

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

Wednesday, July 2, 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
John Davis, Code Enforcement
Lisa Brown, Aide to City Clerk
Christopher Wood, 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;
150 E. Spicer Ave. (Revocation Hearing)
220 E. Poplar Ave.
218 E. Poplar Ave.
229 E. Youngs Ave.
328 W. Glenwood Ave.
2900 Park Blvd.
4009 Pacific Ave.
155 W. Hand Ave.
236 E. Youngs Ave.
106 E. Juniper Ave.
4114 Pacific Ave. (deferred from previous meeting)
4311 Pacific Ave.

Ms. Bittner said the purpose of this Special Meeting is to review the above Rental Housing Mercantile License Applications 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 City Clerk.

220 E. Poplar Ave. Unit 203, Matteo: Ms. Bittner reviewed the application and stated it was referred by Code Enforcement. This application has yet to be signed off on by Fire Prevention and the Chief of Police. Mr. Bannon said during a visit to this property, it was found overcrowded with kids from the prom and there was a hole cut through a fire-rated wall to create a doorway, which was done without the proper construction permits. Mr. Bannon said the issue with the Construction Office relative to obtaining permits has since been rectified, however, his concern is with the overcrowding. Mayor Troiano said he's concerned about both the overcrowding as well as the hole cut in the wall. Mayor Troiano was concerned about what could happen should there be a fire, and asked what provisions the owners have taken. They said they are only going to rent to families from now on. Mr. Davis said he personally arrived and issued the owners a summons, which they plead guilty to, for operating without a license and operating a nuisance. Ms. Bittner asked them to amend the sketch, as it did not show the office. The Board agreed to issue a One Year Conditional License conditioned

upon the Chief of Police and Fire Official signing off on the application as well as a re-inspection by Mr. Bannon. The Conditional License will only be issued if the above concerns are brought into compliance. If not, the award of a conditional license is immediately withdrawn.

365-7-14 Approving the issuance of a One Year Conditional Mercantile License for the property located at 220 E. Poplar Avenue, conditioned upon obtaining the Chief of Police and Fire Officials signatures

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

~~---~~218 E. Poplar Avenue, Matteo: Due to this property and the one discussed above being connected, the same ruling applies.

366-7-14 Approving the issuance of a One Year Conditional Mercantile License for the property located at 218 E. Poplar Avenue, conditioned upon obtaining the Chief of Police and Fire Officials Signatures

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

4114 Pacific Avenue, DiSimone: Mr. Bittner reviewed the application and gave a review from the last hearing. Since the last hearing there was a drug bust at the property. The owner said he was going to evict the problem tenant. Mr. Gould, attorney for Mr. DiSimone said his client has proceeded with the eviction process and the tenant has been removed from the property. Since the removal, there have been no more problems at the property. Chief Long said there was only one call since then for an unwanted guest. The Board agreed to grant a Conditional License. Mr. Gould said he has a problem with being issued a Conditional License. He said the problem person on the property has been removed and there is nothing else pending with regard to that property. Mayor Troiano explained the reasons why a conditional was recommended and informed him it would allow the City to move a little faster with revocation, should there be an issue in the future. Ms. Bittner reviewed the criteria for issuing a conditional license and suggested this property may not meet the criteria for being issued a conditional license. Mayor Troiano reviewed the call log from the Police Department relative to this property and indicated there were numerous phone calls and problems prior to this "bad guy" moving in. Mayor Troiano ~~---~~said it's not the City's responsibility to monitor these properties. The Board agreed to issue a Conditional license.

367-7-14 Approving the issuance of a One Year Conditional Mercantile License for the property located at 4114 Pacific Avenue

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

2900 Park Boulevard/304 W. Magnolia, Colm O'Brien: Ms. Bittner noted there was no representative present for this property. The Board agreed to deny the issuance of this license.

368-7-14 Denying the Rental Housing Mercantile License Application and Renewal of the 2014 Mercantile License for the property located at 2900 Park Boulevard/304 W. Magnolia

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

328 W. Glenwood Avenue, Mary Jo Shaboian: Ms. Bittner noted there was no representative present for this property. The Board agreed to deny the issuance of this license.

~~---~~369-7-14 Denying the Rental Housing Mercantile License Application and Renewal of the 2014 Mercantile License for the property located at 328 W. Glenwood Avenue

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

155 W. Hand Avenue, Tobin: Mr. Bittner reviewed this application and noted it was referred by the Chief of Police and Code Enforcement. Chief Long said this application was referred because there were seven calls made to the property. The one call of biggest concern dates back to February 14th where the Police Department found over 100 people on the premises ranging from 13 to 35 years of age. A 14 year had to be hospitalized for being highly intoxicated. Ms. Tobin was charged with maintaining a nuisance. Ms. Tobin said those tenants were evicted and gone within a month and asked if there had been any more calls since then. Chief Long said yes, for someone shooting fireworks off of the back deck. He also noted one of the tenants was a convicted

pedophile. Mr. Bannon said Code Enforcement found 40 violations and gave Ms. Tobin until February 1st to abate them. To date, she has still failed to correct all of the violations. Mr. Bannon said she had court today and was convicted for operating without a license. Mr. Davis has issued violations on this property also and said the property was borderline uninhabitable upon the initial inspection. Ms. Tobin said she and her husband have been doing a lot of work. Ms. Bittner informed Ms. Tobin that her attempts to evict is not a reason to grant a license. Mayor Troiano said, looking at the pictures, she's got numerous problems all the way down to structure damage and foundation problems. Mayor Troiano noticed she had duct tape holding her roof together. He suggested she tear the property down because she would never recoup the money she would have to put into this property to get it up to code. The Board agreed to deny the renewal of this license.

370-7-14 Denying the Rental Housing Mercantile License Application and Renewal of the 2014 Mercantile License for the property located at 155 W. Hand Avenue

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

236 E. Youngs Avenue, Tobin: Ms. Bittner reviewed this application and noted it was referred by Code Enforcement and the Police Department. Mr. Bannon said there were 8 violations on this property. Chief Long said the Police Department had 8 calls, 4 were for noise and 5 arrests were made for underage drinking. Since June and July of last year, there has only been one call. Ms. Tobin rents to kids during the summer season. Mayor Troiano said he doesn't want to act on this license until the property is re-inspected. There was no action taken on this application and it was moved to the July 16th special meeting for consideration.

106 E. Juniper Avenue, Matt Grassa: Ms. Bittner reviewed the application and noted it was referred by Code Enforcement. Mr. Bannon said Mr. Grassa has been an absentee landlord for the past 3 years and has recently been arrested for outstanding warrants due to unpaid violations. Since then, he's been in touch with Code Enforcement on a daily basis. Mr. Bannon said Mr. Grassa is clear with Fire Prevention now and is bringing his property up to code. Mayor Troiano told Mr. Grassa that the neighbors living behind his property are having a very hard time with the kids living there. He said Mr. Grassa's tenants are ruining the neighbors' quality of life. Mayor Troiano said he doesn't want to act on this license until the property is re-inspected and the application is signed off by the Police Department and Fire Prevention. There was no action taken on this application and it was moved to the July 16th meeting for consideration.

4311 Pacific Avenue, Sykora: Consideration on this application was deferred to the July 16th meeting. No action was taken.

150 E. Spicer Avenue, Fausto Ricart: Mr. Ricart started off by saying he's going to do whatever's necessary to take care of this property. He wants to be part of the solution, not the problem. Mr. Bannon said he was at the property on June 11th for a complaint that the property was infested with roaches in Unit 3. He arranged for those individuals to stay in a hotel until he brings his property up to code. Upon arrival he also noted the unit was overcrowded. Mr. Ricart had rented to a group of individuals who couldn't stay there and he no longer had the money to return to them. The parents of these individuals are upset that their children got ripped off. Mr. Ricart is now on a payment plan with these individuals to pay them back. The group is now staying on Magnolia Avenue. Mr. Ricart also posted an advertisement on a website that his property could hold up to 25 people, which clearly is in violation of the occupancy limits. Mr. Ricart said he's going to fix and abate all the violations, but cannot do it immediately. He requested that the Board allow him to continue to operate under the Conditional License previously awarded. Mayor Troiano said it would be his vote to deny his license completely. Mayor Troiano said Mr. Ricart appeared before the Board initially for having issues with his property which warranted the issuance of a conditional license, he is here before us again for problems with the same property, and he will be before us again for another property. Commissioner Byron said if they deny the license, the individuals renting that unit will be the ones to suffer. Commissioner Byron told Mr. Ricart that it seems like he always wants to do the right thing after he get caught. Commissioner Byron asked for a vote to continue with the Conditional License.

371-7-14 Allowing the Conditional License previously granted to stay in place for the property located at 150 E. Spicer Avenue

MOTION: Byron SECOND: Leonetti
ROLL CALL: Byron – Yes, Leonetti – Yes, Troiano – No

The following applications were pulled from this meeting as they were approved by Dave Bannon:
229 E. Youngs Avenue and 4009 Pacific Avenue

Dave Bannon said the property located at 111 E. Roberts Avenue never received his notifications. This property is in short sale and has requested their application be brought in front of the Board at the next Special Meeting. The Board agreed.

RESOLUTIONS:

372-7-14 Setting Beach Transport Fees

373-7-14 Authorizing Professional Services Contract with Remington, Vernick & Walberg Engineers for the project "FY 2014 Small Cities CDBG Program – Public Facilities ADA Improvements, Youngs Ave Restroom Facility" (\$43,000.00)

MOTION: Leonetti

SECOND: Byron

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

Resolution "C" as listed on the agenda, "Authorizing fireworks display on July 5, 2014", was removed.

APPLICANTS:

- Special Events Applications, Various

The Board of Commissioners took action on the follow Special Event Applications:

374-7-14 Modifying the fee for SID/Wildwood Boardwalk Craft Show to be \$50.00 per Vendor per Weekend

375-7-14 Waiving Special Event Fee for Brides Against Breast Cancer

376-7-14 Waiving Special Event Fee for GWTIDA Free Summer Concert in Fox Park

377-7-14 Waiving Special Event Fee for Southwest Football Coaches Association Annual Softball Game

MOTION: Leonetti

SECOND: Byron

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

EXECUTIVE SESSION:

The Special Meeting was recessed at 5:50 p.m. by motion of Leonetti seconded by Byron. The City Clerk read the subject(s) to be discussed and Executive Resolution No. 15-7-14 convening this meeting.

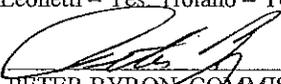
- Contractual Matter – Sale/Lease of Public Property

RECONVENED AND ADJOURNED: There being no further business to be discussed, this meeting was adjourned at 6:00 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: July 23 2014
 CHRISTOPHER H. WOOD, CITY CLERK