

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
August 5, 2014

Present: Karen Hancsak; Town Clerk, Kathryn Rossmell, Town Atty., Officer Savino, and Lt. Hutchins.

Meeting called to order at approximately 10:07 A.M.

Special Magistrate Barbara Alterman explained that this was an informal hearing and rules of evidence were not required, however, the Town may have exhibits that a respondent has the right to make objections to. She added that the Town and Respondent would present their case and she would render a decision and issue a Final Order or Order of Assessment.

**A. ADOPTION OF JULY 1, 2014 MINUTES**

The minutes were adopted.

**B. VIOLATION HEARING  
CASE NO. CE#2014-010**

**JP Morgan and Chase Bank National Assn and  
Shapiro and Fishman LLP C/O, 2424 N Federal  
Hwy, Suite 360, Boca Raton FL 33431-7780  
RE: Lot 23&24, Inlet Cay (24 Eleuthera  
Drive)**

**NATURE OF VIOLATION**

Violate Sections 67-174(a)(1), 64-81. and 34-6 of the Town's Code of Ordinances by not maintaining the property to wit: the pool contains green water, visible signs of erosion under the pool deck, grass and weeds in excess of 12 inches, exposed electrical conductor in the rear of property, the sea wall supports are not being maintained and there are visible signs of deterioration, and there are erosion pockets at the seawall which are draining into the intracoastal.

The respondent was not present.

Atty Rossmell summarized the violations and requested that it be determined that there was proper notice and that the violations continue to exist. She advised that the grass had been partially mowed but was still not in compliance. The Town was requesting that the property be found in violation and given a time certain to be brought into compliance and also that the Town be entitled to the administrative recovery costs incurred. The Town was requesting that all the violations not including the seawall be brought into

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compliance by Aug. 28<sup>th</sup>, and the seawall violations into full compliance by Oct. 2, 2014 or be subject to a \$50.00 daily for both sets of violations.

Officer Savino testified she originally observed the violations on June 8<sup>th</sup> while investigating an open door and then returned and took photos and prepared the Affidavit and Notice of Violation on June 22<sup>nd</sup>. She advised that the violations still exist and she took additional photos on Aug. 4, 2014 at 4 PM. Atty Rossmell clarified that the pool is now covered, however; it still contains green water and the actual covering is now an additional violation because it is unacceptable per the Building Official. Special Magistrate Alterman questioned whether the pool was currently fenced to which she was advised the Town's code does not require pools that were constructed prior to 1994 be fenced, although most insurance companies require it.

Special Magistrate Alterman accepted the following Town exhibits: the Affidavit and Notice of Violation, Affidavit of Service by Posting, returned claimed certified mail, applicable code sections and the Property Appraiser Owner Sheet as #1, 21 pages of photographs taken by Officer Savino on June 22 & Aug 4, 2014 as #2, the Administrative Recovery Sheet in the amount of \$409.00 as #3, and the police reports as #4.

Chuck Waters, Realtor for 24 Eleuthera Drive and partner with 24 Asset Management Corp, representing JP Morgan Bank, advised that the property is under contract and set to close this month. He stated that the property has been vacant for approximately 1 year and he was unsure of the cost of the repairs.

Ryan Willits, attorney representing the purchaser, Debra Grazioso, advised that his client was aware of the necessary repairs and was purchasing the property in its current condition but did not anticipate anything to affect the title. He added that a marine contractor has been hired but they advised that the permitting could take as much as 7 months and he was concerned with the Oct. 2 compliance date.

Clerk Hancsak advised that the Town's permitting process is usually a 2-3 day turnaround for this type of work, however; part of the submittal is a permit from the DEP which could take longer. She suggested stressing to DEP that this was a code enforcement case and request urgent review.

Atty Rossmell clarified that the purchaser was going to conduct the repairs and accept the responsibility. She then commented that other properties have been under contract before and have fallen through which is why the Town still pursues the code enforcement compliance. She added that the Town was not interested in extending the Oct. 2<sup>nd</sup> compliance date, however; if the property was still not in compliance for the Oct. 7 Fine Assessment Hearing they may consider an extension at that time if it is demonstrated that progressive action is occurring.

Special Magistrate Alterman stated that she did find there was proper notice and that the violations existed and continue to exist. She stated the Final Order would require compliance for the pool maintenance, pool erosion under the pool deck, grass/weeds, and

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exposed electrical conductor by Aug. 28<sup>th</sup> failing which the property will be assessed \$50.00 per day. The seawall violations must be brought into compliance by Oct. 2<sup>nd</sup>, 2014 failing which the property will be assessed \$50.00 per day. She added that she would also grant the reimbursement of administrative fees in the amount of \$409.00 to be paid by Aug. 28, 2014. A Fine Assessment Hearing is scheduled for Sept. 2<sup>nd</sup> and/or Oct. 7, 2014 at 10:00 AM if necessary.

**D. ADJOURNMENT**

The meeting was adjourned at approximately 10:30 AM.

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Town Clerk