

Wednesday, May 21, 2014  
Commissioners Meeting Room  
Time: 3:30 p.m.

MEETING CALLED:

Meeting called to order by the Mayor

PLEDGE OF ALLEGIANCE

City Clerk leads in the Pledge of Allegiance to the Flag.

ROLL CALL

City Clerk called the roll and the following Commissioners answered to their names:

Byron – here, Leonetti – here, Troiano – here

OTHERS ATTENDING

Mary D'Arcy Bittner, Solicitor  
Steve Long, Chief of Police  
Dave Bannon, Code Enforcement  
Lisa Brown, Aide to City Clerk  
Karen Gallagher, Deputy City Clerk

OPEN PUBLIC MEETING ANNOUNCEMENT

As per N.J.S.A. 10:4-12, City Clerk read the Open Public Meetings Act Announcement.

APPROVAL OF MINUTES:

None.

NEW BUSINESS:

- A. Hearing, Rental Housing Mercantile License Renewals;  
231 E. Lincoln Avenue  
312-16 E. Juniper Avenue  
115 E. Juniper Avenue  
440 W. Garfield Avenue  
117-119 E. Lincoln Avenue  
140 E. Leaming Avenue  
205 E. Cresse Avenue  
204 W. Maple Avenue  
3601 Atlantic Avenue  
230 E. Burk Avenue  
134 E. Schellenger Avenue  
139 W. Hand Avenue  
121 E. Lincoln Avenue  
140 E. Montgomery Avenue

Ms. Bittner said the purpose of this Special Meeting is to review the above Rental Housing Mercantile License Application which have been marked for concern by either the Chief of Police, Fire Prevention or Code Enforcement. The properties will be discussed one at a time and the property owner, or representative will have an opportunity to speak. Ms. Bittner told the Board of Commissioners that they had the option to approve the issuance of a license, deny the issuance of a license or issue a "Conditional" license for the above properties. Chief Long's recommendation was based on how many calls were received for these properties over the past year. If the Police Department received six or more calls, the applications were marked for "Referral" and given to the Commissioners for consideration. All persons representing the above properties were sworn in by the Deputy City Clerk.

Ms. Bittner announced the property located at 121 E. Lincoln Avenue has been removed from the above list as Dave Bannon is going to approve it.

140 E. Leaming Avenue, Robert Grimley: Ms. Bittner reviewed the application and stated it was referred by the Police Chief, and Code Enforcement. Chief Long said there were 31 police responses to this property. Five were disturbance calls, seven landlord/tenant disputes, and unwanted guests. Five incidents were criminal mischief, drug investigations, assaults, attempt to serve warrants, etc. Dave Bannon said this property is always an issue. It's infested with roaches and bed bugs. Mr. Bannon said the City had to clean the property and placed a \$600.00 lien on the property, which Mr. Grimley did pay. Mr. Grimley also received a find for trash in April and in May. Mr. Becker, attorney for Mr. Grimley, said he has discussed ways to deter this in the future

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with his client such as informing Mr. Grimley that he must inspect his own property on a daily basis. As far as his tenants go, they are going to set up a list of rules and regulations for the tenants. Ms. Bittner said Mr. Bannon had not yet set an occupancy limit for this property. Mr. Bannon said he refused to enter the property due to the bug infestation. If Mr. Grimley can provide him with a copy of a bug inspection, he will inspect the property. The Board agreed to issue a one year conditional license.

298A-5-14 Approving the issuance of a One Year Conditional Mercantile License for the property located at 140 E. Learning Avenue conditioned upon Occupancy Limit being set by Code Enforcement.

MOTION: Leonetti                      SECOND: Byron  
ROLL CALL: Byron – Yes, Leonetti – Yes, Troiano – Yes

134 E. Schellenger Avenue, Robert Grimley: Ms. Bittner reviewed the application and noted it was referred by the Chief of Police, Code Enforcement and Fire Prevention. She also said an occupancy limit hasn't yet been set. Chief Long said this property made all three shift lists. There were 88 police responses, including 17 arrests from 14 incidents, and 12 drug arrests. 10 calls took place this past month which include 8 drug arrests for heroin, heroin overdose and distribution. There were also medical assists, unwanted guests, landlord/tenant issues and suspicious persons. Chief Long said the drug issue at the property alone is tremendous. Mr. Bannon said this property is a constant problem. The rooms are always double booked and has numerous trash violations. As of February 6<sup>th</sup>, this property had 23 violations, which have since been abated, but Mr. Bannon gets calls every day for this property. He's had violations from Fire Prevention which include broken smoke detectors and ceilings, but those violations have since been abated. Mr. Becker again said he's informed his client that he has to check on his property every day. His biggest problem is the drugs, and he's working on getting those tenants out. He's informed his client that he may ask his tenants if they've been convicted any crimes, prior to allowing them to stay on his property, but sometimes it's hard to screen tenants. Mayor Troiano said he has a person living there now with an ankle bracelet on. Mayor Troiano said it's not the City's intent to put anyone out of business, however, when one property becomes a burden on the Police Department, something has to change. Mayor Troiano said he will not vote to issue a license until Mr. Grimley meets with the appropriate officials to find a way to resolve these issues, and asked for a motion to deny. Mr. Becker requested to hold this for 30 days. Mr. Bittner informed Mr. Becker that his client would then be operating without a license. Commissioner Leonetti said he cannot accept the way the building is currently being operated. Mr. Becker asked if the City was going to relocate Mr. Grimley's current tenants. Ms. Bittner said this isn't an eviction. Mr. Becker said if Mr. Grimley can't continue to operate without a license. Ms. Bittner explained the court process to Mr. Becker and informed him the nature of the process gives his client another month or two to resolve his issues. The Board agreed to deny this license without prejudice allowing Mr. Grimley to reapply.

298B-5-14 Denying the issuance of a 2014 Mercantile License for the property located at 134 E. Schellenger Avenue

MOTION: Leonetti                      SECOND: Troiano  
ROLL CALL: Byron – Yes, Leonetti – Yes, Troiano – Yes

115 E. Juniper Avenue, Mark and Nancy Zartler: Mr. Bittner reviewed the application. She noted there was no in county agent or property manager in place. Also, no occupancy limit had been set by Code Enforcement. This application was referred by the Police Department. Chief Long said 21 calls were made for this property including 13 noise complaints wherein 5 resulted in arrests for noise or underage drinking. Mr. Zartler said he does primarily rent to kids, however, he won't be doing that this year unless he meets their parents and has their phone numbers. He's also considering having a security guard on duty. Also, this year, the kids will have to be off the deck by 1:00 am and are not permitted to smoke on the premises. The Board agreed to grant a conditional license conditioned upon Mr. Zartler noting an "in-county agent" and getting an inspection by Mr. Bannon to set the occupancy limit.

298C-5-14 Approving the issuance of a One Year Conditional Mercantile License for the property located at 115 E. Juniper Avenue conditioned upon providing an In-County Agent as well as having the Occupancy Limit set

MOTION: Troiano                      SECOND: Leonetti  
ROLL CALL: Byron – Yes, Leonetti – Yes, Troiano – Yes

117-119 E. Lincoln Avenue, Edwin Carpio: Ms. Bittner reviewed this application and noted an occupancy limit had not yet been set. This application was referred by Code Enforcement and the Police Department. Chief Long said there were 23 responses to this property including a search warrant where 5 ounces of cocaine was seized. There were 5 arrests on four different incidents for assault, and domestic violence. Mr. Bannon said there were violations on this property for safety concerns and the exterior not being kept clean. Mr. Carpio said he has evicted some of his tenants. Mr. Bannon said the occupancy limit hasn't been set because he has

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been unable to contact Mr. Carpio. Mr. Bannon was always under the impression this property was owned by Mr. Fausto. Mayor Troiano asked if the person who was arrested for drugs was still living there, which he is not. Mr. Bannon said there are still 4 outstanding violations on the property and he will set an appointment tomorrow for a re-inspection. The Board agreed to grant a One Year Conditional License conditioned upon Mr. Bannon's inspection, setting occupancy limited and abating all violations.

298D-5-14 Approving the issuance of a One Year Conditional Mercantile for the property located at 117-119 E. Lincoln Avenue Conditioned Upon Inspection, setting Occupancy Limit and Abating Violations

MOTION: Byron                      SECOND: Leonetti  
ROLL CALL: Byron -- Yes, Leonetti -- Yes, Troiano -- Yes

139 W. Hand Avenue, Kathleen Gallagher: Ms. Bittner said at the request of Mr. Bannon, this application was pulled from the list. Mr. Bannon spoke with Ms. Gallagher and agreed to issue the license.

140 E. Montgomery Avenue, Lewis Tirendi: This application was pulled from the list and will be issued a license.

204 W. Maple Avenue, Michael Cimino: Ms. Bittner reviewed this application and noted this property was referred by the Police Department. Chief Long said this property made one squads list as a problem property. 8 calls were made to this property including 5 noise violations, 3 drug arrests, urinating in public and underage drinking. Mr. Cimino said this property is rented weekly, primarily to high school and college kids. He's a resident of Wildwood and he manages the property himself. He has made changes to the rental contracts, posted rules in the house and installed video cameras. He is looking into getting a security guard to sit at the property three to four hours a night. The Board agreed to grant a One Year Conditional License.

398E-5-14 Approving the issuance of a One Year Conditional Mercantile License for the property located at 204 W. Maple Avenue

MOTION: Leonetti                      SECOND: Byron  
ROLL CALL: Byron -- Yes, Leonetti -- Yes, Troiano -- Yes

205 E. Cresse Avenue, Andrew Brough: Ms. Bittner removed herself from this matter as she was involved in a landlord/tenant issue with the owner in the past. Dave Bannon reviewed the application and stated it was referred by the Police Department. Chief Long said there were 27 responses made to this property, three of which were drug related, resulting in one arrest. There were also 6 noise complaints, 7 medical assists, suspicious persons, domestic, violations of restraining order, etc. Mayor Troiano asked Mr. Brough what his remedy is. Mr. Brough said he has owned the building for 11 years and is making some improvements. He's installed a video surveillance system. He said the medical assist calls is for one of his tenants who has special needs and is no longer there. He is trying to run a safe, clean establishment and will try to do better screening. Mayor Troiano offered to issue a conditional license. Mr. Brough said had he known he would be issued a conditional license, he would have brought legal representation. Dave Bannon suggested a three month conditional license. Mr. Brough believes he deserves full approval. Chief Long said he doesn't think the number of calls made to this property is over the top, considering the amount of units in his building. Commissioner Byron said he's familiar with this property and knows the owner takes very good care of it. The Board agreed, if the Chief is comfortable with issuing a full renewal, then they are also. If a problem arises, they will revisit.

298F-5-14 Approving the renewal of the Mercantile License for the property located at 205 E. Cresse Avenue

MOTION: Leonetti                      SECOND: Byron  
ROLL CALL: Byron -- Yes, Leonetti -- Yes, Troiano -- Yes

230 E. Burk Avenue, Pamira Matteis: Ms. Bittner said the property code violations for this property have been abated. She spoke with their attorney, Mr. Catanese and told them it would be removed from the list. Mayor Troiano said if they were here, he would issue a conditional license. Mayor Troiano wants this property owner in here for the next meeting. Commissioner Leonetti agreed. This property is rescheduled for June 4, 2014.

298G-5-14 Referring the Rental Housing Mercantile License Application filed for 230 E. Burk Avenue to the June 4, 2014 Special Meeting

MOTION: Byron                      SECOND: Leonetti  
ROLL CALL: Byron -- Yes, Leonetti -- Yes, Troiano -- Yes

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231 E. Lincoln Avenue, Nedal Elfar: Ms. Bittner reviewed the application and noted it hadn't fully been completed, such as the location to the shut valves or if they're renting year round or seasonally. This application was referred by the Police Department. Chief Long said there were 26 calls made to this property and is on two squad lists as a problem property. Out of those 26 calls, 4 resulted in arrests for heroin, suspicious person wanted for an assault with a deadly weapon and problems concerning Meagan's Law formalities. Mayor Troiano asked how many people are on the property in the winter. Mr. Elfar said that number fluctuates. Mr. Elfar said most of the phone calls were made by the property manager when she suspects there's an issue with drugs. The manager said she is fearful to call the police when she suspects a problem because she fears the owner will lost the property. Mr. Elfar said the Meagan's Law pertains to one person who they got rid of. He has installed cameras on his property and is requesting full license, not a conditional. Mr. Elfar said he's applied to the Zoning Board to become a rooming house, but is currently operating as a hotel, with guests staying sometimes longer than 20 days. Ms. Bittner informed him he is currently operating as a rooming house, which is a violation of the Zoning Ordinance. Mayor Troiano advised his to speak with the Zoning Officer. Mr. Elfar said he spoke with Mr. Booy who told him these applications are rarely approved, therefore, the stopped with the process. The Board agreed to approve a One Year Conditional License for this property conditioned upon the owner operating solely as a Hotel/Motel. Mr. Elfar was advised, if he is found to be renting to someone longer than 20 days, his license will be revoked.

298H-5-14 Approving the issuance of a One Year Conditional Mercantile License for the property located at 231 E. Lincoln Avenue conditioned upon the owner operating solely as a Hotel/Motel

MOTION: Leonetti           SECOND: Byron  
ROLL CALL: Byron – Yes, Leonetti – Yes, Troiano – Yes

312-316 E. Juniper Avenue, Matthew Titus: Ms. Bittner said this application was originally scheduled for a hearing on April 16<sup>th</sup>. Mr. Titus couldn't make that hearing and asked it to be heard today. Mr. Titus was not present. Mr. Bannon said he was at this property for an inspection yesterday and it's infested with bed bugs. He said Mr. Titus is an absentee landlord. The Board agreed to deny the renewal of this license

298I-5-14 Denying the issuance of the 2014 Mercantile License Renewal for the property located at 312-316 E. Juniper Avenue

MOTION: Troiano           SECOND: Leonetti  
ROLL CALL: Byron – Yes, Leonetti – Yes, Troiano – Yes

440 W. Garfield Avenue, Michael Sklencar: Ms. Bittner reviewed the application. The property owner was not present. Mr. Bannon recommended the Board deny this license. He has outstanding property maintenance violations and hasn't been able to contact him to set up an appointment for an inspection to set the occupancy limits. The Board agreed to deny the renewal of this license.

298J-5-14 Denying the issuance of the 2014 Mercantile License Renewal for the property located at 440 W. Garfield Avenue

MOTION: Troiano           SECOND: Leonetti  
ROLL CALL: Byron – Yes, Leonetti – Yes, Troiano – Yes

3601 Atlantic Avenue, Midtown Properties: Ms. Bittner said this application was pulled from the list and approved.

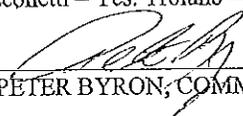
**RESOLUTIONS:**  
Resolutions B., "Acknowledging and responding to the Ocean City Dredge Spoils Offer" was tabled until the next meeting.

298K-5-14 Awarding concession contract re: Warfage  
This resolution was amended to a One (1) Year contract

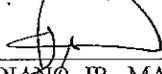
MOTION: Troiano           SECOND: Leonetti  
ROLL CALL: Byron – Yes, Leonetti – Yes Troiano – Yes

**ADJOURNED:** There being no further business to be discussed, this meeting was adjourned at 6:45 p.m. Remarks as typed highlighted not verbatim as to subject matter.

MOTION: Leonetti           SECONDED: Troiano  
ROLL CALL: Byron – Yes, Leonetti – Yes, Troiano – Yes.

  
PETER BYRON, COMMISSIONER

  
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ANTHONY LEONETTI, COMMISSIONER

  
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ERNEST TROIANO, JR., MAYOR

ATTEST:   
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CHRISTOPHER H. WOOD, CLERK

DATE MINUTES APPROVED: June 11, 2014  
CHRISTOPHER H. WOOD, CITY CLERK