

BEFORE THE NEW CASTLE COUNTY

HISTORIC REVIEW BOARD

STATE OF DELAWARE

Department of Land Use
New Castle, DE

November 21, 2017

PRESENT

DEPARTMENT OF LAND USE

Valerie Cesna
Matt Rogers
Antoni Sekowski
James Permelia

HISTORIC REVIEW BOARD

John Davis, Acting Chair
Karen Anderson
John Brook
Steve Johns
Rafael Zahralddin

APP. 2017-08793: P. 2-3

APP. 2017-09534: P. 3-4

DEMO. OF NEGLIGENCE P. 4-11

JOHNSON P. 11-17

WELDON P. 17-30



Department of Land Use

HISTORIC REVIEW BOARD
November 21, 2017
5:00 p.m.
Public Hearing Agenda

Department of Land Use
87 Reads Way, Corporate Commons, New Castle DE

HRB meetings are held on the 1st (Business Meeting) and 3rd (Hearing) Tuesdays of each month.

ROLL CALL

OLD BUSINESS

- 2-3 **App. 2017-08793:** 2010 Choptank Road (E side Choptank Rd., S of Bohemia Mill Rd., and N of Sharp Lane), Middletown (TP 13-017.00-093). Demolition permit application for the **S. Holton House**, listed in the National Register of Historic Places. CD 6.
- 3-4 **App. 2017-09534:** 1309 Cedar Lane Road (W side Cedar Lane Rd., S of Boyd's Corner Rd.), Middletown vicinity (TP 13-013.00-246). Demolition Permit application for the c. 1840 **T.J. Houston House**, National Register eligible. CD 12.

NEW BUSINESS

- 4-11 1. Demolition by Neglect Inspections: Update on the Inspection Process.
- 11-17 2. 274 E. Chestnut Hill Road (NE corner E. Chestnut Hill Rd. and S. Chapel St.), Newark vicinity (TP 11-006.10-076). Demolition by Neglect Inspection Report for **Everett C. Johnson House**. Historic Overlay Zoning District. CD 5. (Wawa Inc.)
- 17-30 3. 300-302 Philadelphia Pike (Eastern corner Philadelphia Pk., Marsh Rd., and Lore Ave.), Brandywine Hundred (TP 06-139.00-158). Demolition by Neglect Inspection Report for **Weldin House**, Historic Overlay Zoning District. CD 8. (State of Delaware)

PUBLIC COMMENT

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The next meeting of the Historic Review Board will be a business meeting held on **December 5, 2017**
in the Land Use Conference Room (87 Reads Way) at 5 p.m.
.....

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Individuals needing reasonable accommodations according to the Americans with Disabilities Act call 395-5400
(TT/TTY/TTD: DRS, 1-800-232-5460).
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MR. BROOK: Due to the absence of our Chairman I'd like to nominate John Davis to serve as our Acting Chair for this meeting this evening.

MR. JOHNS: I second that motion.

MR. BROOK: All in favor say aye.

. . . (Everybody said aye except for Mr. Zahralddin who had not arrived yet) . . .

MR. BROOK: Opposed. Abstained. Motion carries.

MR. DAVIS: Thank you John. So with that we'll call the Historic Review Board public hearing of November 21, 2017 to order. It's 5 o'clock. We'll start with roll call. I'm John Davis.

MR. JOHNS: Steven Johns.

MS. ANDERSON: Karen Anderson.

MR. BROOK: John Brook.

MR. DAVIS: With us is Valerie Cesna and Matt Rogers from the Department of Land Use.

MS. CESNA: I would also like to introduce two other Department members. We have Antoni Sekowski with us who is one of our planning managers and James Permelia who is in the inspection section.

MR. DAVIS: Great. Thank you. We'll start with old business. We have two items on old business.

MS. CESNA: Okay two items of old business. The first is Application 2017-08793, 2010 Choptank Road. It's a demolition permit application for the S. Holton House which is listed in the National Register of Historic Places.

I just want to remind you that this demolition permit application has been under review for a few months. It is on hold.

At your previous business meeting you elected not to release the hold on the permit as yet. I have no additional information from the applicant. Last month I communicated to you that the applicant had told me that they would not be submitting any additional information and that they were likely to simply wait until the hold had expired. So that is where we are at.

MR. DAVIS: Okay.

MS. CESNA: And you can revisit your previous motion at the next business meeting.

MR. DAVIS: Next.

MS. CESNA: The second item of old business is Application 2017-09534 at 1309 Cedar Lane Road. This is a demolition permit application for the T. J. Houston House, eligible for the National Register. This is a property you'll recall that you also reviewed a separate application for a land development plan under the name Northeast Christian Church.

At your previous business meeting the applicant had submitted documentation in the form of measured architectural drawings, floor plans, and elevations as well as photographs. And the motion you passed at that meeting was to accept that documentation and just to ask your staff to make sure it was in a format that was acceptable to State Archives which we are in the process of doing. And you also noted to continue your hold on that application. I did receive a telephone call from the applicant and I think they are a little confused by your motions to accept the documentation but not release the hold on the permit. So that's the only communication I have received. And again you can revisit that discussion and that

prior motion at your next business meeting.

MR. DAVIS: Next.

MS. CESNA: Under new business we have three items that are all, all fall under the same subject demolition by neglect inspections. And if I may I'd just like to provide some introductory comments and background for you since it's been several months since this Board has discussed this topic. Just recall that we have a demolition by neglect ordinance that was adopted by County Council. I've provided copies of it for you in front of you for your reference at this meeting. And just the gist of this ordinance is that it is to create a system of proactive inspections by the County for a select group of historic properties. That select group is historic properties that are in county historic zoned overlay districts. It's a fairly small subset of registered historic properties of roughly 67 or 68 properties that fall under this ordinance.

Earlier this year the Department of Land Use sent notification letters to the owners of all these properties advising them of the passage of this ordinance and that there would be an inspection of their property such as a curbside inspection and that we would not be going onto the premises or inspecting the interiors and it was a general inspection to look for major problems on the exterior of the building. Those inspections have been underway. You will have having an update report as your first item. But just as further background there are two properties so far where problems were encountered. Reports have been prepared and we will run through those with you. You've been given copies of those reports in

advance of the meeting but we will go over them and review them on the large screen for everyone's benefit.

And then according to the ordinance this is, well this is a hearing so this is just a hearing to review and if there is public who wants to comment on the content of these reports we will hear those comments. The Historic Review Board will not make any recommendations or actions at this hearing. There will be a follow up business meeting tentatively scheduled for December 5th. And at that meeting the Historic Review Board's role will be to make a determination on these two reports to determine whether or not the Historic Review Board can establish if demolition neglect has occurred. If they make that determination the Department will then communicate this determination and along with this inspection report to our code enforcement section and that section will begin the code violation process with the property owner.

I would just also like to advise the Historic Review Board that this is a new process and we are working through the process. And at the business meeting we'll probably have additional discussions with you about the level of information that will be helpful for you including your recommendation that we transmit to the Code Enforcement Office.

MR. DAVIS: Steve.

MR. JOHNS: Is it true that all the properties being reviewed under this ordinance are within historic districts and were placed in those districts at the request of the owner?

MS. CESNA: Yes.

MR. JOHNS: Okay.

MS. CESNA: So with that background I would like James Permelia to come up. He is the inspector who has been going through the list. I have in front of you his list that he has generated showing you the status of the inspections.

MR. PERMELIA: Good evening everybody. Sorry about that. Once again my name is James Permelia. I'm an Assistant Manager Administrator with New Castle County. I'm currently working in the inspection section. And I've been charged with inspecting the properties in the historic overlay district in accordance to Ordinance 12-084623.

I think you've received three documents from the Department. The first document I will refer to is the historic overlay district inspection have been completed. It was a three page document. To date approximately 45 of the 67 or 68 properties have been inspected. These inspections are done from public areas, right of ways, public streets, or other open spaces. It's just a visual inspection. But like I say there's probably been a handful or more that we have done but we did create the packets for the Board a couple of days prior to the meeting. I think I've done five or six since then. So you should have that list. If you don't have that list I have additional copies here for you. I don't know if you have any questions about anything on that list but it's pretty basic.

MR. BROOK: I do have a question.

MR. PERMELIA: Sure.

MR. BROOK: When you inspect the property from a public place you don't get as good a look as if you could if you get closer to

the property. Do you use binoculars or anything like that?

MR. PERMELIA: No sir.

MR. BROOK: To aid yourself?

MR. PERMELIA: No sir.

MR. BROOK: Why not?

MR. PERMELIA: That may be a violation of property rights.

MR. BROOK: Seriously.

MR. PERMELIA: It maybe. Yeah. Yeah. The Department has determined that we are going to do it with visual aids from public right of ways at this point in time.

MR. BROOK: But you are allowed to wear corrective eye glasses I presume.

MR. PERMELIA: I wear contacts.

MR. BROOK: Yeah.

MR. PERMELIA: Yeah. Yes.

MR. BROOK: That's not a violation.

MR. PERMELIA: I try to make sure I got two different powered contacts so I try to make each one, both of them are in the right eye.

MR. BROOK: Are we fairly certain about that binocular thing?

MR. PERMELIA: Well.

MR. BROOK: Some of these properties can be located a long way from any view point.

MR. PERMELIA: This is true. This is true. It's my understanding that we are not at this point out there to do an up close or any type of invasive inspection.

MR. BROOK: Sure.

MR. PERMELIA: We are certainly just driving by observing what any normal person could see walking down the street, walking down the sidewalk or from any of these public areas.

MS. ANDERSON: Well if the property is located but I don't know 20, 30, 50 feet away then.

MR. BROOK: Or more.

MS. ANDERSON: Yeah.

MR. BROOK: Two hundred, 300.

MR. JOHNS: Looking at some of the photographs you have some pretty close up photographs. I'm assuming your taking a photograph not with a telephoto lens but with a nice camera and then you can zoom into the photograph. So you don't necessarily need binoculars then because a modern camera can take a photograph and zoom in.

MR. BROOK: To let it zoom. I don't know.

MR. PERMELIA: Actually I'm just using my cell phone to take a picture.

MR. JOHNS: So does that mean you can zoom in on the photograph.

MR. PERMELIA: Yeah.

MS. ANDERSON: This is a more of a general not specific to the ones that he has here. This is just more of a general question because the program is new and I was just wondering in general how it was being done.

MR. PERMELIA: Just understand anybody that has a cell phone nowadays which I think the majority of people do would have the same ability to look at these properties at the same places that I am. I'm not going beyond anything that anybody else that has a cell

phone could go out and have a look.

MR. BROOK: Well one of the key things for properties deteriorating is the condition of the roof. Are you generally able to see the roofing on these properties when you drive by?

MR. PERMELIA: Sure the properties that I can see which the majority of them I can see, yeah you can see the roof. You can see the condition of the roof.

MR. BROOK: Okay. I have another question if you don't mind.

MR. PERMELIA: Sure. Sure.

MR. BROOK: I notice that we have two reports here but I see that we also have some inspections that were done prior to the two reports that we have. The fact that we don't have reports on those prior inspections indicate that you found that nothing was found to be amiss?

MR. PERMELIA: That's correct. You want to use the historic overlay district inspection report.

MR. BROOK: Yes.

MR. PERMELIA: It has a date of inspection dated line.

MR. BROOK: Yes.

MR. PERMELIA: And then it also has a violation of the area. If there was any violation observed there would be a yes in that column.

MR. BROOK: Okay.

MR. PERMELIA: So the two that have the yes are the two that the reports you have in your possession and will be proceeding tonight.

MR. BROOK: Okay. All right fine.

MR. PERMELIA: Yeah.

MR. BROOK: So you don't put a no in for the ones you look at.

MR. PERMELIA: No. No.

MR. BROOK: Okay.

MR. PERMELIA: To me the date shows that it was done and that's there is no. I can certainly, you know, for the next time we do this if you want a no and a yes. To me it just seemed to me that the yes it jumped out at you. You knew which ones were the problem.

MR. BROOK: Okay. All right. Thank you.

MR. PERMELIA: And I will also if you look at the report itself it does not print all of them out here. It had a, should have a checklist in the report.

MR. BROOK: Yep.

MR. PERMELIA: And that checklist does have a legend.

MR. BROOK: Yeah.

MR. PERMELIA: Where it says in red if a violation was thought to be present. A checkmark if no violation was present. And B if that particular portion of the structure was not visible or an A if.

MR. BROOK: I have to get some contacts like yours because you can see that a lot better then I can see it.

MR. PERMELIA: Yeah it's kind of tough on me too. We try to put everything on that one page.

MR. BROOK: It's very tough to see.

MR. PERMELIA: Was there any other questions at this point? Okay. Now I think we have reports ready to go up on the screen so Valerie I guess your going to scroll through the pages.

MS. CESNA: Yeah well it might be better for you to scroll through if you want.

MR. PERMELIA: Sure. I can do it.

MS. CESNA: It might be best if you go through the reports since you assembled these reports.

MR. PERMELIA: Okay.

MS. CESNA: It's set up for you and the first report is from the Everett C. Johnson House.

MR. PERMELIA: Yep. So this is cover page of the Everett C. Johnson House and the inspection report. The report was actually created June 1, 2017 by me. You got a table of contents. Valerie do you read through all this stuff for everybody or?

MR. CESNA: They have copies.

MR. BROOK: We have copies.

MR. PERMELIA: Yeah then you can look at them. We'll go through this. I had some photographs of the front and sides put together of the house, the Johnson House. A picture of the porch on the house. This has some of the language out of the ordinance and basically the barn is a demolition by neglect. The previous historical significance of the property and it has three or four pages. All right here we are going to talk about the structure and it's condition. It's a multi-story house. The foundation materials were not visible due to excess vegetation growing near or around the foundation walls. The majority has walls on painted wood shake style siding with one wall painted brick. Solid fascia trim and those sections of the wall are painted wood. Entry doors and garage doors and windows. Wooded glass panes. Several windows and doors

are covered and boarded up with bad plywood. The roof cover is an architectural style asphalt shingles and there were several brick chimneys on this structure.

Here's a bullet point of some of the items that I saw out there and then followed up with some photographs. The structure is currently vacant or appears to be vacant. Once again excess vegetation is growing near or around the foundation walls. Excessive vegetation is growing on the side of the, one side of the structure. Several doors and windows are boarded over. Several wooden shutters have deteriorated to the point where they have begun to come apart. Wooden garage doors are rotting. Exterior painted areas have excess peeling paint and are opaque throughout. Soffit and fascia areas have boards that . . . (Inaudible) . . . One of the chimney's brick and mortar are deteriorated.

Here is the checklist. Once again I can talk a little bit about that. The address identification is required under the property maintenance code. The exterior walls.

MR. BROOK: You have to have address verification.

MR. PERMELIA: Yeah. Address identification.

MR. BROOK: It says violation present.

MR. PERMELIA: Yeah.

MR. BROOK: In other words there's a violation at that property is that what that indicates?

MR. PERMELIA: The Department property maintenance code requires that all properties have the address visible from the street. This is a public safety.

MR. BROOK: So this doesn't have the address visible.

MR. PERMELIA: Didn't have the address.

MR. BROOK: Okay. Thank you. I'm sorry to.

MR. PERMELIA: That's okay. That's okay. Exterior walls have holes and breaks in the front boards. The exterior surfaces were not maintained in good condition. Exterior decorative features were not in good repair mainly the shutters. Overhang extensions were not in good repair. The chimney was not structurally safe and not in good repair. And windows, doors, frames are not in good repair or weather tight.

So those were the violations that I saw present at the property the day of the inspection.

MR. BROOK: But you found the roofing materials to be sound and the flashings?

MR. PERMELIA: I think the roof is pretty much intact. Let me get to some of the photos because it's been since time since I've been out there.

MR. BROOK: Okay. All right.

MR. PERMELIA: Here are some photographs of typical peeling paint at the property. This, you know, appears to be some type of shake style siding, you know, of natural durable wood and you can see the peeling is pretty excessive as far as the paint goes. Go to the next page. Once again here are some peeling paint and this was on the front of the structure. This is typical throughout in all areas of the structure you have peeling paint.

Here are some of the voids in the soffit. You can see the top picture here where the gutter goes as it comes down from this overhang area. This is probably a one by eight, one by ten

material. It's gone. Missing. You can see up it here looks like maybe some of the wood is rotten or some of the bulb lights that I saw in that structure are gone.

MR. DAVIS: James let me interrupt and just announce that Rafael Zahralddin has just joined the Board.

MR. PERMELIA: Okay.

MR. ZAHRALDDIN: Just got off the flight. Sorry to be late.

MR. DAVIS: Thank you.

MR. PERMELIA: Here is a separate soffit area. This you can see this is definitely where it runs up along a brick gable of the house. And once again the soffit area is missing. Damage was done to the fascia board whether was it was rot or rodents or have you or whatever. Of course once again the paint is peeling, flaking away.

Here is the vegetation that was described as far as growing up one wall of the structure. I'm not an arborist or anything like that but it appears it to be some kind of ivy growing up the side. Once again you can see the many areas of the peeling of the paint. Here's some photographs of the shutters. The condition of the shutters on the structure. You can see this shutter had fallen apart. This one here not too far behind. Here's another window. Once again you can see the condition of the shutter. Not much left over here. You can a little bird kind of pressed up there.

Here's one of the garage doors. This house had I think this house had three or four wooden garage doors on it. You can see the damage done to the doors. You see the paint right there.

MR. BROOK: Will you explain that a little bit to me. I'm not

sure what I'm looking at there. Is that?

MR. PERMELIA: That is, if you are looking at the garage door that is the bottom right side of a large garage door.

MR. BROOK: Oh. Is this just the paint off it is that was this is?

MR. PERMELIA: Yeah it's not just the paint. This right here would be a piece of wood that actually.

MR. BROOK: Fell off.

MR. PERMELIA: And fallen off. And in my opinion this whole garage door is gone. Not much left.

MR. BROOK: Okay.

MR. PERMELIA: Here is a chimney. This is a little bit tougher to see from this photograph but this chimney actually as you can see was painted at some time. But all this red area here is the brick that is starting to deteriorate and then just kind of crumbled. Along with the brick there's, you know, mortar joints in this chimney here on both, this side and this short side here is once again is deteriorating just turning back into sand.

MR. BROOK: And clay.

MR. PERMELIA: Yeah. That is the end of that presentation on the Everett C. Johnson House.

MR. DAVIS: Thank you. Does the Board have questions for James?

MR. JOHNS: Has the owner been contacted?

MR. PERMELIA: I don't have that information. Valerie do you have that?

MS. CESNA: Yes the point of the public notice for this hearing is we sent a direct mailing to both property owners, the Everett

House and the Weldin House to advise them that this was scheduled for this hearing. We provided them with a copy of the inspection report and the purpose of the hearing.

MR. JOHNS: But they weren't contacted prior to scheduling this hearing to let them know that we had inspected the house and found some violations.

MS. CESNA: Yes. That was included in the notification of this hearing.

MR. JOHNS: But I mean there was no prior discussion with them to give them an opportunity to respond before this hearing?

MR. DAVIS: I don't know if we even know if the owner is here.

MR. JOHNS: I'm not saying. I'm just asking if they were given a chance to.

MS. CESNA: Earlier this year they were sent the notification letter that this ordinance had been adopted. It required proactive inspections on the part of the County and that those inspections would occur sometime in the near future. So they were notified there would be an inspection. And then more recently when after this report was prepared and scheduled for this hearing they received a direct notification from us that we were scheduling this hearing and why and provided with a copy of the report and were welcome to attend the meeting.

MR. JOHNS: Okay.

MR. PERMELIA: Any other questions?

MS. ANDERSON: I have one.

MR. PERMELIA: Sure.

MS. ANDERSON: There were two other chimneys on that property.

MR. PERMELIA: Yes.

MS. ANDERSON: Were you able to observe if there was any deterioration on those chimneys?

MR. PERMELIA: Nothing that I observed.

MS. ANDERSON: You said they were painted and I can see it's probably hard to see.

MR. PERMELIA: From what I could see from my vantage point they look to be fine.

MS. ANDERSON: Okay.

MR. DAVIS: Thank you. Is there any representative from the owner here in attendance that would like to say anything? No. Okay. Thank you. Public comment. None. Okay.

MS. CESNA: The second report is for a property located at 300-302 Philadelphia Pike, eastern corner of Philadelphia Pike, Marsh Road and Lore Avenue in Brandywine Hundred. And this is for a property known as the Weldin House.

I do just want to let you know that in response to the notification letter the owner and by the way the owner again is the State of Delaware, Department of Transportation. On I guess October 4th the State repurchased the property from the owner. So we sent the notification letter to the Department of Transportation acknowledging that they were not the owner at the time that we provided notice that inspections would occur but that the inspection did occur. Some deficiencies were found and we were holding this hearing. I received a response from Jennifer Cohan, the Secretary of Transportation and I'd like to read that letter into the record.

Dear Ms. Cesna. The Delaware Department of Transportation received your letter dated November 3, 2017 regarding the demolition by neglect notification for the Weldin House. As you mentioned in your letter DelDOT recently reacquired the Weldin House through a legal settlement with the previous owners. The Department is currently trying to determine the best course of action with the property. In the meantime we understand the need for repairs and for steps to be made to prevent further deterioration. To that end DelDOT is certainly willing to discuss this matter with the County and to work together toward a proper resolution. Please contact us at your earliest convenience to discuss or propose a mutually beneficial resolution to the conditions of the Weldin House. Sincerely, Jennifer Cohan, Secretary of Transportation.

And that letter was just sent to us November 20th. Yesterday. So this is a very recent communication. I have a copy of that letter in front of you. So James Permelia brought this report and I'll let you run through this report as you did for the Everett House.

MR. PERMELIA: Okay this is the Weldin House. I provided the report October 6, 2017. The same format. Table of contents. Some photographs of the elevation. The introduction. Once again the historical significance of the house itself. The property itself. The structural feature and conditions. The Weldin House is a multi-story structure. The foundation is made of stone construction. The majority of the first story exterior wall is part of the same stone construction. The second story walls are compromised mainly of

painted wooden shake style siding, soffit, fascia, trim are also painted wood. Entry doors are wooded glass panes. Several windows are covered or boarded over with painted plywood. The majority of the roof cover is asbestos tiles. One porch has a standard seam metal roof. Two masonry chimneys are visible.

Here's a bullet point of some of the conditions I observed at the property. The structure appears to be vacant at this time. Some of the windows are boarded over. Several glass panes are missing from the windows. Asbestos tile shingles are missing. Stainless seam metal porch roof rusted with large penetrations. The porch floor board has deteriorated and is unsecured. Exterior painted areas have excessive peeling and flaking paint throughout. Soffit and fascia areas have leaks.

Once again the checklist. The items in red are code violations that were observed at the site. Exterior walls had holes. Lights and other rot in these materials. Exterior surface is not being maintained in good condition. They do have peeling and flaking paint. The roof materials or flashings are not sound. They do not appear to be tight and free of defects. Exterior decorative features are not in good repair. Overhang extensions are not in good repair and is probably a hazard. The stairways, decks, and porches are not structurally sound and are not anchored or in good repair. Windows, skylights, doors, and frames are not in good repair or weather tight. And trims are not free of cracks and holes.

So this is another photograph here. You can see once again the areas of peeling flaking paint from the shingle style siding on the

second story of the house. This is actually a broken window pane here. The second picture here is a porch area of this house. You see on the top here are all glass panes across the top and there's a whole area of glass panes missing here and no glass in these larger areas. It's just free and open. Once again you can see the areas that are not painted properly. Peeling flaking paint on the porch area of the structure.

This is typical for the roofing on the house. You can see there's a large area of these shingle tiles missing here at the peak and the ridge hold. Once again there are shingle tiles missing here. The condition of these shingles really do not look very good at all. You cannot see it from this picture but looks like there are remnants of one of those true blue plastic tarps that was on top of this structure at one time. You kind of see it right here. I can see it at the site right here. Right here is one of those soffit areas where the boards are rotting and are now missing. I don't know what this is hanging by the structure.

Here is the porch off this structure. Once again you can see all of this area with the peeling and flaking paint. You actually see it looks like this is starting to collapse. I'll have some better pictures of the roof. This actually has like the belly where it is starting to settle and collapse. Here I catch the other edge up here but this right here is a skirt board. It goes on the end of the joist for the structure for this porch. As you can see it's loose and it has started to fall. It's probably dropped down a good 12 inches, 12 to 14 inches at least from the floor joists of that porch. Once again that's no paint. No protection from the elements.

Once again here's another picture. None of these have glass panes. But if you look here this is that metal seam roof the underneath of that porch and this here is would be the wooden roof material.

MR. BROOK: Yeah.

MR. PERMELIA: And it's gone. I mean it's just completely gone. These daylight areas you see here that's what that is that's is that's daylight. The standard seam metal roof is gone. Here's a better picture of that skirting I was tell you about. You see where it is falling down here. I think this is probably a piece of one by eight but it's blown off. It should be up tight over here. So it's not in the best condition.

MR. BROOK: Was that taken from Philadelphia Pike that picture?

MR. PERMELIA: No. It was taken off a side street.

MR. BROOK: Okay.

MR. PERMELIA: This picture here would be off of Philadelphia Pike and what you see here is out here what I call the front of the structure. This here I think is the south side.

MR. BROOK: I thought perhaps that wall was along Philadelphia Pike.

MR. PERMELIA: No. Not this one here. You can get a better feel of the floor of the porch here. This looks like some kind of metal flashing that they had. It starting to corrode. You can see this side of the porch is once again it's not in good shape either.

Here's more pictures of once again flaking paint off the shutters, off the shake siding. Here's another picture of that porch and the condition of the porch. Here's the front door. Once

again none of this area has any real protection from the elements due to the condition of the paint on this front door. And the condition of the door itself is suspect.

Here's an area of the soffit and the fascia board. This is on that porch also that has it all just missing. I put a little arrow here that's just where I told you earlier that hole in that soffit again you can see that picture. That's just a shot of mine of that soffit. That's it.

MR. BROOK: Thank you.

MR. PERMELIA: Any questions about that site?

MR. BROOK: We've talked about the Weldin House here before on many occasions.

MR. PERMELIA: Yeah it's the first time I'd actually seen the house and it looks like it was a pretty grand property at one time.

MR. BROOK: It looks a lot worse now then it did when we first saw it.

MR. DAVIS: Thank you.

MR. BROOK: Thank you.

MR. DAVIS: Is there anyone representing the owner here that would like to make comment? No. How about public comment.

MR. CARTIER: Good evening. I'm Councilman John Cartier here this evening to talk about the Weldin House which is in my council district. And it was the Weldin House situation that stimulated me to create the ordinance and I don't have the number in front of me that has created this system now where all historic properties in New Castle County will be practically inspected and reports generated to the Department of Land Use and the Historic Review

Board on the condition of the properties under a historic zoning overlay.

I'd like to first continue my remarks and just say that I would like to thank our State Representative Deborah Heffernan and our State Senator Harris McDowell who worked tirelessly along with our A.G's office and the lawyers assigned to DelDOT to reach a little settlement and reacquire the Weldin House back in the ownership of DelDOT. And the Board needs to be absolute clear that the condition of that property has nothing to do with DelDOT's ownership but DelDOT now is the owner.

This property has gone through a demolition by neglect for well over a decade. And the report that you got about the tarp on the roof the tarp on the roof has been there probably four or five years. And that somehow sufficed for protecting for what we call the Veazy wing off the back of that property from deterioration from rain and snow. And so we are in a very sad situation with that property and I would say, you know, a tragic situation. But DelDOT now has reacquired ownership rights and I'm going to be seeking with your help and the Department of Land Use's help whatever way can go forward to stabilize that property, to reroof it, and to insure that we are going to get a friendly owner that will, you know, or DelDOT continues to own it of course it will be friendly ownership to the public to maintain and hopefully renovate that property.

The roof is critical. Now when I had this ordinance drafted and worked over four years to bring it to a successful passage by County Council and signed into law I'd also encumbered a fund of

\$200,000.00 for emergency repairs. So I would hope that you folks could get together on the Historic Review Board and request that the Code Enforcement Division reroof this property. There is money available. We are in dire need to get it done. It is long overdue. There is money available. So I'm requesting that you folks put a resolution together or write a letter or two to Code Enforcement. This is really putting this in your ballpark here and I hope you can follow suit with that because I think that's the first thing we need to do to secure the future of this property. And maybe we work out something with DelDOT. I'm not clear about it exactly the path forward but I just know that we need to reroof that property sooner than later. So with that I'll close off my remarks. I don't know if anybody has any questions for me about the history of the property.

MR. JOHNS: Thank you for coming tonight. My question is is your understanding of the ordinance is it this Board's responsibility to direct the spending of the funds that you've set aside for protecting historic properties?

MR. CARTIER: I can certainly speak to the legislative agenda and I certainly have the idea these reports have been prepared for all parties concerning the County government to look at them and to understand where the condition of the property stands in terms of, you know, protection. So I think you have under my legislative intent great latitude to make a request if your to, you know, prioritize properties that are in the, you know, worse condition you could certainly request that some resources be made available to protect the property.

MR. JOHNS: But there's no other mechanism for spending those

monies. I mean the direct spending of those monies to protect these houses would have to be based on a request from this Board?

MR. CARTIER: I conceptualized the kind of mutual cooperation of mutually working together with the Department of Land Use, Code Enforcement, and the Historic Review Board. Plus all three parts of this government, your Board, Code Enforcement, and Land Use your really the protectors of these properties at the end of the day. So I'm not saying that one party has more onerous then another but certainly I intended for these reports to be generated so that all the stakeholders concerned with these properties would understand where we stood. And I just hope, you know, your not going to be the only ones asking for money believe me so.

MR. JOHNS: I'm just trying to find out what our responsibility is here.

MR. CARTIER: I would say study the ordinance. I haven't looked at for quite some time but I could speak to the legislative intent. Yes sir.

MR. BROOK: I take it from your remarks that you are encouraged that the Department of Transportation has reacquired the property.

MR. CARTIER: Yes. And I got to say yeah speaking for myself and I think many of you are extremely pleased by that development.

MR. BROOK: Yeah. They certainly can't be any worse owner then the ones that were gone before no matter how poorly they might do something. It's got to be a big improvement. The \$200,000.00 that we were talking about I presume that we could probably move very rapidly to get that done but also the Highway Department or the State Department of Transportation could probably also move rather

quickly. I would expect that if this roof has had a hole in it now for four or five years that considerable damage has occurred inside the property. And I agree with you that it's imperative that we get the roof repaired. It doesn't seem like there is anything more important than then a roof in protecting the property.

MR. CARTIER: That's true.

MR. JOHNS: Has there ever been any cost estimates for replacing this roof?

MR. CARTIER: Not that I'm aware of. I think we did talk about a situation where an emergency repair would be the wing where the tarp is and patches can be made to the other gable roof along the main part of the house. But again that scope of work and estimate would have to be generated.

MR. JOHNS: I'm concerned because I heard the term asbestos shingle used.

MR. CARTIER: Yes.

MR. JOHNS: So that multiplies the cost, you know, a simple roof is easy.

MR. CARTIER: Right.

MR. JOHNS: Trying to deal with asbestos is costly.

MR. BROOK: But it has been done before.

MR. ZAHRALDDIN: I have a quick question.

MR. DAVIS: Rafael.

MR. ZAHRALDDIN: I was looking at the ordinance and it talks about a procedure set forth on Exhibit A but I didn't see Exhibit A attached or did I miss it.

MR. BROOK: I don't know.

MR. ZAHRALDDIN: In Section Six of it it says Council hereby designates \$200,000.00 for the historic preservation property maintenance revolving fund to effectuate repairs involved in demolition by neglect upon the procedure set forth in this ordinance as set forth in Exhibit A. I thought maybe that would give us some content but I didn't see Exhibit A.

MS. CESNA: No I don't see Exhibit A on here either. I would just say I mean within the Department, the various sections of the Department we have been discussing the best way to implement this ordinance as with all ordinances. It's theoretically the ordinance and then you get down to the day to day business of the staff people undertaking the work and doing it in a way that makes sense that meets the intent of the ordinance and also is done efficiently and in a reasonable way. But part of what this ordinance says is it's keyed into the existing property maintenance regulations.

MR. ZAHRALDDIN: Okay.

MS. CESNA: And it keys the Historic Review Board's determination of demolition by neglect into the existing code enforcement process. And from what Councilman Cartier referenced kind of comes into play at the end that if the code enforcement process is exhausted and no repair has occurred on the part of the property owner then the County may then use that dedicated \$200,000.00 fund for emergency repairs to prevent additional deterioration. But the process does require that we go through the existing code enforcement process which involves notifying the property owner of the violations, ask them to make the repairs, giving them a time frame to do that. Then an appeals process is

built into it. So there is a time frame and a process that exists. And I'm guessing that's probably what Councilman Cartier is referring to.

MR. ZARHALDDIN: Okay. I wouldn't mind having that attachment at some point just to see if it added to the existing content. Yeah my reading of it would be that it would happen after the owner. So I guess the question would be in this situation since we have this initial letter that we now work with DelDOT to see what they are going to put into it.

MS. CESNA: Yeah I think as right as we were setting this agenda in writing the legal notice to publicize it that's right when we became aware that DelDOT had just repurchased the property. And so I think this letter which again which we received yesterday is very positive and I think we are in a situation where the new property owner is saying to New Castle County we went to sit down and talk to you about the best way to move forward so.

MR. ZARHALDDIN: So would they be talking with you Valerie and staff and other folks or would the Board be involved in that? Because the ordinance seems to contemplate that we are involved in some discussion at some point. Or would that come maybe as a report from you like we've had in others? I'm just trying to figure out the mechanics of all this.

MS. CESNA: Well right here right now I have to say I don't know.

MR. ZARHALDDIN: Okay.

MS. CESNA: In answer to all the multi-steps question you asked.

MR. ZAHRALDDIN: But they are the right questions though right?

MS. CESNA: I think our Department is going to reach out to DelDOT and to the Secretary of Transportation.

MR. BROOK: Okay.

MS. CESNA: And her staff.

MR. BROOK: I'm encouraged by the letter also. And before we finish here I think we need to thank Councilman Cartier for the efforts he has taken in getting this ordinance passed before us.

MR. ZAHRALDDIN: It's about time.

MR. BROOK: You took too long.

MR. ZAHRALDDIN: No. No. No. We are saying that in jest.

MR. BROOK: That's right.

MR. CARTIER: Could I Mr. Chairman.

MR. DAVIS: Yes.

MR. CARTIER: I have some further comment. Here is an extensive open record of code violations on this property from the previous owner. It's still open and on file. So why Code Enforcement choose not to take it to its ultimate conclusion I can't speak to that. But I can tell you that you can access this and there's tons of violations open on this property and has been for a while so.

MR. BROOK: Well we have a way to address them now.

MR. CARTIER: Yes. Thank you and thank you for volunteering this very important job of trying to, you know, take care of our historic properties in New Castle County.

MR. ZAHRALDDIN: Thank you.

MS. ANDERSON: Thank you.

MR. BROOK: Thank you.

MR. JOHNS: Thank you.

MR. DAVIS: Public comment. No one. Okay.

MR. JOHNS: The next item on the agenda is public comment.

MR. DAVIS: Yeah. General public comment. Hearing none.

MR. BROOK: I move we adjourn.

MR. ZAHRALDDIN: Second.

MR. DAVIS: Have a second. All in favor.

. . . (Everybody said aye) . . .

MR. DAVIS: We are adjourned. (Whereupon this hearing was concluded at 5:55 p.m.).