

MINUTES OF A SPECIAL MEETING OF THE WILDWOOD COMMISSIONERS
IN THE COUNTY OF CAPE MAY, NEW JERSEY

Wednesday, July 16, 2014
Commissioners Meeting Room
Time: 3:30 p.m.

MEETING CALLED:

Meeting called to order by the Mayor.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Deputy 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
John Davis, 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, Deputy City Clerk read the Open Public Meetings Act Announcement.

APPROVAL OF MINUTES:

None.

NEW BUSINESS:

A. Hearing, Rental Housing Mercantile License Renewals;
236 E. Youngs Avenue
406 E. Magnolia Avenue
121 E. Lincoln Avenue
230 E. Burk Avenue
4311 Pacific Avenue
205 E. Spencer Avenue
106 W. Glenwood 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.

406 E. Magnolia, Nagel: Ms. Bittner said this property had previously been issued a Conditional License. Since then, a situation arose at the property causing the Board to decide whether or not to revoke this license or continue with the Conditional License. Mayor Troiano said he met with the Nagel's and believes they've done everything requested of them. Because of their cooperation, this item was removed from the agenda with no action taken. This will continue as a Conditional License.

MOTION: Leonetti SECOND: Byron
ROLL CALL: Byron – Yes, Leonetti – Yes, Troiano – Yes
(Motion was to remove from the agenda only)

236 E. Youngs Avenue, Tobin: Ms. Bittner said this application was filed late, it was on the agenda from the last meeting and was postponed until today. Since the last meeting, Ms. Tobin retained Mr. Anthony Harvatt, II for legal representation for this matter. Ms. Bittner said this application was referred because an occupancy limit hadn't been set. Mr. Bannon said he did inspect the property for occupancy and found it was overcrowded. Mr. Bannon said there are 22 violations on this property which include overcrowding and padlocks on the doors. Mr. Bannon spoke with the tenants who informed him that they moved into this property with the conditions as

they are now. Chief Long said the Police Department has responded to this property for a noise violation, wherein one arrest was made. Upon arriving to the call, the tenants locked themselves in the unit and refused to answer the door. There have been numerous noise complaints at this location and property damage which was called in by a neighbor. Mr. Harvatt said occupancy is obviously a safety issue and they want to comply with that, and that the padlocks have to be removed. Mr. Harvatt said Ms. Tobin informed him that some of the other violations have been taken care of such as painting and trash removal. Mr. Bannon as well as Mr. Davis said nothing has been done. Mr. Harvatt said his client wishes to have until September 2nd to make all of the repairs. Mayor Troiano asked what they were going to do about the overcrowding issue. Mr. Harvatt said they are going to have to comply with the law and that he was just retained on Saturday. Mr. Bannon recommended the Board deny this license. Mr. Harvatt asked the Board not to do that because it would cause many legal problems for Ms. Tobin and asked the Board to consider issuing a conditional license. Both Mayor Troiano and Commissioner Leonetti agreed that they could not grant a conditional license due to the obvious safety issues. Commissioner Byron suggested giving Ms. Tobin two weeks to bring her property up to code and then reconsider this application. Mr. Davis said she was informed about the violations on the 8th and still has yet to do anything and the property is still overcrowded. Mayor Troiano said they can re-apply if they were denied today, and if they comply with what's been requested they could be granted a Conditional License. The Board agreed to deny the renewal of this license at this time.

392-7-14 Denying the Issuance of the 2014 Mercantile License Renewal for the property located at 236 E. Youngs Avenue

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

121 E. Lincoln Avenue, Grimley: Ms. Bittner said this item was on the agenda for discussion during the May 21st meeting wherein Mr. Grimley was being represented by Attorney Scott Becker. Since that time, Mr. Grimley was under the impression that he had been granted a license and started to operate his business. Mr. Becker contacted Ms. Bittner to remove this item from today's agenda and place on a future agenda for consideration. Mr. Bannon said Mr. Grimley is still operating without a license. Mayor Troiano said he would rather discuss this matter when Mr. Becker is present and asked to remove this item from today's agenda.

MOTION: Leonetti SECOND: Troiano
ROLL CALL: Byron – Yes, Leonetti – Yes, Troiano – Yes
(Motion was to remove from the agenda only)

106 W. Glenwood, FAACM, LLC : A representative from this property failed to appear, therefore, this application was denied.

393-7-14 Denying the Rental Housing Mercantile License Application for the 2014 Mercantile License for the property located at 106 W. Glenwood Avenue

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

230 E. Burk Avenue, Matteis: At this time, Commissioner Leonetti recused himself from the hearing on this property. Ms. Bittner reviewed this application and noted it was filed timely, however it was postponed per Andrew Catanese who is representing Mr. Matteis. This application was referred by Code Enforcement. John Davis said work is in progress to abate the violations. Mr. Davis is going to meet with them to accurately establish the occupancy limits and suggested the Board issue a Conditional License. Mr. Catanese said after reading the Ordinance he believes he's entitled to be issued a mercantile license with no conditions. Dave Bannon also suggested issuing a Conditional License due to the condition they saw the property in today. The Board agreed to issue a Conditional License.

394-7-14 Approving the issuance of a Conditional Mercantile License for the property located at 230 E. Burk Avenue

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

205 E. Spencer Avenue, McMillan: Dave Bannon said he's given the property owners time to abate the violations and requested to remove this matter from the agenda. This item was removed and no action was taken.

4311 Pacific Avenue, Sykora: This matter has been postponed. No action was taken.

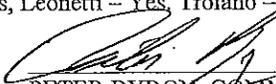
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RESOLUTIONS:

- 395-7-14 Waiving fees for Beach Special Event Permit re: Battle the Beach 5K
- 396-7-14 Waiving fees for Special Event Permit re: Autism Speak Run
- 397-7-14 Amending fees for Beach Special Event Permit re: Nat Alexander Customer Appreciation Night (\$50.00)
- 398-7-14 Waiving fees for Special Event Permit re: Wildwood Pentecostal Church Concert
- 399-7-14 Amending fees for Beach Special Event Permit re: Wildwood Cornhole Tournament (\$100.00)

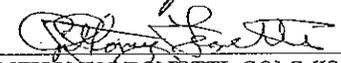
MOTION: Byron SECOND: Leonetti
ROLL CALL: Byron – Yes, Leonetti – Yes Troiano – Yes

ADJOURNED: There being no further business to be discussed, this meeting was adjourned at 5:09 p.m. —
Remarks as typed highlighted not verbatim as to subject matter.

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



PETER BYRON, COMMISSIONER



ANTHONY LEONETTI, COMMISSIONER



ERNEST TROIANO, JR., MAYOR



ATTEST:
CHRISTOPHER H. WOOD, CLERK

DATE MINUTES APPROVED: August 13 2014
CHRISTOPHER H. WOOD, CITY CLERK