (860) 826-3383 FAX (860) 612-4212 WWW.NEWBRITAINCT.GOV

NOV 117 Imminent Danger, order to vacate and posting of unsafe structure. -43 Osgood Ave New Britain, CT.  
06053 Certified Mail Return Receipt# 7019 2280 0000 8100 9539 PG.2

A protective shall be installed around the perimeter of the property and all areas of the building shall be secure against entry. This should occur as soon as possible, if not already.

Please note that the correction of certain violations may require proper permits and approval from the *Building Official* and other local agencies prior to any construction.

You are hereby notified that you have the right to appeal this order pursuant to Connecticut General Statutes §29-266(b) to the municipal board of appeals or Connecticut General Statute §29-266(c) in the absence of a municipal board of appeals. Variations or exemptions from the State Building Code may be granted by the State Building Inspector where strict compliance with the code would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted pursuant to Connecticut General Statutes §29-254(b), provided that the intent of the law shall be observed and public welfare and safety be assured. Any application for a variation or exemption or equivalent or alternate compliance shall be filed with the local *Building Official*.

This is the only order you will receive. Be advised that if the Owner cannot be located, or refuses or is unable to expeditiously make the building or structure safe per order, the Building Official may order the employment of necessary labor and materials needed to make the premises temporarily safe up to and including demolition and recover the costs against the Owner as provided at law, pursuant to Connecticut General Statute and State Building Code §117.4 and §117.5.

The *Building Official* is further authorized to prosecute any violation of this order by requesting that legal counsel of the jurisdiction, or the Office of the State's Attorney, institute the appropriate proceeding at law.

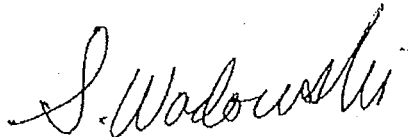
Any person who is convicted in a court of law of violating any provision of the State Building Code or for failure to comply with the written order of a building inspector for the provision of additional exit facilities in a building, the repair or alteration of a building or the removal of a building or any portion thereof shall be fined not less than two hundred not more than one thousand dollars or imprisoned not more than six months or both per State Building Code §114.3 and Connecticut General Statutes 29-254a and 29-394.

This office seeks and anticipates your cooperation, and looks forward to working with you in the interest of building and life safety for a timely resolution on this matter.

If you have any questions, please feel free to contact me at 860-826-3386

Sincerely,

Scott Wadowski- Building Official



CC:  
Don King- Fire Marshal  
Sergio Lupo-Director of Licenses, Permits and Inspections  
Justin Dorsey- Chief of Staff- Mayor's Office  
Rob Quarti- Housing Inspector

Received for Record at New Britain, CT  
On 05/17/2021 At 12:25:15 pm

  
TOWN CLERK



## Joseph Skelly

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**From:** Joseph Skelly  
**Sent:** Monday, July 26, 2021 9:43 AM  
**To:** dball@cohenandwolf.com; PPires@cohenandwolf.com; Regan, Thomas J. (TRegan@brownrudnick.com)  
**Cc:** Sergio Lupo; Justin Dorsey; John Diakun  
**Subject:** 43 Osgood Avenue  
**Attachments:** 20210726094304335.pdf

Here is a second Notice of Violation dated May 17, 2021 which was hand-delivered to the property owner. Again, please let me know if you have any questions.

-----Original Message-----

**From:** [Administrator@newbritainct.gov](mailto:Administrator@newbritainct.gov) [mailto:Administrator@newbritainct.gov]  
**Sent:** Monday, July 26, 2021 9:43 AM  
**To:** Joseph Skelly  
**Subject:** Message from "RNP5838795295E0"

This E-mail was sent from "RNP5838795295E0" (IM C3000).

Scan Date: 07.26.2021 09:43:04 (-0400)  
Queries to: [Administrator@newbritainct.gov](mailto:Administrator@newbritainct.gov)





# CITY OF NEW BRITAIN

## DEPARTMENT OF BUILDING, ZONING AND HEALTH

EST. 1871

SERGIO LUPO, R.S., M.P.H.  
DIRECTOR

SCOTT WADOWSKI BO, E 1  
BUILDING OFFICIAL

5-17-2021

Hand delivered

Osgood Avenue Property LLC  
c/o Matt Ross, Member  
c/o Kevin Kingston, Member  
119 Liberty Street  
Newington, CT.06111

Re: 43 Osgood Avenue New Britain, CT.06053-Building is severely dilapidated and a major hazard and risk of collapse.

STATE BUILDING CODE §117  
NOTICE OF IMMINENT DANGER, ORDER TO VACATE AND POSTING OF UNSAFE STRUCTURE

To: Osgood Avenue Property LLC-c/o Matt Ross, Member+ c/o Kevin Kingston, Member:

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- The roof is no intact and open to the weather and other negative elements
- The interior floor is severely dilapidated be unstable as the roof section is missing

PURSUANT TO STATE BUILDING CODE §117:

117.1. Imminent Danger:

When, in the opinion of the *Building Official*:

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- The *Building Official* shall post, or cause to be posted, at each entrance to such building or structure a notice that reads as follows "This structure is unsafe and its occupancy has been prohibited by the *Building Official*."
- It shall be unlawful for any such person to enter such premises except upon permission granted by the *Building Official* for the purposes of making the required repairs or of demolishing the premises.
- The posted identification shall not be defaced or removed except by the *Building Official* or his Authorized Representative.
- 117.2. Temporary safeguards:

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117.5 Costs of emergency work: Costs incurred in the performance of emergency repairs or demolition under the order of the *Building Official* shall be paid form the treasury of the Town, City or Borough shall institute appropriate action against the Owner of the premises where the building or structure is or was located.



NOV 117 Imminent Danger, order to vacate and posting of unsafe structure. -43 Osgood Ave New Britain, CT.  
06053 Hand Delivered PG.2



## Joseph Skelly

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**From:** Joseph Skelly  
**Sent:** Monday, July 26, 2021 9:35 AM  
**To:** dball@cohenandwolf.com; PPires@cohenandwolf.com; Regan, Thomas J.  
(TRegan@brownrudnick.com)  
**Cc:** Sergio Lupo; Caleb Cowles; Justin Dorsey; John Diakun  
**Subject:** FW: 43 Osgood Ave  
**Attachments:** 43 Osgood 6.15.21.docx

Here is a subsequent Notice of Violation dated June 15, 2021. Please let me know if you have any questions. Thanks.

Joe Skelly  
Joseph E. Skelly, Jr.  
Assistant Corporation Counsel  
Office of Corporation Counsel  
City of New Britain  
27 West Main Street  
New Britain, Connecticut 06052  
(860) 826-3427

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**From:** Caleb Cowles  
**Sent:** Friday, July 23, 2021 12:04 PM  
**To:** Caleb Cowles ([belac1376@gmail.com](mailto:belac1376@gmail.com)); Sergio Lupo; Scott Wadowski; Joseph Skelly  
**Subject:** 43 Osgood Ave

Caleb J. Cowles, MPH, RS  
Supervising Sanitarian  
City of New Britain Health Department  
27 West Main Street Room 404  
New Britain, CT 06051  
(860) 612-1604  
(860) 612-4212 fax

*Salus populi suprema lex esto*







# CITY OF NEW BRITAIN

EST. 1871

DEPARTMENT OF  
BUILDING AND HEALTH

SERGIO LUPO, R.S., M.P.H.  
DIRECTOR

WWW.NEWBRITAINCT.GOV

## NOTICE OF VIOLATION

JUNE 15, 2021

POSTED AT:

43 OSGOOD AVENUE  
NEW BRITAIN, CT 06053

VIA FIRST CLASS MAIL TO:

OSGOOD AVENUE PROPERTY LLC  
43 OSGOOD AVENUE  
NEW BRITAIN, CT 06053

OSGOOD AVENUE PROPERTY LLC  
C/O MATTHEW ROSS, MEMBER  
119 LIBERTY STREET  
NEWINGTON, CT 06111

MATTHEW ROSS  
21 HOMECREST STREET  
NEWINGTON, CT 06111

OSGOOD AVENUE PROPERTY LLC  
C/O KEVIN KINGSTON, MEMBER  
119 LIBERTY STREET  
NEWINGTON, CT 06111

KEVIN KINGSTON  
43 GARDEN HILL ROAD  
WEATHERSFIELD, CT 06109

Re: 43 Osgood, New Britain, Connecticut

Dear OSGOOD AVENUE PROPERTY LLC,

Following an inspection conducted on or about June 1, 2021 and subsequent inspection on June 15, 2021 of a property owned by you located at 43 Osgood Avenue, New Britain, Connecticut, it has been determined that there exists blight conditions on the property in violation of Chapter 7, Article III, Anti-Blight Program, of the City of New Britain Code of Ordinances.

Therefore, per Sec. 7-41 of the New Britain Code of Ordinances, you are hereby notified of the existing blight conditions at the property at 43 Osgood Avenue, New Britain, Connecticut as follows:

1. Openings / Windows boarded with unpainted wood; Boarded up, but some or all of the material used to board up the windows or doors in question has been broken, pried off or apart or otherwise vandalized; 7-42(b)(2)(a)(ii),(iii)
2. Exterior facades (masonry) which contain damaged or absent siding, holes, breaks, loose or rotting materials, which are not properly surface coated to prevent deterioration, or the paint on which is significantly discolored or faded; 7-42(b)(2) b
3. Chimneys and similar appurtenances which are in a state of disrepair; 7-42(b)(2)(e)
4. Damage to roof; 7-42(b)(2)(u); 13-142

You as owner of 43 Osgood Avenue, New Britain, Connecticut are hereby directed to remediate the above blight conditions on the property within 30 days of the date of this Notice. If you do not remediate the blight conditions within 30 days, a citation will be issued with fines imposed of ninety-nine dollars (\$99.00) per day for each day that a blight condition continues, which can be enforceable as a lien on your property.

Please be aware all necessary permits must be obtained from the Building Department.

If you have any questions, please call Sergio Lupo at 860-612-1600.

Sincerely,

Sergio Lupo, MPH, RS  
Director of Health  
Director of Licenses, Permits and Inspections