

**REGULAR COMMISSION MINUTES OF THE WILDWOOD
COMMISSIONERS IN THE COUNTY OF CAPE MAY, NEW JERSEY**

Wednesday, May 26, 2021
Commissioner's Meeting Room
Time: 5 p.m.

MEETING CALLED

Meeting called to order by the Mayor.

NOTE: This meeting was conducted under the restrictions of the COVID-19 virus, as dictated by the Governor's Office. Members of the public were also invited to participate by utilizing the internet application ZOOM as well as "Go to Meeting". There were 19 members of the public were present via Zoom.

PLEDGE OF ALLEGIANCE

Commissioner Mikulski leads in the Pledge of Allegiance to the Flag.

ROLL CALL

City Clerk called the roll and the following Commissioners answered to their names:

Fitzsimons – here, Mikulski – here, Byron - here

OTHERS ATTENDING

Louis DeLollis, Solicitor (via Zoom)
Carl Groon, Municipal Administrator
Robert Regalbuto – Police Chief (via Zoom)
Christopher H. Wood, City Clerk
Lisa Brown, Aide to the City Clerk

OPEN PUBLIC MEETING ANNOUNCEMENT

As per N.J.S.A. 10:4-12, the Mayor read the Open Public Meetings Act Announcement.

NEW BUSINESS:

- Preservation Workshop Presentation

Taylor Henry, Co-Founder of Preserving the Wildwood's introduced Matt Pisarski, Planning Director from Cumberland County and Barton Ross who all presented slide shows which provided information about climate change, and preserving the Wildwoods.

APPROVAL OF MINUTES:

May 12, 2021 Regular Meeting
May 19, 2021 Special Meeting

MOTION: Fitzsimons SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

ORDINANCES:

1201-21 Creating Cannabis Regulations to prohibit smoking, vaping and otherwise consuming cannabis or cannabis items on public property (**SECOND READING/PUBLIC HEARING/ADOPTION**)

MOTION TO OPEN PUBLIC HEARING
MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

Frank DiFalco, 215 W. Magnolia Avenue: Mr. DiFalco said he's disappointed the City decided to ban cannabis. By doing this, he feels it will hurt tax revenues, and take away jobs. He said he's unsure how the City came to this decision when 66% of the residents voted for it. Mayor Byron said adopting the ordinance now does not mean it will never be approved. Right now, the Mayor said there's not enough information out there to make a decision. Mr. DiFalco was under the impression that if you opt out, you couldn't opt back in for 5 years. Mayor Byron said that's not the case, and the Board is working on putting a committee together to discuss this subject and make an ultimate decision.

There being no further comments, the public hearing was closed.

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

MOTION TO ADOPT

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes
The Mayor announced Ordinance No. 1201-21 has passed Second Reading.

EARLY PUBLIC COMMENT:

Robert Regalbuto, Police Chief: Chief Regalbuto requested the Board reconsider giving a conditional approval of Resolution ‘H’, “Authorizing final disposition of Mercantile License Hearing of May 14, 2021 re: 3007 Pacific Avenue, Owner: Chris Lambert”. Chief Regalbuto said this property has been a nuisance for years, everything from fights to underage drinking. He said it would be unfair to the residents in the area to continue to live with these issues. He said the City adopted an ordinance that includes procedures for cases such as Mr. Lambert’s, when the Public Hearing Officer recommended the license not be approved under any conditions. The Board determined it might be able to issue a Conditional License, the conditions to which Mr. Lambert initially agreed. However, Chief Regalbuto said those conditions apparently changed from one day to the next. He said given the decriminalization of marijuana and alcohol, the police have been severely restricted on how they can enforce the laws, and will be even more restricted if the Board decides to approve this mercantile license. He said the taxpayers pay for a service, and he and his officers will continue to provide that service. He also said if this type of activity continues at Lambert’s property, he will provide the residents with each of the Commissioners cell phone numbers.

Kirstyn Howard-Martz – 213 E. Maple Avenue: Ms. Martz said she had the worst experience with the property in question. She said she has never dealt with such disrespectful children, destruction of property, and constant threats. She said this is not acceptable, and if the Commissioners want to fix the City of Wildwood, approving this license is not how to do it. She said the issues with the property have been happening for multiple years, and she cannot keep dealing with it.

Audrey Nelson, 230 E. Juniper Avenue: Ms. Nelson said she’s concerned with legalizing marijuana and knows how the officers’ hands are tied. She urged the Board to enforce the Rowdy House law. She has three additional locations that would also qualify as a Rowdy House. She asked if calls are documented as they are made, and if this law will be enforced. Chief Regalbuto said his department will continue to do the best they can with the decriminalization of marijuana. He said when the law was passed, it had effects on drinking on private property as well. He said officers are walking a very fine line now, that they can get charged with a crime. The department will target the owner of the homes who have Rowdy House issues. Ms. Nelson said it is very concerning, and believes this Rowdy House law would be the only tool left to fight the problem. Chief Regalbuto said that’s the reason why it’s his recommendation to deny the issuance of this license.

Commissioner Fitzsimons asked the Chief if his agency is distributing any educational information to the community concerning the new laws recently passed, and what the police department legally can and cannot do. She said she has lived on Maple Avenue for nearly 50 years, and has experienced Rowdy Houses and understands it’s an issue. The Ordinance does go after the owner of the property, and taxpayers do deserve the best the City can provide. She absolutely wants to work toward strengthening the Rowdy House laws. Chief Regalbuto said he does have an informational packet ready to go and has been submitted it to the Administrator and Commission Mikulski for their review. Once they have given him the ok, the pamphlet will be in the officers’ hands to distribute ASAP. Chief Regalbuto read the pamphlet aloud. After listening to the Chief, Commissioner Fitzsimons asked, what’s the next step an officer can take to do their job? The Chief said the officer would have to evaluate their speech, actions, etc., and the officer can issue a summons for smoking on the Boardwalk (or the beach), and ask them to leave.

Mayor Byron told the Chief it was his understanding he was part of the discussions relative to the conditions on this license, but now he’s saying the conditions have changed, and based on that, thinks the Chief is taking a very aggressive stand. Mayor Byron and Chief Regalbuto compared similarities and differences of the conditions, mainly the amount of the bond, reduced to \$5,000.00 from \$10,000.00. Chief Regalbuto said he would also be drafting a proposal to deny the other property owned by Mr. Lambert. He said the Rowdy House Ordinance is the last thing he has to hold against property owners to keep situations under control. He asked the Board if it’s not going to enforce the ordinance, then why have it? Mayor Byron said the only condition that has changed is the amount of the bond requested. He and the Commissioners are trying to make the best out of a bad situation, and it’s not fair to the property owner or tenants if they cannot rent. He said tenants worked all winter to save money to come here, and should not be held responsible for the sins of the past. Mayor Byron said the City has to evaluate these licensees, and make a determination by December 31st, and not tell the

property owner 2 weeks before the season that he can't rent. Mayor Byron said he believes the City making the best out of this situation, and has done everything it can to protect the community.

Jared Martz, 213 E. Maple Avenue: Mr. Martz said he has lived at this property for 6 years and every year the problems have gotten progressively worse. He said last year, an underage minor fell off the roof of the gym. He asked the Board, what it is going to take? His family has been threatened and harassed by the kids who rent 3007 Pacific Ave. He said they even tried to physically assault his mother-in-law. Mr. Martz said he understands it's late notice, and suggested giving the tenants a refund. He said it is always the same kids because they look at him and say, "We're back!" Mr. Martz said he personally wants the phone numbers of all the Commissioners, so that he can call them at 2 a.m. the next time he's threatened. He said he no longer feels safe. He's here with his family, and they are trying to make memories. The parents of these kids come down, bail them out, and they're back at the property the same day. He said it's not fair to the other taxpayers in the area. He said City wants to reflect Wildwood as a family place, but no one is talking positive about the city because of what's happening. He said these tenants have thrown objects on his porch, urinated on his property and have tried to pick a fight his 65-year-old father-in-law. He does not feel safe leaving his pregnant wife alone at the property, and asked the Board if these people were their neighbors how long they would allow this type of activity?

Gena Howard, 213 E. Maple Avenue: Ms. Howard feels if the Board agrees to issue the mercantile license for this property they are giving these rowdy tenants rights above the homeowners and taxpayers who have to put up with these conditions, which are getting worse every year. Ms. Howard gave some examples of the behavior of these tenants, such as throwing objects over the balconies, harassing passer-bys, including gym members, urinating over the balcony, fights, and trash on her property. She asked how the City is going to improve its image when things like this are happening? She said if this is approved, the Board is doing nothing to improve the City of Wildwood.

Mayor Byron said the Board has heard and appreciates everyone's comments. With that, he asked the Board to remove the resolution from the agenda to discuss it further in the coming week individually with the Administrator. The Board agreed.

RESOLUTIONS: City Clerk read the resolutions listed on the agenda. He announced Resolution "H" has been removed from the agenda:

- 208-5-21 Authorizing Amendment to Agreement with BCMF, LLC to address rescheduling of the 2021 Barefoot Country Music Festival
- 209-5-21 Requesting Approval of Items of Revenue and Appropriation – Drunk Driving Enforcement Fund, 2019
- 210-5-21 Authorizing the Mayor to sign a grant agreement for participation in the 2021 Safe & Secure Program
- 211-5-21 Authorizing refund of five (5) Class "B" Parking Meter Permits to Carl Dolente due to duplicate payment (\$750.00)
- 212-5-21 Authorizing refund of 2021 Second Quarter Taxes on Bl. 198, L. 21 to J. DeMayo due to duplicate payment (\$1,050.44)
- 213-5-21 Approving Amusement Game Licenses
- 214-5-21 Authorizing Change Order No. 2 as recommended by RVE on behalf of RA Walters and Son, Inc. for the project "Bulkhead Replacement, Susquehanna Ave, and Dock St." (\$1,200.00 decrease to a new total of \$144,840.00)
- 215-5-21 Authorizing advertisement for sealed proposals in the June 2, 2021 edition of the CMC Herald for a "Solar Power Purchase Agreement", with proposals being received on June 23, 2021 at 11am
- 216-5-21 Rescinding Resolution No. 82-2-21 re: State Health Benefits Program
- 217-5-21 Requesting Approval of Items of Revenue and Appropriation – Click It or Ticket, 2021
- 218-5-21 Awarding a contract for Actuarial Analysis of post-retiree benefits to GASB 75 Standards (\$5,250.00)
- 219-5-21 Awarding contract to Acenda, Inc. re: Employee Assistance Program (\$5,000.00)
- 220-5-21 Appointing Jason Dilworth Construction Official for the City of Wildwood
- 221-5-21 Authorizing payment of bills in the amount of \$4,950,601.83 dated May 26, 2021
- 222-5-21 Authorizing filing of all reports and other data contained in this agenda

MOTION: Mikulski SECOND: Fitzsimons
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

REPORTS:

•Engineers Report: Doug Rohmeyer – CME: Mr. Rohmeyer provided the Board with updates relative to the Police Department ADA Renovations and the Byrne Community Center HVAC system. Commissioner Fitzsimons asked if there was an estimated completion date for the Community Center. Mr. Rohmeyer said he would connect with his team and get back to her.

Jim Oris - Remington & Vernick: Mr. Oris said the contractors are out in full force, and Ocean Avenue will be base paved by Memorial Day Weekend. Commissioner Mikulski asked about the ramp on Leaming Avenue. Mr. Oris said it would be ready for the weekend as well, that they are putting up additional site safety fence and will also get Public Works involved.

ANNOUNCEMENTS: None.

COMMUNICATIONS:

•Request for access to right-of-way – Former Sunoco Service Station – This location is at Burk and New Jersey Aves., the DEP represents Sunoco and would like access to do test wells. The Administrator said he is not too keen on it due to it being in the street. Mayor Byron said it is important to do this to be sure it is clean. Jim Oris suggested they submit a Road Opening Permit to the Construction Office for a permit so that it would give CME a chance to review the plans. Chief Regalbuto requested a traffic plan if this project moves forward.

NEW BUSINESS: None.

OLD BUSINESS: None.

PUBLIC COMMENT: During regularly scheduled Board of Commissioners Meeting. Remarks will limit to five (5) minutes per person. The Deputy City Clerk will be keeper of time and advise speaker when time has expired. Each member of the public will be permitted to speak only once per meeting. Criticism of public employees will be directed to the Human Resources Department during work hours only.

Al Brannen, 217 E. Bennett Avenue: Mr. Brannen thanked the Board for passing Ordinance 1201-21. He knows there are many unanswered questions, but at least he knows things are safe for now. He asked about the other ordinance pertaining to prohibiting the sale of cannabis. Mayor Byron said it is required to go to the Planning Board for review. Mr. Brannen asked why they company did not finish painting the road lines on the newly paved portion of the street. Mr. Groon said he would make sure it's corrected. Mr. Brannon said the beach between Leaming and Cresse Avenues needs to be sifted as it is full of rocks, glass and stone. Mr. Groon said he would get Public Works on it. Mr. Brannen feels the person performing the construction should take responsibility for it, not Public Works. Commissioner Mikulski said he would look into it.

EXECUTIVE SESSION: None.

ADJOURNED: There being no further business to discuss, this meeting was adjourned at 6:50 pm. Remarks as typed highlighted not verbatim as to subject matter.

MOTION: Fitzsimons SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

Krista Fitzsimons, COMMISSIONER

Steve Mikulski, COMMISSIONER

Peter Byron, MAYOR

ATTEST: _____
Christopher H. Wood, City Clerk