

SPECIAL MASTER CODE ENFORCEMENT HEARING OF JULY 18, 2000

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
JULY 18, 2000

Present: Ken Spillias, Town Attorney, Gregory Dunham, Town Manager, Karen Hancsak, Town Clerk, and Edward Hillery, Director of Public Safety.

Meeting called to order at 10:00 A.M.

All the individuals that planned on providing testimony were sworn in.

A. APPEALS

CASE NO. CE2000-05

Tim or Teresa Mulloy

RE: 31 Anna Street

NATURE OF VIOLATION

Appealing a Lot Violation Fine of \$100.00 as a result of violation of Section 34-6 Town Code of Ordinances

Respondent was not present.

Atty Spillias clarified that this was an appeal request and not a reduction request. He explained that the respondent was making this request based on receiving a 2nd letter, which provides for an automatic fine. Upon receiving the violation letter the respondent forwarded a letter requesting to appeal the fine. They were then notified that the meeting would be held Tuesday, June 20, 2000 to which they called and advised they would be out of town and requested another date. The Town Clerk verbally notified them that their appeal could be postponed until the July 18, 2000 Special Master Hearing. He added that Town Clerk Hancsak could testify to her conversation with the respondent and added that the Sgt. who had originated the report was also present.

Town Clerk Karen Hancsak was sworn in and advised that the town issued a letter providing for the \$100 fine and subsequently received a letter from the respondent requesting to appeal the fine. A letter was sent back to the respondent advising of the next meeting date (June 20, 2000 at 10 AM). The respondent then called the police department and spoke to Lt. Katz to advise that they would be out of town on June 20, 2000. He referred the matter to Town Hall. Mrs. Hancsak then advised that she had spoken to Mrs. Mulloy via telephone and advised her that the Town Manager authorized the appeal to be postponed and heard on July 18, 2000.

Special Master Torcivia advised that he would find for the Town and if the respondent wanted to come back upon receiving the Final Order they could request to be heard again.

Atty Spillias submitted the first letter giving a verbal warning as Exhibit #1 and the letter providing for the \$100 fine as Exhibit #2 as well as the attachments.

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B. VIOLATION HEARING

CASE NO. CE2000-03

Mr. Anton Ritlop

RE: 51 River Drive

NATURE OF VIOLATION

Violating Section 26-97 by failing to maintain and repair seawall

Ms. Anita Silverman, representing Mr. Ritlop, advised that Mr. Ritlop was currently in Yugoslavia and he was requesting an extension until June of 2001 to complete the repairs. She added that she had spoken to Lt. Katz and requested a list of the marine contractors, which she just recently received. She stated that Mr. Ritlop is currently unemployed and cannot qualify for a loan to make the necessary repairs.

Special Master Torcivia asked if Mr. Ritlop was requesting the extension for the repairs to be completed. Ms. Silverman commented that Mr. Ritlop would be back in the spring and should be gainfully employed by that time.

Atty Spillias stated that the Town could not agree to June 2001 adding that the violation has been long standing and is impacting the neighbor. He requested that Director Hillery present the facts and photographs and then the Town would provide a recommendation.

Special Master Torcivia commented that the respondent admits there is a violation and questioned if it was possible for both parties to reach a stipulation agreement. He added that he too felt a one-year extension was too long.

Director Hillery stated that this seawall has been an ongoing problem. He then submitted a page containing three photo images as Exhibit #1. He also submitted the Affidavit and Notice of Violation prepared by Lt. Katz as Exhibit #2. He commented that Lt. Katz was currently on vacation however, he was familiar with the case. He added that he has the receipt of notice and also that several telephone conversations took place. Director Hillery also stated that the seawall is in the same condition today and no repairs have commenced.

Director Hillery advised that the seawall problem does not only affect Mr. Ritlop. He stated it is having a direct impact on his neighbor, Dr. Phillips.

Atty Spillias then asked Town Manager Dunham to provide his testimony. Mr. Dunham advised that he has been with the Town for 2+ years and during that time there have been two 100 year storms which have mainly affected the west side of Town because of the storm surges and he felt the seawall should be repaired as soon as possible.

Special Master Torcivia asked for the Town's recommendation. Atty Spillias advised that although the Town is aware of the economic hardship on the respondent the seawall

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causes a dangerous situation not only to his own property but also the neighbor and for that reason the Town recommended that the repairs be completed within 30 days.

Special Master Torcivia questioned how long the seawall has been in disrepair. Town Manager Dunham stated that he has seen a letter forwarded by his predecessor that placed Mr. Ritlop on notice but did not actually cite him.

Ms. Silverman stated that after viewing the photographs she could understand Dr. Phillip's concern and she did not realize that the seawall was that bad. She asked if could send the extra photo image page to Mr. Ritlop so he could see the severity of the problem. She also stated that she needed to call the contractors on the list that was provided by Lt. Katz for a cost estimate and she did not feel 30 days was adequate.

Special Master Torcivia stated that he wanted to see a 30-day status report with possibly an executed contract. He advised Ms. Silverman that he might begin imposing a fine after the 30 days based on the contents of the status report.

Atty Spillias commented that the Town recommended a \$100 daily fine, adding that the maximum could be as high as \$250 daily.

Special Master Torcivia stated that he would find the seawall in violation as of this date and he wanted the respondent or his representative present with a status report on Aug. 8, 2000 at 10:00 AM. He added that depending on the report submitted he would start a \$100 daily fine commencing on Aug. 19, 2000. He also stated that he could modify this order at the Aug. 8, 2000 meeting.

Ms. Silverman stated that she would leave her address so that she may be contacted with any correspondence.

CASE NO. CE#2000-04

Harry J. Brown

RE: 6480 North Ocean Blvd.

NATURE OF VIOLATION

Violate Section 26-97 by failing to maintain or repair seawall

The respondent was not present.

Atty Spillias advised that the respondent was originally cited for two different violations however, the Australian pine tree has been brought into compliance.

Atty Spillias asked Director Hillery to present the facts and photographs. Director Hillery presented the Affidavit and Notice of Violation prepared by Lt. Katz as Exhibit #1 and showed the Special Master the returned certified receipt. He also presented three photographs as Exhibit #2. Director Hillery commented that he has observed the violation and he actually wrote the memorandum that the tree was now in compliance.

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Special Master Torcivia asked how long the seawall has been in violation. He was advised that the respondent has been aware of condition of the seawall in excess of 120 days and no effort has been put forward to make any repairs.

Atty Spillias recommended that a repair be made within 30 days failing which would constitute a \$100 daily fine.

Special Master Torcivia stated that he would find a violation existed and if the repairs have not been made by Aug. 18, 2000 a \$100 daily fine would start to accrue from Aug. 19, 2000 until compliance is achieved. He added that if the respondent came in with a status report on Aug. 8, 2000 he might modify his order.

C. Adjournment

The meeting was adjourned at approximately 10:40 AM.

Town Clerk