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

Wednesday, April 1, 2015
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
Robert Regalbuto, Chief of Police
John Davis, Code Enforcement
Ron Harwood, Fire Prevention
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:
120 E. Youngs Avenue
121 W. Baker Avenue
4211 Park Boulevard
4207-4209 New Jersey Avenue
420 E. Poplar Avenue
232 W. Maple Avenue
4912 Arctic Avenue
5301 Ocean Avenue, #501
201 W. Roberts Avenue
203-205 W. Roberts Avenue
116 W. Youngs Avenue
5301 Ocean Avenue, #805
223 W. Maple Avenue
145 E. Andrews Avenue
4121 Arctic Avenue
4301 Arctic Avenue
314-16 E. Poplar Avenue
107 E. Magnolia Avenue

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 Regalbuto'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.

120 E. Youngs Avenue: Inspector John Davis stated the owner of the property was not present. He said the property had pipe leaks and the building had been shut down. It was Mr. Davis' suggestion that the owner re-apply, but a license will not be issued until the property is up to code. Ron Harwood said the property falls under the UCC. No action was taken on this property.

121 W. Baker Avenue, Patrick Cline: Inspector John Davis stated this property has property code violations against it. The tenants living there are complaining about a bug infestation problem. Mr. Cline said the tenant living in the back unit is Section 8. He is in the process of trying to evict her. Once she is removed the building is going to be stripped down to the studs. Mr. Cline said he has an exterminator who comes quarterly to the property. He was told by the exterminator that due to the tenant's lifestyle, the infestation will never stop. Mr. Cline said he cannot evict the tenant unless he provides the Court with a Mercantile License. Mr. Davis said Mr. Cline has been very cooperative even though he cannot fix the problem. He suggested the Board grant Mr. Cline a temporary mercantile license for three units so that he can present it to the court to evict the tenant in the back unit. Once the eviction is complete, the mercantile license will only be valid to rent two units. At this time, Mr. Cline had not received a court date for the eviction. Chief Regalbuto said the Police Department receives calls for this property mostly relating to fights with people connected to this property. Mayor Troiano suggested Mr. Cline sign a trespassing complaint so that the individuals trespassing on the property can be arrested. The Board agreed to grant a temporary license for the rear cottage, valid until May 31, 2015, conditioned upon a fire inspection, which must be conducted within the next three weeks. A license may also be issued for the front two units, conditioned upon a fire inspection.

155-4-15 Approving the issuance of a conditional mercantile license for the property located at 121 W. Baker Avenue

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

4211 Park Boulevard, #100, Brett Strothers: This property was referred by the Police Department and Fire Department. Chief Regalbuto said there were only two calls for service at this property, but the calls were serious in nature, such as aggravated assault, and another which resulted in 14 arrests for underage possession & consumption of alcohol, and noise. Mr. Davis said the owner has changed the rental status of this property to year-round instead of seasonal. He had given Mr. Strothers permission to allow the new tenants to move in. Mr. Harwood said this property is scheduled for inspection on April 7th. The Board agreed to issue a Conditional Mercantile License for 180 days, at which point it will become a full license, provided no complaints are made against the property.

156-4-15 Approving the issuance of a conditional mercantile license for the property located at 4211 Park Boulevard, Unit #100

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

4207-09 New Jersey Avenue, Anthony Antonelli: Mr. Davis said the property has not yet been inspected by the Fire Department. Chief Regalbuto said there were seven calls in reference to this property, mostly medical, but resulted in heroin overdoses, with one fatality. Mr. Antonelli said they've been trying to remove the person who overdosed. The person has since been removed. Mr. Antonelli was advised to place no trespassing signs on his property so the police have the ability to lock up unwanted visitors. The Board agreed to grant a conditional mercantile license on the condition of the fire inspection being completed within three weeks. The conditional license is set for 180 days, wherein if no substantial problems occur, the license will convert to a regular mercantile license.

157-4-15 Approving the issuance of a conditional mercantile license for the property located at 4207-09 New Jersey Avenue

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

420 E. Poplar Avenue, #2, Scott Fleming: Mr. Davis said this property has been an ongoing problem. Mr. Fleming said he purchased the property in 2013, where it was used as a family vacation property. He just recently decided to rent the property out this year. Mr. Fleming said in the past the police have been there on a number of occasions, but never to his particular unit. The police were called on a unit owned by Mr. Titus. Mayor Troiano requested that Mr. Davis contact Mr. Titus and bring him in for a meeting. The Board recognized that the calls were not related to Mr. Fleming's property and agreed to issue a full mercantile license.

158-4-15 Approving the Rental Housing Mercantile License Application filed for 420 E. Poplar Avenue, Unit 2

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

232 W. Maple Avenue, Bradley Stohl: Mr. Davis said Bradley Stohl is not present. The property was re-inspected last Thursday, but shortly after there was a fire on the premises. Mr. Davis said the Property Code violations had all been abated. Mr. Harwood said the owner has to hire an electrical contractor, and that the property is now under UCC. The property was withdrawn from the agenda, and no action was taken.

At this time, Commissioner Byron left the Special Meeting.

4912 Arctic Avenue, Tom Bruder: Mr. Davis said this property has code violations since February of 2014. There are three windows boarded from the inside of the property. The Board agreed to issue a Conditional 180-day Mercantile License, conditioned upon insurance information being completed on the application, a completed fire inspection within three weeks, and all exits are approved.

159-4-15 Approving the issuance of a Conditional Mercantile License for the property located at 4912 Arctic Avenue

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

5301 Ocean Avenue, Unit #501: Mr. Davis said this application was submitted for referral due to the application being incomplete. Since the date of the notice, the property owner submitted a complete application for review. Therefore this application is being withdrawn from the agenda.

201 W. Roberts Ave. 203-05 W. Roberts Ave., and 116 W. Youngs Ave.; John Sheppard: These properties were all inspection in December. All violations were abated and fees were paid. However, Mr. Sheppard never obtained a Mercantile License for 2014. The Board decided Mr. Sheppard should be granted full licenses. However, he would have to pay for 2014 and 2015 at the same time on all the referenced properties.

160-4-15 Approving the Rental Housing Mercantile License Application filed for 201 W. Roberts, 203-05 W. Roberts & 116 W. Youngs

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

5301 Ocean Avenue, Unit #805: Mr. Davis said this application was submitted for referral due to the application being incomplete. Since the date of the notice, the property owner submitted a complete application for review. Therefore this application is being withdrawn from the agenda.

223 W. Maple Avenue: David Bellanger is the representative for this property, but he did not appear at this meeting. Mr. Davis said this property is in foreclosure. There is currently one tenant on the first floor. Code Enforcement has issued violation for trash problems and interior violations. Fire Prevention has $2,180.00 in outstanding fees on this property. Mr. Davis said the bank is trying to remove the tenant and recommends the license be denied.

161-4-15 Denying the Rental Housing Mercantile License application and renewal of the 2015 Mercantile License for 223 W. Maple Avenue

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

145 E. Andrews Avenue: Per the recommendation of Mr. Davis, this application was withdrawn.

4121 Arctic Avenue and 4301 Arctic Avenue: John Paxton is the applicant for these properties, and was not present at the meeting. Mr. Davis advised the Board that the bank took possession of the property located at 4301 Arctic Avenue, and he is no longer the owner of 4121 Arctic Avenue, and will be going to foreclosure on the 15th of April for this property. The Board agreed to deny the license for this property.

162-4-15 Denying the Rental Housing Mercantile License Application and Renewal of the 2015 Mercantile License for 4121 Arctic Avenue and 4301 Arctic Avenue

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

314-16 E. Poplar Avenue: Mr. Eskini is the property owner, but Constantine Grivas is present on his behalf. Mr. Davis said this property has code violations dating back to July, 2013 that are still open and active. Mr. Davis has sent numerous communications with no response, and no action has been taken by the property owner. Mr. Davis said in January, 2015 the property owner was sent a notice that a summons will be issued if

the owner fails to take action on this property. Mr. Davis said the owner is using the property as storage. Mr. Grivas said by May 1st of this year, he will have these violations abated. Mayor Troiano said his property is an eyesore and many people located around this property have sold their homes due to the nature of the tenants. Mr. Leonetti asked Mr. Grivas why they own all of these properties if they can't keep up with the maintenance. Mr. Grivas said the properties have been family-owned for many years. Mr. Davis requested this license not be issued until it's been re-inspected, and brought back in front of the Board at the next Special Meeting.

163-4-15 Referring the Rental Housing Mercantile License Application filed for 314-16 E. Poplar Avenue be considered at the next scheduled Special Meeting

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

107 E. Magnolia Ave, Harry Haney: Mr. Haney was present at the meeting. His property falls under the 30 days stay rule. However, since this property has been operating as such since before the new Zoning Ordinance was passed, it is a pre-existing non-conforming use. Mr. Harwood said Mr. Haney brought his property up to code on some things, but Mr. Haney has made alterations to his property without obtaining the necessary permits. The Board agreed to grant a conditional license conditioned upon a fire alarm with a manual pull being installed on the 4th floor and connected to the 3rd floor, and is re-inspected by the Fire Official.

164-4-15 Approving the issuance of a Conditional Mercantile License for the property located at 107 E. Magnolia Avenue

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

211 E. Baker Avenue, John & Sharon Craig: The owners of this property were issued a Hearing Notice, but the address was inadvertently left off of the agenda. Mr. and Mrs. Craig were present at the Hearing. Mr. Davis said this property has outstanding violations from last year, but the majority were corrected. Mr. Harwood said this property is in violation due to an egress issue. Mayor Troiano said he cannot approve this license with the egress in place. Mr. and Mrs. Craig said they did not pay for or receive a Mercantile License last year due to the violations, which prohibited them from renting and asked that the Board waive the fee due for 2014. The Board agreed to do so and also decided they cannot issue a license for 2015 until further notice. A member of the Board will discuss the status of the property over the phone, as the owners live five hours away.

165-4-15 Approving waiver of 2014-2015 License Fee and postponing hearing until the blocked egress issue is Resolved

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

EXECUTIVE SESSION:

- Litigation – RICO

The Board felt there was no need to discuss this matter at this time.

ADJOURNED: There being no further business to be discussed, this meeting was adjourned at 5:26 p.m. Remarks as typed highlighted not verbatim as to subject matter.
MOTION: Leonetti SECONDED: Troiano
ROLL CALL: Byron – Absent, Leonetti – Yes. Troiano – Yes.

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PETER BYRON, COMMISSIONER

_____
ANTHONY LEONETTI, COMMISSIONER

_____
ERNEST TROIANO, JR., MAYOR

ATTEST:_____
CHRISTOPHER H. WOOD, CLERK

DATE MINUTES APPROVED:_____
CHRISTOPHER H. WOOD, CITY CLERK