

Minutes  
Town of Ocean Ridge  
Special Master Code Enforcement Hearing  
August 15, 2000

Present: Bill Capko, Town Attorney; Gregory Dunham, Town Manager; Lisa Herrmann, Deputy Town Clerk; Edward Hillery, Director of Public Safety; and Stefan Katz, Public Safety Lieutenant.

The meeting was called to order at 10:00 AM.

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

A. Approval of July 18, 2000 Minutes

Special Master Paulette Torcivia approved the minutes of July 18, 2000.

B. Status Hearing

Case No. CE#2000-03

Anton Ritlop

Re: Lot 51 McCormick Mile

Nature of Violation

Violate Section 26-97 of the Town Code of Ordinances by failing to maintain and repair seawall

The respondent was not present.

Michael Bryant was present representing BK Marine Construction Inc. Special Master Torcivia advised that it was an informal hearing and although the rules of evidence do not apply, she would need competent evidence. She stated that the violation was found at the previous hearing, but the fine was withheld until the Special Master could be shown that effort had been put forth by Mr. Ritlop.

Mr. Bryant advised that he handles the permitting and design for his company and that in this case, they are currently in the midst of design and approval by the Army Corps of Engineers and DEP. He stated that the permitting for DEP alone could take up to seven weeks. He added that they do have a signed contract from Mr. Ritlop for the repair.

Special Master Torcivia questioned how long he thought the repairs would take once the work has started to which Mr. Bryant replied that it should take three and a half to four weeks to complete. Special Master Torcivia estimated that the work could be completed by the middle of November to which Mr. Bryant agreed if all permitting went smoothly.

Special Master Torcivia advised that she was accepting a copy of the signed contract containing four pages between BK Marine and Anton Ritlop as Exhibit #1. Special Master Torcivia questioned what they have received from Mr. Ritlop to which Mr.

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Bryant advised that a \$5,000 deposit was required, but that he was unsure if that was received yet.

Special Master Torcivia advised that she was concerned that Mr. Ritlop was only required to give such a small deposit and that he could still hold up the process of permitting and repairing. She stated that she would like to set up a schedule for certain things to happen or fines would accrue. She advised that she was also concerned that there was no proof that Mr. Ritlop had supplied the deposit.

Atty Capko questioned Mr. Bryant as to where the contractor is in the permitting process to which Mr. Bryant advised that they had just started doing the research such as locating a plat of the property, but that the design is almost finished. He added that one difficulty would be that the State requires original signatures on documents and Mr. Ritlop is currently out of the country.

Atty Capko questioned if they would get an exemption from the State and not a permit to which Mr. Bryant explained that it would depend on the situation, but either way it would take almost two months to process. He stated that the county requires the State exemption before they will accept the permit, so once he receives the exemption, he would be able to apply to the County immediately.

Atty Capko suggested that the Town require proof that the State application has been submitted within one week.

Special Master Torcivia asked Atty Capko what type of proof he was requesting to which Atty Capko explained that the Town would like a copy of the application and proof from a courier that it has been sent on or before August 22, 2000. Mr. Bryant stated that deadline should not be a problem in that he is only waiting to find a survey.

Special Master Torcivia stated that the Town would need to receive a copy of the document sent and proof of when it was sent by August 22, 2000 or there would be a \$100 a day fine until it is received.

Town Manager Dunham stated that the contractor would not have to wait until after DEP approves the permit to apply with the Town for zoning approval. He advised that if they applied with the Town before DEP approval, they would be able to submit the permit to the County immediately after the DEP approval is received.

Special Master Torcivia stated that she would also like to ensure that Mr. Ritlop pays fees to BK Marine as the process continues. Mr. Bryant stated that if payment is not received, he liens the property to ensure reimbursement.

Town Manager Dunham questioned when the permit could be supplied to Ocean Ridge for zoning approval to which Mr. Bryant advised that it would be as soon as he could find a plot plan or survey. Town Manager Dunham suggested that the Town permit be applied for by August 29, 2000.

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Special Master Torcivia advised that the respondent would have to apply for the Ocean Ridge permit by August 29, 2000 or a \$100 a day fine would accrue until it is received. She clarified that the permit would only need to be applied for by August 29, 2000.

Special Master Torcivia stated that she would like to set up a status hearing for October 17, 2000 to ensure that the respondent has not done anything to stall the process. She stated that she was placing Mr. Bryant on notice that he would need to be at the meeting of October 17, 2000. She stated that if there are fines involved for the August deadlines, there would need to be a fine assessment hearing on September 12, 2000.

Mr. Bryant stated that his company is working on many projects right now and there may be emergencies which require attention before this job. He stated that he does not wish to be held to completing the job within a certain time frame in case of an emergency. He stated if this project would give his company problems especially in regards to receiving payment, he would prefer to walk away from the job.

Town Manager Dunham explained that this has been a problem for a long time and it is starting to impact the neighbor. He advised that it would be Mr. Ritlop's responsibility to find a contractor that would be able to do the job in the time approved by the Special Master.

Special Master Torcivia advised that since the violation on this is so serious, the Town needs to ensure that the process keeps moving which is why fines may be assessed along the way. She stated that if BK Marine advises that they may not be able to do the project right away at the October status hearing, the Town might ask for additional fines of up to \$250 a day.

Town Manager Dunham stressed that if BK Marine is not able to ensure that they will be able to meet all of the deadlines, Mr. Ritlop should make arrangements with them or perhaps another company to ensure that these deadlines are met. Special Master Torcivia agreed with Town Manager Dunham stating that this has been a problem for a long time which is now affecting the neighbors and needs to be corrected immediately.

Town Manager Dunham stated that he did not want it to be implied that the Town is giving preferential treatment to this project. He reiterated that if the deadlines can not be met with BK Marine, Mr. Ritlop would need to make other arrangements.

Special Master Torcivia advised that a copy of the order would be sent to Mr. Bryant and that she wanted to ensure that Mr. Ritlop also receives a copy. Lt. Katz questioned if it would be acceptable to fax a copy to Mr. Ritlop and retain the fax receipt to which Special Master Torcivia advised that would be accepted as long as the fax was followed by an original letter.

Special Master Torcivia questioned how long he has owned the property to which Town Manager Dunham stated that he believed Mr. Ritlop has owned it since 1991 or 1992.

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C. Adjournment

The hearing was adjourned at 10:50 AM.

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Town Clerk