

Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Wednesday, December 26, 2018 10:17 AM
To: Chris Fox; Mary Bittner; Ernie Troiano Jr.; Alaina K. Patzke
Subject: Wildwood Beach Lots Redevelopment RFQ-RFP.pdf
Attachments: Wildwood Beach Lots Redevelopment RFQ-RFP.pdf; ATT00001.txt

← redacted/
withheld

I think we should discuss to make sure I captured your vision. Joe

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Mary Bittner

From: William P. Opel <WOpel@MSBNJ.COM>
Sent: Wednesday, December 26, 2018 12:40 PM
To: Joseph P. Baumann Jr.; Mary Bittner
Subject: RE: Bayside Area Litigation
Attachments: Wildwood - Bayside - Pre-Trial Memorandum.pdf

Attached here is the pre-trial memorandum. Judge Mendez rescheduled the case management conference, and has not yet provided a new date. We will advise as soon as we hear from his chambers.

From: Joseph P. Baumann Jr.
Sent: Wednesday, December 26, 2018 9:44 AM
To: William P. Opel
Subject: Fwd: Bayside Area Litigation

Begin forwarded message:

From: Mary Bittner <mbittner@wildwoodnj.org>
Date: December 26, 2018 at 9:43:33 AM EST
To: "Joseph P. Baumann Jr." <JBaumann@MSBNJ.COM>
Subject: Bayside Area Litigation

Joe:

I hope your holidays are going well.

I noticed on the bayside bill that a pre-trial memo was prepared and filed. When you get a chance can you have that forwarded to me? I would like to review it to be up to speed on what the issues are.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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McMANIMON, SCOTLAND & BAUMANN, LLC
William W. Northgrave - ID No. 039201990
75 Livingston Avenue, Second Floor
Roseland, New Jersey 07068
Telephone: (973) 622-1800
Attorneys for Defendants,
Board of Commissioners of the
City of Wildwood and
the City of Wildwood

DOLPHIN CREEK, LLC and ROBERT
WOOD and JOHN STALEY,
Plaintiffs,

vs.

BOARD OF COMMISSIONERS OF THE
CITY OF WILDWOOD and CITY OF
WILDWOOD,
Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

CAPE MAY COUNTY

DOCKET NO.: CPM-L-290-18

CIVIL ACTION

PRE-TRIAL MEMORANDUM

Pursuant to R. 4:25-1 and R. 4:25-3 of the New Jersey Rules of court, Defendants Board of Commissioners of the City of Wildwood and City of Wildwood (together, "Defendants"), submit the following Pre-Trial Memorandum:

1. A concise descriptive statement of the nature of this action.

RESPONSE: Through this action, Dolphin Creek, LLC, Robert Wood and John Staley (together, "Plaintiffs") challenge Resolution #258-6-18, adopted June 13, 2018 by Defendant Board of Commissioners, and which designated the 436 & 440 West Garfield Avenue Study Area (the "Study Area") as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5 (the "Redevelopment Law").

Resolution 258-6-18 was adopted after an investigation, notice, and hearing of the City of Wildwood Planning Board. On April 10, 2018 the Board of Commissioners adopted Resolution #155-04-18, which authorized the Planning Board to investigate the Study Area to determine whether conditions existed for designation as a redevelopment area. Beacon Planning and Consulting Services, LLC prepared a report of the Study Area, entitled "436 & 440 West Garfield Avenue / 4000 Susquehanna Avenue Redevelopment Area Assessment, May 2018" (the "Report"). The Report provided that the Study Area satisfied the requirements of subsections (a), (b), (d), (e) and (h) of N.J.S.A. 40A:12A-5,

which sets forth the criteria for whether a delineated area can be designated as in need of redevelopment.

Plaintiffs raise the legal arguments that the action of the Board of Commissioners was arbitrary, not supported by the record, and procedurally deficient, but such arguments are of no moment.

2. The admissions or stipulations of the parties with respect to the cause of action pleaded by plaintiff or defendant-counterclaimant.

RESPONSE: On information and belief, no admissions or stipulations of the Parties have been made at this time. Defendants reserve the right to supplement this response.

3. The factual and legal contentions of plaintiff as to the liability of the defendants.

RESPONSE: The Board, at all times, acted within its authority and upon an ample record, pursuant to N.J.S.A. 40A:12A-6, in designating the Study Area as an area in need of redevelopment, and therefore Plaintiffs, in challenging this municipal action, "must overcome the presumption of validity - a heavy burden." Bryant v. City of Atlantic City, 309 N.J. Super. 596, 610 (App. Div. 1998). See also, 515 Assocs. v. City of Newark, 132 N.J. 180, 185 (1993).

4. The factual and legal contentions of the defendant as to non-liability and affirmative defenses.

RESPONSE: See generally, No. 1 above. The following affirmative defenses were set forth in the Defendants' Answer and Affirmative Defenses in this action:

- a. Plaintiffs' Complaint fails to set forth a cause of action upon which relief can be granted, and the Defendants reserve the right to move at or before the time of trial for dismissal of the Complaint.
- b. Plaintiffs' claims are barred by the statute of limitations.
- c. Plaintiffs' claims are barred by the doctrines of estoppel, collateral estoppel and res judicata.
- d. Defendants' actions and conduct at all relevant time were reasonable and breached no duty to Plaintiffs.
- e. Plaintiffs have not incurred or suffered any damages for which the Defendants are liable as a result of any the alleged acts by Defendants.
- f. Plaintiffs failed to make proper service of process so the court has no personal jurisdiction over the Defendants.
- g. Plaintiffs have waived its claims by its own conduct, acts, or omissions.
- h. Defendants reserve the right to plead additional defenses.

5. All claims as to damages and the extent of injury, and admissions or stipulations with respect thereto, and this shall limit the claims thereto at the trial. Where such claims have been disclosed in answers to interrogatories they may be incorporated by referenced.

RESPONSE: Plaintiffs seek invalidation of Defendants' actions.

6. Any amendments to the pleadings made at the conference and, where necessary, the time fixed within which such amended pleadings shall be filed. Except when ordered on the court's own motion, no amendments of pleadings shall be granted at the conference which would justify an adverse party in demanding additional time for investigation and further discovery, and result in the delay of the trial.

RESPONSE: No amendments have been made at this time.

7. A specification of the issues to be determined at the trial including all special evidence problems to be determined at trial and issues, not raised by the pleadings, which occur to the trial judge, with an appropriate notation if the attorney concerned does not wish to advance such issues.

RESPONSE: See, No. 1 above. The Court's inquiry will focus on whether Plaintiffs have overcome the presumption of validity which attaches to Defendants' actions, as described in No. 3 above. No evidence issues or problems are anticipated.

8. A specification of the legal issues raised by the pleadings which are abandoned or otherwise disposed of. No legal issues shall be ruled upon at the pretrial conference as to which there is any doubt or reasonably arguable question. If a ruling is sought on any such legal issue, the matter should be set forth with directions that formal motion be made thereon at a later time and before the pretrial judge if possible.

RESPONSE: None known at this time.

9. A list of exhibits marked in evidence by consent.

RESPONSE: Defendants consent to the introduction of items P-1 and P-2 of the Exhibit List in Plaintiffs' Pre-Trial Memorandum. In addition, Defendants consent to the introduction of all relevant transcripts of the record of proceedings below, as required to be ordered pursuant to Rule 4:69-4.

10. Any limitation on the number of expert witnesses.

RESPONSE: None at this time, but no experts are anticipated as this is a *de novo* review on the record below.

11. Any direction with respect to the filing of briefs. A request by the court for briefs should be included where the resolution of any general legal problem is not clear,

or where special problems of evidence exist, as noted by the attorneys or on inquiry to the pretrial judge.

RESPONSE: For the reasons set forth in No. 1 above, the matter is a straightforward challenge requiring a *de novo* review of the record, and involves only legal issues surrounding the sufficiency of that record. In consequence, a concise briefing schedule should be set.

12. In special circumstances the order of opening and closing to the court at the trial.

RESPONSE: No such special circumstances are known at this time.

13. Any other matters which have been agreed upon in order to expedite the disposition of the case.

RESPONSE: None at this time.

14. In the event that a particular member or associate of a firm is to try a case, or if outside trial counsel is to try the case, the name must be specifically set forth. No change in such designated trial counsel shall be made without leave of court if such change will interfere with the trial schedule. If the name of trial counsel is not specifically set forth, the court and opposing counsel shall have the right to expect any partner or associate to proceed with the trial of the case, when reached on the calendar.

RESPONSE: Designated trial counsel shall be as set forth in the Answer & Affirmative Defenses.

15. The estimated length of the trial.

RESPONSE: No more than 1 day, as the matter is presented on an established record in connection with *de novo* review.

16. When the case shall be placed on the weekly call.

RESPONSE: As the Court may direct following the October 23, 2018 conference with the Parties and subsequent briefing.

17. The date the attorneys for the parties corresponded and matters then agreed upon.

RESPONSE: The Parties corresponded by telephone on October 8, 2018 and by electronic mail on October 15, 2018, with regard to the submission of pre-trial memoranda. All agreements are set forth herein.

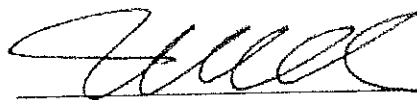
18. A certification that all pretrial discovery has been completed or, in lieu thereof, a statement as to those matters of discovery remaining to be completed.

RESPONSE: As set forth above, no discovery is needed, or even appropriate. The matter is a challenge of a governing body action on an established record, and is subject to a *de novo* review by this Court.

19. A statement as to which parties, if any, have not been served and which parties, if any, have defaulted.

RESPONSE: On information and belief no parties have not been served or otherwise been defaulted.

McMANIMON, SCOTLAND & BAUMANN, LLC
Attorneys for Defendants, Board of
Commissioners of the City of
Wildwood and the City of Wildwood



WILLIAM P. OPEL, ESQ.

Dated: October 16, 2018

Mary Bittner

From: Mary Bittner
Sent: Wednesday, January 02, 2019 1:33 PM
To: Dina M. Statuto
Cc: Joseph P. Baumann Jr.
Subject: RE: 2019 Contract

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Dina M. Statuto [<mailto:DStatuto@MSBNJ.COM>]
Sent: Wednesday, January 02, 2019 1:06 PM
To: Mary Bittner
Cc: Joseph P. Baumann Jr.
Subject: RE: 2019 Contract

Hi Mary and Happy New Year!
Attached please find our revised Fee Agreement deleting Section B.
Please let us know if you need anything further at this time.
Dina

From: Joseph P. Baumann Jr.
Sent: Wednesday, January 02, 2019 10:26 AM
To: Mary Bittner
Cc: Dina M. Statuto
Subject: RE: 2019 Contract

Sure. We include it in case we are called upon to do redevelopment related financings.

From: Mary Bittner [<mailto:mbittner@wildwoodnj.org>]
Sent: Wednesday, January 02, 2019 10:23 AM
To: Joseph P. Baumann Jr.
Subject: 2019 Contract

Joe:

I am preparing a resolution to appoint you redevelopment counsel for 2019. However, the contract you provided in your response to the RFQP includes a section " B. Services relating to financings" which seems to be services covered by the City's bond counsel. Could you provide me with a proposed contract without that section?

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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AGREEMENT

THIS AGREEMENT ("Agreement"), made as of this ____ day of _____, 20__, by and between the CITY OF WILDWOOD, in the County of Cape May, a public body corporate and politic of the State of New Jersey, herein designated as the "Client" and McMANIMON, SCOTLAND & BAUMANN, LLC, Attorneys at Law with offices at 75 Livingston Avenue, Roseland, New Jersey 07068, hereinafter designated as "Special Counsel":

WITNESSETH:

A. GENERAL SERVICES

1. The Client desires to engage Special Counsel for general legal services in connection with its various redevelopment projects (the "Redevelopment Projects").

2. Services rendered to the Client shall be billed at the blended hourly rate of \$215 for attorneys and \$135 for legal assistants. In the event that Special Counsel is required to represent the Client in litigation/dispute resolution matters, the blended hourly rate shall be the same.

3. Services rendered to the Client the cost of which is reimbursed by a developer through a developer-funded escrow account pursuant to an escrow agreement between the developer and the Client shall be billed at the blended hourly rate of \$375 for attorneys and \$180 for legal assistants. In addition to the hourly time charges described above, Counsel will be reimbursed for out-of-pocket expenses as set forth in paragraph B(3)(g).

B. GENERAL PROVISIONS

1. Upon execution of this Agreement, the Client will be Special Counsel's client and an attorney-client relationship will exist between Client and Special Counsel. Special Counsel assumes that all other parties will retain such counsel, as they deem necessary and appropriate to represent their interests in the transactions contemplated hereby. Special Counsel's services are limited to those contracted for in this Agreement; the Client's execution of this Agreement will constitute an acknowledgment of those limitations. Special Counsel's representation of the Client will not affect, however, our responsibility to render an objective bond opinion. Special Counsel's representation of the Client and the attorney-client relationship created by this Agreement will be concluded upon termination of this Agreement.

2. At the request of the Client, papers and property furnished by the Client will be returned promptly upon receipt of payment for outstanding fees and Client charges. Special Counsel's own files, including lawyer work product, pertaining to the transactions contemplated hereby will be retained by Special Counsel. For various reasons, including the minimization of unnecessary storage expenses, Special Counsel reserves the right to dispose of any documents or other materials retained by Special Counsel after the termination of this Agreement.

3. Special Counsel and the Client hereby incorporate into this contract the mandatory language of N.J.A.C. 17:27-3.4(a) and the mandatory language of N.J.A.C. 17:27-3.6(a) promulgated pursuant to N.J.S.A. 10:5-31 to 38 (P.L. 1975, c. 127, as amended and supplemented from time to time), and Special Counsel agrees to comply fully with the terms, the provisions and the conditions of N.J.A.C. 17:27-3.4(a) and N.J.A.C. 17:27-3.6(a), provided that N.J.A.C. 17:27-3.4(a) shall be applied.

4. Special Counsel and the Client hereby incorporate into this contract the provisions of Title 11 of the Americans With Disabilities Act of 1990 (42 USC S121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated thereunder.

5. The primary contact attorney for services performed pursuant to this Agreement shall be Joseph P. Baumann, Jr.

6. Special Counsel hereby represents that it has filed with the Client proof of professional liability insurance with coverage amounts acceptable to the Client.

7. This Agreement shall be in full force and effect until such time as either party gives written notice to the other of termination.

IN WITNESS WHEREOF, the CITY OF WILDWOOD has caused this Agreement to be duly executed by its proper officers and has caused its corporate seal to be hereto affixed, and Special Counsel has caused this Agreement to be duly executed by the proper party as of the day and year first above written.

CITY OF WILDWOOD

ATTEST:

By: _____

McMANIMON, SCOTLAND & BAUMANN, LLC

By: _____

Mary Bittner

Subject: Conference Call Re RFQ/RFP
Location: Dial (800) 615-2820 / passcode 826559

Start: Fri 1/4/2019 11:00 AM
End: Fri 1/4/2019 12:00 PM
Show Time As: Tentative

Recurrence: (none)

Organizer: Joseph P. Baumann Jr.

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Mary Bittner

From: Dina M. Statuto <DStatuto@MSBNJ.COM>
Sent: Monday, October 15, 2018 11:27 AM
To: Mary Bittner
Subject: RE: Meeting

Hi Mary,
11:30 on 10/23 is good for Joe. Please confirm by calendar invite or I can send one out as well.
Dina

From: Mary Bittner [<mailto:mbittner@wildwoodnj.org>]
Sent: Monday, October 15, 2018 10:54 AM
To: Dina M. Statuto
Subject: RE: Meeting

October 23.

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Dina M. Statuto [<mailto:DStatuto@MSBNJ.COM>]
Sent: Monday, October 15, 2018 10:32 AM
To: Mary Bittner
Subject: Meeting

Hi Mary,
Joe will be in soon. I wasn't at my desk when I took your call. Just confirming you requested a meeting at 11:00 or 11:30 on 10/23 or was it for 11/23?

Dina M. Statuto, Legal Assistant to:

Joseph P. Baumann Jr. | Matthew D. Jessup | Sandra Jessup, Paralegal
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue | Suite 201 | Roseland, NJ 07068
Direct Dial: (973) 622-5264
Email: DStatuto@MSBNJ.COM
Website



McManimon, Scotland & Baumann, LLC

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Mary Bittner

From: Sue Maxwell
Sent: Wednesday, December 12, 2018 9:14 AM
To: Dina M. Statuto
Cc: Mary Bittner; Chris Fox; Ernie Troiano Jr.; Joseph P. Baumann Jr.
Subject: RE: Meeting

The Mayor can meet with him on the 19th, but Chris & Mary have previous commitments. Let me know what you would like to do.

On another note, we originally spoke of the Mayor and Joe meeting tomorrow. Is that meeting off the table?

Sue Maxwell
Confidential Assistant to the
Board of Commissioners
City of Wildwood
4400 New Jersey Avenue
Wildwood, NJ 08260
smaxwell@wildwoodnj.org
(609) 846-2047 Ph
(609) 523-2444 Fx

-----Original Message-----

From: Dina M. Statuto [<mailto:DStatuto@MSBNJ.COM>]
Sent: Wednesday, December 12, 2018 9:10 AM
To: Sue Maxwell
Cc: Mary Bittner; Chris Fox; Ernie Troiano Jr.; Joseph P. Baumann Jr.
Subject: RE: Meeting

Sorry Sue, I just noticed the calendar invite was sent for tomorrow at 3:30. We were requesting next Wed., Dec. 19 since Joe will be in the area. Please advise if next Wednesday works, thanks!

-----Original Message-----

From: Sue Maxwell [<mailto:smaxwell@wildwoodnj.org>]
Sent: Wednesday, December 12, 2018 8:49 AM
To: Dina M. Statuto
Cc: Mary Bittner; Chris Fox; Ernie Troiano Jr.; Joseph P. Baumann Jr.
Subject: RE: Meeting

Dina,

Good morning. 3:30 works fine. We will see him then. Thanks.

Sue Maxwell

Confidential Assistant to the
Board of Commissioners
City of Wildwood
4400 New Jersey Avenue
Wildwood, NJ 08260
smaxwell@wildwoodnj.org
(609) 846-2047 Ph
(609) 523-2444 Fx

-----Original Message-----

From: Dina M. Statuto [<mailto:DStatuto@MSBNJ.COM>]
Sent: Tuesday, December 11, 2018 11:43 AM
To: Sue Maxwell
Cc: Mary Bittner; Chris Fox; Ernie Troiano Jr.; Joseph P. Baumann Jr.
Subject: RE: Meeting

Hi Sue,
Sorry for the delay. Joe will be down in Absecon on the 19th for a meeting. He can make it to Wildwood for a 3:30 meeting.
Please let me know at your earliest convenience if this will work for everyone, thank you.
Dina

-----Original Message-----

From: Sue Maxwell [<mailto:smaxwell@wildwoodnj.org>]
Sent: Monday, December 10, 2018 11:24 AM
To: Joseph P. Baumann Jr.
Cc: Mary Bittner; Chris Fox; Ernie Troiano Jr.; Dina M. Statuto
Subject: RE: Meeting

Good morning Joe,

Following up on the below. Will you be able to meet with the Mayor at 01:00 p.m. on Thursday?

Sue Maxwell
Confidential Assistant to the
Board of Commissioners
City of Wildwood
4400 New Jersey Avenue
Wildwood, NJ 08260
smaxwell@wildwoodnj.org
(609) 846-2047 Ph
(609) 523-2444 Fx

-----Original Message-----

From: Sue Maxwell
Sent: Friday, December 07, 2018 2:04 PM
To: Joseph P. Baumann Jr.
Cc: Mary Bittner; Chris Fox; Ernie Troiano Jr.; Dina M. Statuto

Subject: RE: Meeting

He is available from 01:00 p.m. on. Does that work for you?

Sue Maxwell
Confidential Assistant to the
Board of Commissioners
City of Wildwood
4400 New Jersey Avenue
Wildwood, NJ 08260
smaxwell@wildwoodnj.org
(609) 846-2047 Ph
(609) 523-2444 Fx

-----Original Message-----

From: Joseph P. Baumann Jr. [<mailto:JBaumann@MSBNJ.COM>]
Sent: Friday, December 07, 2018 1:57 PM
To: Sue Maxwell
Cc: Mary Bittner; Chris Fox; Ernie Troiano Jr.; Dina M. Statuto
Subject: Re: Meeting

Yes and sure.

> On Dec 7, 2018, at 1:49 PM, Sue Maxwell <smaxwell@wildwoodnj.org> wrote:

>

> Hi Joe,

>

> Mary asked me to reach out to you. Is this about the convention center area redevelopment plan?

>

> Mary and Chris will be at a seminar all day on Thursday. Would you like me to set up a meeting with you and the Mayor?

>

>

> Sue Maxwell
> Confidential Assistant to the
> Board of Commissioners
> City of Wildwood
> 4400 New Jersey Avenue
> Wildwood, NJ 08260
> smaxwell@wildwoodnj.org
> (609) 846-2047 Ph
> (609) 523-2444 Fx

>

>

>

> -----Original Message-----

> From: Joseph P. Baumann Jr. [<mailto:JBaumann@MSBNJ.COM>]
> Sent: Friday, December 07, 2018 12:16 PM
> To: Mary Bittner; Chris Fox; Ernie Troiano Jr.

> Cc: Dina M. Statuto

> Subject: Meeting

>

> Can we meet Thursday am?

>

> -----

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> -----

>

Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Monday, January 07, 2019 12:24 PM
To: eTroiano@wildwodnj.org; Chris Fox; Mary Bittner
Cc: Dina M. Statuto
Subject: Meeting

I am awaiting answers to the 2 questions raised on our call and then will send you the RFQ to post. In meantime, we probably do not need to meet this week. Joe

Joseph P. Baumann, Jr., Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, 2nd Floor
Roseland, New Jersey 07068
973-622-5259 (Office Direct)
973-622-1425 (Fax Direct)
www.msbnj.com

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Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Monday, January 07, 2019 9:17 PM
To: Mary Bittner
Subject: RE: Ownership of Lots

Found it. RFQ is done

From: Mary Bittner [mailto:mbittner@wildwoodnj.org]
Sent: Monday, January 07, 2019 1:45 PM
To: Joseph P. Baumann Jr.
Subject: RE: Ownership of Lots

Joe:

You should have received an email from Sue Maxwell Friday, January 4 at 11:38 am which is forwarding an email from the Tax Assessor which has ownership of Lot 1, Block 34 in it.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Joseph P. Baumann Jr. [mailto:JBaumann@MSBNJ.COM]
Sent: Sunday, January 06, 2019 10:56 PM
To: Mary Bittner
Cc: Chris Fox
Subject: Ownership of Lots

Mary, Can you send the information on the ownership of the lots that we discussed. Joe

Joseph P. Baumann, Jr., Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, 2nd Floor
Roseland, New Jersey 07068
973-622-5259 (Office Direct)

973-622-1425 (Fax Direct)

www.msbnj.com

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Mary Bittner

From: Sue Maxwell
Sent: Tuesday, January 08, 2019 5:52 PM
To: Joseph P. Baumann Jr.; Chris Fox; Mary Bittner
Cc: Sue Maxwell
Subject: Fwd: Wildwood Beach Lots Redevelopment RFQ-RFP 1-19.pdf

Joe, it's on the website.

Sent from my iPhone

Begin forwarded message:

From: Russ Simmons <russisart@gmail.com>
Date: January 8, 2019 at 5:12:44 PM EST
To: Sue Maxwell <smaxwell@wildwoodnj.org>
Subject: Re: Wildwood Beach Lots Redevelopment RFQ-RFP 1-19.pdf

Sue,
The Beachfront Redevelopment RFP has been upload to the Blog section of the Home page and the Resource Center. Thanks again,.

Russ

On Jan 8, 2019, at 4:45 PM, Sue Maxwell <smaxwell@wildwoodnj.org> wrote:

Russ,

Can you place this prominently on the front page of the web and in the Resource Center? We need this up ASAP. Thanks.

Sue Maxwell
Confidential Assistant to the
Board of Commissioners
City of Wildwood
4400 New Jersey Avenue
Wildwood, NJ 08260
smaxwell@wildwoodnj.org
(609) 846-2047 Ph
(609) 523-2444 Fx

-----Original Message-----

From: Joseph P. Baumann Jr. [<mailto:JBaumann@MSBNJ.COM>]

Sent: Tuesday, January 08, 2019 4:10 PM

To: Chris Fox; Mary Bittner; Ernie Troiano Jr.

Subject: Wildwood Beach Lots Redevelopment RFQ-RFP 1-19.pdf

Please post on City Website and advise once it's ready. Thank you. Joe

-

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-

<Wildwood Beach Lots Redevelopment RFQ-RFP 1-19.pdf>

Mary Bittner

Subject: Wildwood Call with County
Location: Dial (800) 615-2820 / passcode 826559

Start: Wed 2/20/2019 12:00 PM
End: Wed 2/20/2019 1:00 PM
Show Time As: Tentative

Recurrence: (none)

Organizer: Joseph P. Baumann Jr.

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Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Thursday, February 21, 2019 6:21 PM
To: 'leslie.gimeno@co.cape-may.nj.us'; 'Jeffrey.Lindsay@CO.CAPE-MAY.NJ.US';
'lcostello@ford-scott.com'; 'tombyrne@jbyrneagency.com'; 'mayorlen@seaislecitynj.us';
Ernie Troiano Jr.; Chris Fox; Mary Bittner
Cc: Dina M. Statuto; Isabel D. Chou; Bhavini A. Doshi
Subject: Interlocal Redevelopment Project

All, Sending this email to confirm the email addresses are correct. As I understand it, this is the initial group charged with getting the County/City redevelopment process off the ground. We will keep all posted as we set up the initial structure thru an MOU. We are currently scheduled for a kickoff meeting on 3/11 at 1 pm. Joe

Joseph P. Baumann, Jr., Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, 2nd Floor
Roseland, New Jersey 07068
973-622-5259 (Office Direct)
973-622-1425 (Fax Direct)
www.msbnj.com

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Mary Bittner

From: Alaina K. Patzke <APatzke@MSBNJ.COM>
Sent: Friday, February 22, 2019 11:31 AM
To: Joseph P. Baumann Jr.; Chris Fox
Cc: eTroiano@wildwodnj.org; Mary Bittner; Barbara Ehlen; Andrew W. Janiw (ajaniw@beaconplanning.net)
Subject: RE: Wildwood Beachfront Parking Lot Redevelopment Plan
Attachments: Wildwood - Oceanside Parking Lot - Resolution Directing PB to Review Plan.DOCX

All,

Attached for your review is a draft resolution referring the Beachfront Redevelopment Plan to the PB for review and comment, which is proposed to be included on next week's BOC meeting agenda. Please let us know if you have any questions or comments.

Thank you,

Alaina K. Patzke, Associate
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue | Suite 201 | Roseland, NJ 07068
Direct Dial: 973-681-7221
Email: apatzke@msbnj.com
Connect with MS&B on [LinkedIn](#) | [Twitter](#) | [Instagram](#) | [Website](#)

From: Joseph P. Baumann Jr.
Sent: Saturday, February 16, 2019 4:50 PM
To: 'Christopher Fox'
Cc: eTroiano@wildwodnj.org; Mary Bittner; Alaina K. Patzke; Barbara Ehlen; Andrew W. Janiw (ajaniw@beaconplanning.net)
Subject: Wildwood Beachfront Parking Lot Redevelopment Plan

Chris, Per our call. I believe this plan is ready to be adopted. It will need to be sent to the PB for comment. We will send the resolution. Once the PB reviews and comments we can adopt it by ordinance. Joe

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**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
THE CITY OF WILDWOOD, IN THE COUNTY OF CAPE
MAY, NEW JERSEY DIRECTING THE PLANNING
BOARD TO REVIEW THE BEACHFRONT
REDEVELOPMENT PLAN**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether parcels of land in the municipality constitute areas in need of redevelopment and/or areas in need of rehabilitation; and

WHEREAS, pursuant to the Redevelopment Law, the Board of Commissioners (the “**Board of Commissioners**”) of the City of Wildwood, in the County of Cape May, New Jersey (the “**City**”), by Resolution No. 342-9-13 adopted September 25, 2013, directed the Planning Board of the City (the “**Planning Board**”) to conduct the necessary investigations and to undertake the steps necessary to determine whether or not the City, or any part(s) thereof, meets the statutory criteria set forth in *N.J.S.A.* 40A:12A-14 to be designated as an “area in need of rehabilitation” and to transmit its findings and recommendations to the Board of Commissioners in the form of a resolution; and

WHEREAS, on November 4, 2013 the Planning Board conducted a public hearing in accordance with the Redevelopment Law, at which time it heard oral testimony of its professional planner regarding the preliminary investigation and solicited comments from the public, at which time no member of the public elected to comment; and

WHEREAS, after due consideration of the oral testimony of the professional planner and after consulting appropriate municipal departments and counsel, the Planning Board adopted a resolution recommending that the City in its entirety be declared an area in need of rehabilitation pursuant to the Redevelopment Law; and

WHEREAS, pursuant to the Redevelopment Law, by Resolution No. 377-11-13 adopted November 13, 2013, the Board of Commissioners designated the entire City as an area in need of rehabilitation; and

WHEREAS, by Resolution No. 436-11-18 adopted November 15, 2018, the Board of Commissioners authorized Beacon Planning and Consulting Services, LLC (the “**Planner**”) to prepare a redevelopment plan for properties within the City including those identified as Block 26, Lot 1, Block 34, Lots 1 and 2, Block 43, Lot 1, Block 53, Lot 1, Block 64, Lot 1 and Block 75, Lot 1 on the official tax maps of the City (collectively, the “**Property**”); and

WHEREAS, the Planner prepared a redevelopment plan for the Property entitled the “Beachfront Redevelopment Plan” (the “**Redevelopment Plan**”) providing the development standards for the Property; and

WHEREAS, pursuant to the Redevelopment Law, the Board of Commissioners desires to refer the Redevelopment Plan to the Planning Board for its review and comment and desires to

direct the Planning Board to transmit its recommendations relating to the Redevelopment Plan (the "**Planning Board Report**") to the Board of Commissioners in accordance with the provisions of *N.J.S.A. 40A:12A-7(e)*.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF WILDWOOD, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Board of Commissioners hereby directs the Planning Board to review the Redevelopment Plan and to transmit the Planning Board Report to the Board of Commissioners within forty-five (45) days of the date hereof in accordance with the Redevelopment Law.

Section 3. If the Planning Board Report is not transmitted to the Board of Commissioners within forty-five (45) days of the date hereof, the Board of Commissioners shall be relieved of the requirement to obtain a Planning Board Report for the Redevelopment Plan in accordance with *N.J.S.A. 40A:12A-7(e)*.

Section 4. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 5. The Board of Commissioners is hereby directed to transmit a copy of this Resolution to the Mayor and Planning Board.

Section 6. This Resolution shall take effect immediately.

I, Christopher H. Wood, City Clerk of the City of Wildwood, do hereby certify that the above resolution is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held on Wednesday, February 27, 2019.

Christopher H. Wood
City Clerk
Dated: February 27, 2019

Mary Bittner

From: Sue Maxwell
Sent: Monday, February 25, 2019 1:05 PM
To: Joseph P. Baumann Jr.
Cc: Mary Bittner
Subject: Beachfront Redevelopment Plan
Attachments: 20190225121452505.pdf — redacted/w/withheld

Joe,

Good afternoon. Mary Bittner requested that I forward the attached to you. Please let her know if you have any questions.

Sue Maxwell
Confidential Assistant to the
Board of Commissioners
City of Wildwood
4400 New Jersey Avenue
Wildwood, NJ 08260
smaxwell@wildwoodnj.org
(609) 846-2047 Ph
(609) 523-2444 Fx

-----Original Message-----

From: copiers <copiers@wildwoodnj.org>
Sent: Monday, February 25, 2019 12:13 PM
To: Sue Maxwell <smaxwell@wildwoodnj.org>
Subject: Message from "RNP002673E1223C"

This E-mail was sent from "RNP002673E1223C" (MP 4055).

Scan Date: 02.25.2019 12:14:52 (-0500)
Queries to: copiers@wildwoodnj.org

Mary Bittner

From: Mary Bittner
Sent: Friday, March 01, 2019 8:57 AM
To: Sue Maxwell
Subject: FW: Beacon Planning & Consulting
Attachments: 20190228145539018.pdf

See email from Joe.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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-----Original Message-----

From: Joseph P. Baumann Jr. [<mailto:JBaumann@MSBNJ.COM>]
Sent: Thursday, February 28, 2019 7:00 PM
To: Mary Bittner
Subject: FW: Beacon Planning & Consulting

I approve. They have provided these services. Joe

-----Original Message-----

From: Sue Maxwell [<mailto:smaxwell@wildwoodnj.org>]
Sent: Thursday, February 28, 2019 4:00 PM
To: Joseph P. Baumann Jr.
Subject: Beacon Planning & Consulting

Joe,

Mary Bittner asked that I forward the attached invoice from Beacon to you for review and approval. Please advise. Thank you.

Sue Maxwell
Confidential Assistant to the
Board of Commissioners
City of Wildwood
4400 New Jersey Avenue
Wildwood, NJ 08260

smaxwell@wildwoodnj.org
(609) 846-2047 Ph
(609) 523-2444 Fx

-----Original Message-----

From: copiers <copiers@wildwoodnj.org>
Sent: Thursday, February 28, 2019 2:54 PM
To: Sue Maxwell <smaxwell@wildwoodnj.org>
Subject: Message from "RNP002673E1223C"

This E-mail was sent from "RNP002673E1223C" (MP 4055).

Scan Date: 02.28.2019 14:55:38 (-0500)
Queries to: copiers@wildwoodnj.org

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BEACON PLANNING & CONSULTING SERVICES, L.L.C.

Colts Towne Plaza, Suite 129
315 Route 34
Colts Neck, New Jersey 07722

Tel. 732.845.8103
Fax 732.845.8104

February 19, 2019

(Via email: schuyler@wildwoodnj.org)
City of Wildwood
c/o Laurie Schuyler
City of Wildwood
4400 New Jersey Avenue
Wildwood, New Jersey 08260

RE: Purchase Order #18002859
Redevelopment Plan
Ocean Front Parcels
Wildwood, New Jersey
Our Job #A18219

Invoice #72-02-19

**For Professional Planning Services Rendered Pursuant to our Engagement Dated
November 15, 2018 and Authorized by Resolution 436-11-18**

**For initial communications, area and document review and
preparation of a first Draft of a Redevelopment Plan:**

85% of Fee:	\$14,025.00
Previously billed:	\$ 8,250.00

TOTAL NOW DUE	\$5,775.00
----------------------	-------------------

THANK YOU FOR THE ABILITY TO BE OF SERVICE

Mary Bittner

From: Mary Bittner
Sent: Monday, March 11, 2019 9:39 AM
To: 'Joseph P. Baumann Jr.'
Subject: Wildwood - Cape May County Agreement

Joe,

Would you please send me a copy of the Cape May County Agreement you sent the Mayor which the Mayor asked me to review?

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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Mary Bittner

From: Dina M. Statuto <DStatuto@MSBNJ.COM>
Sent: Monday, March 25, 2019 11:20 AM
To: Sue Maxwell; Mary Bittner; Chris Fox
Cc: Joseph P. Baumann Jr.; Alaina K. Patzke; Barbara Ehlen
Subject: RE: Conference call

I will set the call for 10:30 on 3/28. A calendar invite will follow shortly. Thanks everyone for your prompt responses!

From: Sue Maxwell [<mailto:smaxwell@wildwoodnj.org>]
Sent: Monday, March 25, 2019 11:15 AM
To: Dina M. Statuto; Mary Bittner; Chris Fox
Cc: Joseph P. Baumann Jr.; Alaina K. Patzke; Barbara Ehlen
Subject: RE: Conference call

Dina,

Good morning. Thursday, March 28, would work for both Chris Fox and Mary Bittner. Please confirm that this time works. Thank you.

Sue Maxwell
Confidential Assistant to the
Board of Commissioners
City of Wildwood
4400 New Jersey Avenue
Wildwood, NJ 08260
smaxwell@wildwoodnj.org
(609) 846-2047 Ph
(609) 523-2444 Fx



From: Dina M. Statuto <DStatuto@MSBNJ.COM>
Sent: Monday, March 25, 2019 11:06 AM
To: Mary Bittner <mbittner@wildwoodnj.org>; Chris Fox <cfox@wildwoodnj.org>
Cc: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>; Alaina K. Patzke <APatzke@MSBNJ.COM>; Barbara Ehlen <behlen@beaconplanning.net>
Subject: RE: Conference call

Good morning,

Joe has the following availability for a call this week:

Thursday, March 28 between 9:00-12 noon

Friday, March 29 between 1:00-2:30

Please let me know at your earliest convenience what is convenient for you.

Thanks,
Dina

From: Joseph P. Baumann Jr.
Sent: Thursday, March 21, 2019 4:56 PM
To: 'Mary Bittner'; 'Christopher Fox'
Cc: 'Barbara Ehlen'; Alaina K. Patzke
Subject: Conference call

Can we have a call to discuss the ocean front parking lots?

Mary Bittner

Subject: Call re Ocean Front Parking Lots

Location: Dial (800) 615-2820 / passcode 826559#

Start: Thu 3/28/2019 10:30 AM

End: Thu 3/28/2019 11:00 AM

Show Time As: Tentative

Recurrence: (none)

Organizer: Dina M. Statuto

Mary Bittner

From: William W. Northgrave <WNorthgrave@MSBNJ.COM>
Sent: Tuesday, April 09, 2019 2:19 PM
To: Joseph P. Baumann Jr.; William P. Opel
Cc: Mary Bittner; Christine L. DeAngelis; Geraldine M. Montalvo
Subject: RE: Wildwood - Bayside Litigation

redacted

From: Joseph P. Baumann Jr.
Sent: Tuesday, April 09, 2019 11:06 AM
To: William P. Opel
Cc: Mary Bittner; William W. Northgrave; Christine L. DeAngelis; Geraldine M. Montalvo
Subject: Re: Wildwood - Bayside Litigation

redacted

On Apr 9, 2019, at 10:53 AM, William P. Opel <WOpel@msbnj.com> wrote:

redacted

From: Mary Bittner [<mailto:mbittner@wildwoodnj.org>]
Sent: Tuesday, April 09, 2019 10:44 AM
To: William W. Northgrave; William P. Opel; Joseph P. Baumann Jr.
Cc: Christine L. DeAngelis; Geraldine M. Montalvo
Subject: RE: Wildwood - Bayside Litigation

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: William W. Northgrave [<mailto:WNorthgrave@MSBNJ.COM>]
Sent: Monday, April 08, 2019 11:34 AM
To: Mary Bittner; William P. Opel; Joseph P. Baumann Jr.
Cc: Christine L. DeAngelis; Geraldine M. Montalvo
Subject: RE: Wildwood - Bayside Litigation

redacted

From: Mary Bittner [<mailto:mbittner@wildwoodnj.org>]
Sent: Monday, April 08, 2019 11:27 AM
To: William P. Opel; William W. Northgrave; Joseph P. Baumann Jr.
Cc: Christine L. DeAngelis; Geraldine M. Montalvo
Subject: RE: Wildwood - Bayside Litigation

Thank you.

redacted

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: William P. Opel [<mailto:WOpel@MSBNJ.COM>]
Sent: Monday, April 08, 2019 10:26 AM
To: William W. Northgrave; Joseph P. Baumann Jr.; Mary Bittner
Cc: Christine L. DeAngelis; Geraldine M. Montalvo
Subject: RE: Wildwood - Bayside Litigation

redacted

redacted

From: William P. Opel
Sent: Thursday, March 21, 2019 10:43 AM
To: William W. Northgrave; Joseph P. Baumann Jr.; 'mbittner@wildwoodnj.org'
Cc: Christine L. DeAngelis; Geraldine M. Montalvo
Subject: RE: Wildwood - Bayside Litigation

redacted

From: William P. Opel
Sent: Monday, March 11, 2019 4:43 PM
To: William W. Northgrave; Joseph P. Baumann Jr.
Cc: Christine L. DeAngelis; Geraldine M. Montalvo
Subject: Wildwood - Bayside Litigation

Plaintiffs' motion to expand the record is returnable 3/29, and oral argument has been requested. Our opposition is attached here, and must be filed by 3/21. I will contact the City to obtain copies of the resolutions; we have a full copy of the Study Report.

William P. Opel, Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, 2nd Floor
Roseland, New Jersey 07068
(973) 622-2766 – direct dial
(973) 712-1452 – fax
wopel@msbnj.com

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<Plaintiff's Letter to Judge Mendez - 3-1-19.pdf>

<Motion for Exceptional Circumstance.pdf>

Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Wednesday, April 10, 2019 8:26 PM
To: Mary Bittner; Chris Fox
Cc: Alaina K. Patzke
Subject: Wildwood Redevelopment Plan
Attachments: DRAFT - Beachfront Redevelopment Plan - v6.pdf; DRAFT - Beachfront Redevelopment Plan - v6 - Redline.pdf *- redacted / withheld*

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Mary Bittner

To: Joseph P. Baumann Jr.
Subject: RE: Wildwood Redevelopment Plan

April 11, 2019
2:04 PM

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Joseph P. Baumann Jr. [<mailto:JBaumann@MSBNJ.COM>]
Sent: Wednesday, April 10, 2019 8:26 PM
To: Mary Bittner; Chris Fox
Cc: Alaina K. Patzke
Subject: Wildwood Redevelopment Plan

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Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Thursday, April 11, 2019 10:20 PM
To: Chris Fox; Mary Bittner
Subject: Cape May

Chris, Do you have the committee member list? Joe

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Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Sunday, April 14, 2019 8:54 PM
To: Chris Fox; Mary Bittner
Cc: Kevin P. McManimon
Subject: Cape May County - Form of Redevelopment Collaboration Agreement 4828-8989-6842 v.2
Attachments: Cape May County - Form of Redevelopment Collaboration Agreement 4828-8989-6842 v.2.DOCX

redacted/withheld

Chris and Mary, Please review and share with the Mayor. I look forward to your comments. Joe

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Mary Bittner

From: William P. Opel <WOpel@MSBNJ.COM>
Sent: Tuesday, April 16, 2019 10:57 AM
To: Paul Fernicola; Tahia Rutledge
Cc: William W. Northgrave
Subject: Dolphin Creek v. Board of Commissioners of Wildwood CPM-L-290-18
Attachments: Wildwood - Bayside - Letter to Judge Mendez re Transcripts.pdf

Mr. Fernicola:

Please see the attached, which was filed this morning.

William P. Opel, Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, 2nd Floor
Roseland, New Jersey 07068
(973) 622-2766 – direct dial
(973) 712-1452 – fax
wopel@msbnj.com

.....

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.....



Writer's Direct Dial: 973-622-5378
wnorthgrave@msbn.com

April 16, 2019

VIA E-COURT FILING

Honorable Julio L. Mendez, A.J.S.C.
Superior Court of New Jersey
Atlantic County Civil Courts Building
1201 Bacharach Boulevard, 3rd Fl.
Atlantic City, NJ 08401

RE: Dolphin Creek, LLC v. Board of Commissioners of the City of Wildwood, et al.
Docket No.: CPM-L-290-18

Dear Judge Mendez:

As Your Honor is aware, this firm represents Defendants Board of Commissioners of the City of Wildwood (the "Board") and the City of Wildwood (the "City"). Pursuant to Your Honor's April 5, 2019 Order, Plaintiffs are "required to produce the expert report of Peter Steck to defendants by June 4, 2019."

As Your Honor is well aware, Rule 4:69-4 of the New Jersey Court Rules requires that in an action in lieu of prerogative writs "filing of the complaint shall be accompanied by a certification that all necessary transcripts of local agency proceedings in the cause have been ordered." So the Court has the full record before it and the matter may be properly briefed, Defendants request that Plaintiffs be directed to produce the transcripts of the public hearing on this matter, from the June 4, 2018 City Planning Board meeting, by June 4, 2019. Should Your Honor have any questions or concerns, please do not hesitate to contact me.

Respectfully,

/s/William W. Northgrave

William W. Northgrave

cc: Paul V. Fernicola, Esq. (via email)

Mary Bittner

From: Mary Bittner
Sent: Thursday, April 18, 2019 11:29 AM
To: William P. Opel; Joseph P. Baumann Jr.
Cc: Chris Fox
Subject: Wildwood Redevelopment Litigation
Attachments: April 17 letter from Dolphin Creek.pdf

Bill & Joe:

Please see attached letter received from Dolphin Creek property owner.

Joe, should you discuss this with the Commissioners?

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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APR 17 2019

BOARD OF COMMISSIONERS

Dolphin Creek LLC
2720 Route 42
Suite 164
Sicklerville, NJ 08081
856-875-1600
April 11, 2019

City of Wildwood, City Solicitor
Ms. D'arcy Bittner, Esq.
4400 New Jersey Avenue
Wildwood, NJ 08260

Re: Redevelopment Zone – 440 W Garfield Ave
501 W Garfield Ave
500 W Lincoln Ave
508 W Lincoln Ave

Dear Ms D'arcy Bittner:

I am extending an invitation for the City of Wildwood to negotiate the purchase of our properties. As you know, the City of Wildwood has put a cloud on the title and hindered Dolphin Creek LLC from full enjoyment of its properties. This cloud has existed for more than a decade and near close to two decades. Most recently in the last year, the City has extended its reach to include yet another of our properties. This property is 440 W Garfield Avenue.

I hope the City will negotiate in good faith if it has interest. If the City does not have an interest in acquiring our properties, I would once again, now about the 9th time, asked the City to remove our properties from the BSRA zone. I will take a failure to receive a response as the City of Wildwood's lack of having a good faith interest and capability to purchase our properties.

Sincerely,

Michael Sklencar
Dolphin Creek LLC

Cc: m. D'arcy Bittner *Hon. ERNIE TROIANO*
Cert.7017 1000 0001 0588 3979

Mary Bittner

From: Mary Bittner
Sent: Monday, April 22, 2019 9:43 AM
To: Joseph P. Baumann Jr.
Cc: Chris Fox
Subject: Wildwood Landfill Plan
Attachments: DEP Landfill Closure Plan Approval.pdf

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Solid & Hazardous Waste

401 E. State Street

PO Box 420, Mail Code 401-02C

Trenton, New Jersey 08625

Tel: (609) 633-1418

Fax: (609) 984-0565

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. McCABE

Commissioner

April 18, 2019

The Honorable Ernie Troiano, Jr., Mayor
City of Wildwood
4400 New Jersey Avenue
Wildwood, NJ 08260

Re: Closure and Post-Closure Plan Approval
WILDWOOD CITY SLF
Wildwood City, Cape May County
Facility ID No.: 132073
Approval No.: LCB110001

Dear Mayor Troiano:

The Bureau of Solid Waste Permitting (the Bureau) is in receipt of the "Revised Closure and Post-Closure Care Plan for Wildwood Municipal Landfill" dated December 18, 2018, an "Addendum to December 2018 Closure and Post-Closure Care Plan for Wildwood Municipal Landfill" dated February 13, 2019, and the "Background Investigation for Arsenic in Surface Water Addendum #2 to December 2018 Closure & Post-Closure Plan" dated March 29, 2019, prepared by Remington and Vernick Engineers (R&V) on behalf of the City of Wildwood.

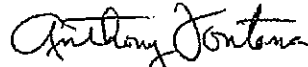
Based on a review of the above documents, the Bureau is hereby issuing the enclosed Closure and Post-Closure Plan Approval (Approval) for the Wildwood Municipal Landfill. Note that the Approval contains conditions with which Wildwood City must comply.

The Department will consider amendment or modification of the specific terms of this Approval if a written request is submitted by certified mail within twenty (20) calendar days of the date of this Approval. Said written request must clearly state the proposed amendment or modification and the factual basis for the request.

The Bureau of Solid Waste Compliance and Enforcement shall be notified at (609) 292-6305 at least 72 hours prior to the initiation of any construction/disruption activities authorized by the Approval.

If you have any questions concerning this matter, please contact Janis Hottinger of my staff by telephone at 609-984-6043, or by email at janis.hottinger@dep.state.nj.us.

Very truly yours,



Anthony Fontana, Chief
Bureau of Solid Waste Permitting

Enclosure

c: Thomas Farrell, BSWCE
John Stavash, BSWCE
Katherine Nolan, OPCER
Mark Davis, DLUR
Suzanne Dietrick, DLUR
Linda Wilde, Cape May County Health Department
John R. Conturo, Cape May County MUA
P.O. Box 610, Cape May County Courthouse, NJ 08210
James Oris, Remington & Vernick Engineers
4907 New Jersey Avenue, Wildwood, NJ 08260

Doc: Pre-82 LF Closure Plan Approval



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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401 E. State Street

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Governor

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Lt. Governor

CATHERINE R. McCABE

Commissioner

SANITARY LANDFILL CLOSURE/POST-CLOSURE PLAN APPROVAL

Under the provisions of N.J.S.A. 13:1E-1 *et seq.* known as the Solid Waste Management Act, this Sanitary Landfill Closure and Post-Closure Plan Approval is hereby issued to:

CITY OF WILDWOOD

FACILITY:	Wildwood City SLF
FACILITY ID NO.:	132073
APPROVAL NO.:	LCB110001
BLOCK & LOT NOS.:	On-site: Block 111, Lot 1; Block 112, Lot 1; Block 121, Lot 13; Block 122, Lot 1; Block 131, Lot 1; Block 141, Lot 1.01; Block 142, Lot 1; Block 150, Lot 1 Off-site: Block 112, Lot 28.01; Block 122, Lot 10; Block 131, Lot 10; Block 142, Lot 10
MUNICIPALITY:	City of Wildwood
COUNTY:	Cape May

This Approval is subject to compliance with all conditions specified herein and all regulations promulgated by the Department of Environmental Protection.

This Approval shall not prejudice any claim the State may have to riparian land, nor does it permit the registrant to fill or alter or allow to be filled or altered, in any way, lands that are deemed to be riparian, wetlands, stream encroachment areas or flood plains, or that are within the Coastal Area Facility Review Act (CAFRA) zone or are subject to the Pinelands Protection Act of 1979, nor shall it allow the discharge of pollutants to waters of this state without prior acquisition of the necessary grants, permits or approvals from the Department of Environmental Protection.

April 18, 2019

Issuance Date

Anthony Fontana, Chief

Bureau of Solid Waste Permitting

Site Description

The Wildwood City SLF, approximately 15 acres, was used as a municipal landfill from the 1930s through the late 1970s (~1978). The lateral extent of the landfill limit was determined by geophysical investigation activities and observations made during numerous environmental investigations at the property. Generally, the landfill limit is bound to the north by the Spicer Avenue right of way, to the south by Baker Avenue, to the west by Post Creek Basin, and to the east by Susquehanna Avenue. Test pit investigations have determined that landfilled materials may be located on private properties adjacent to the landfill.

Within the main portion of the landfill (bound by berms and a chain-link fence) the materials disposed consist of municipal refuse between four to seventeen feet thick. Other wastes reportedly deposited at the site include dredge spoils and dewatered sludge cake. Between the chain-link fence and Susquehanna Avenue, the investigations found mostly ash-like material, glass, wood and rubber that ranged from four to nine feet thick.

During the period of inactivity at the landfill substantial tree and shrub growth provided wildlife habitat. The growth was partially removed when the City of Wildwood stockpiled clean dredge material to use as future final landfill cover material. In 2017, while moving the piles of dredge to eliminate standing water, solid waste was inadvertently exposed over approximately half of the landfill. The waste has not been covered to date.

Approved Closure, Post-Closure Care Plan and Associated Documents

The owner shall close and maintain the landfill in accordance with N.J.A.C. 7:26-2A.9, the conditions of this Approval, and the following documents, which are the approved Closure and Post-Closure Care Plan:

1. Solid Waste Facility Application Form signed by Ernest Troiano Jr, Mayor, City of Wildwood, dated July 3, 2018;
2. "Revised Landfill Disturbance Application & Landfill Closure Plan -- Wildwood Municipal Landfill," prepared by Remington & Vernick Engineers on behalf of the City of Wildwood, dated July 10, 2018;
3. "Materials Acceptance Protocol Donor Site 1: D'Andrea Property -- Wildwood Municipal Landfill," prepared by Remington & Vernick Engineers on behalf of the City of Wildwood, dated October 3, 2018;
4. "Revised Closure & Post-Closure Care Plan -- Wildwood Municipal Landfill," prepared by Remington & Vernick Engineers on behalf of the City of Wildwood, dated December 18, 2018.

5. "Addendum to December 2018 Closure & Post-Closure Care Plan – Wildwood Municipal Landfill," prepared by Remington & Vernick Engineers on behalf of the City of Wildwood, dated February 13, 2019.
6. "Background Investigation for Arsenic in Surface Water Addendum #2 to December 2018 Closure & Post-Closure Plan," dated March 29, 2019.

Summary of Submittal Requirements

As required by Conditions of this Approval, the City of Wildwood shall submit the following to the Division of Solid and Hazardous Waste:

1. In accordance with Condition A.3.a of this Approval, the owner shall submit a Material Acceptance Protocol for Department approval prior to accepting any material at the landfill for any reason.
2. In accordance with Condition A.4.c of this Approval, the owner shall submit the results of post-excavation soil sample analytical results for Department review and approval prior to backfilling the excavations.
3. In accordance with Condition A.4.i of this Approval, the owner shall submit a site-specific Health and Safety Plan to the Department at least eight weeks prior to commencement of any closure work.
4. In accordance with Condition A.4.j of this Approval, the owner shall submit a copy of the certified Soil Erosion and Sediment Control Plan to the Department.
5. In accordance with Condition A.5 of this Approval, the owner shall submit quarterly reports and an as-built certification for the closure of the landfill and the removal of solid waste from the adjacent private properties.
6. In accordance with Condition A.6 of this Approval, the owner shall submit a copy of the recorded deed notice.
7. In accordance with Conditions A.13.g.i of this Approval, the owner shall submit quarterly reports landfill inspections.
8. In accordance with Condition A.13.g.ii of this Approval, the owner shall submit the results of quarterly gas monitoring surveys.
9. In accordance with Condition A.13.g.iii of this Approval, the owner shall submit post-closure evaluation reports every ten years from the date of completion of closure and at least two, but no more than three, years prior to the scheduled end of the post-closure period.

Conditions of the Approval

The conditions of this Approval are found in the attached document entitled "Wildwood City SLF 132073 LCB110001 SW Landfill (Class B) Closure – Closure Plan Approval Requirements Report."

In case of conflict, the provisions of N.J.A.C. 7:26-1 *et seq.* shall have precedence over the conditions of this Approval, and the conditions of this Approval shall have precedence over plans and specifications listed above.

WILDWOOD CITY SLF

**132073 LCB110001 SW Landfill (Class B) Closure -Closure Plan Approval
Requirements Report**

A. CLOSURE AND POST-CLOSURE PLAN APPROVAL CONDITIONS [N.J.A.C. 7:26- 2A]

1. Duty to Comply [N.J.A.C. 7:26- 2A]

- a. The owner or operator shall close and maintain the landfill in accordance with N.J.A.C. 7:26-2A.9, the conditions of this Approval, and the approved Closure and Post-Closure Plan as referenced herein. [N.J.A.C. 7:26- 2A.9(c)1]

2. Professional Engineer [N.J.A.C. 7:26- 2A]

- a. The owner or operator shall hire a New Jersey licensed professional engineer to oversee closure and any other activities at the sanitary landfill. [N.J.A.C. 7:26- 2A.9(c)4]

3. Material Acceptance [N.J.A.C. 7:26- 2A]

- a. Prior to receipt of any material for any reason at the landfill other than that material approved in Condition 3.b below, the owner shall submit, and obtain Department approval of, a Materials Acceptance Protocol (MAP) for the entire site. The MAP shall be prepared in accordance with N.J.A.C. 7:26-2A.9(e)4xx. Only material that meets the New Jersey Residential Direct Contact Soil Remediation Standards (NJRDCSRS) may be accepted at the site. All samples of materials accepted at the landfill must meet the NJRDCSRS. Averaging shall not be allowed. [N.J.A.C. 7:26- 2A.9(e)]
- b. In accordance with the conditionally approved "Material Acceptance Protocol Donor Site 1: D'Andrea Property," dated October 3, 2018, approximately 5,350 cubic yards of material that meets the NJRDCSRS may be accepted at the sanitary landfill to be used as interim cover for the solid waste that was exposed on approximately half of the landfill in 2017. [N.J.A.C. 7:26- 2A.9(e)4xx]

4. Closure Activities [N.J.A.C. 7:26- 2A]

- a. The owner or operator shall conduct closure activities including, but not limited to, the following: [N.J.A.C. 7:26- 2A.9(e)4]
 - i. Installation of a site access control system; [N.J.A.C. 7:26- 2A.9]
 - ii. Construction of a landfill perimeter subsurface stone trench gas collection system, equipped with above-ground passive vents; [N.J.A.C. 7:26- 2A.9]
 - iii. Construction of a gabion wall containment system placed on top of the completed gas trench, encompassing the entire landfill; [N.J.A.C. 7:26- 2A.9]
 - iv. Recovery of all waste and debris that is visually observed during low tide along the shoreline of Post Creek Basin for consolidation within the landfill prior to placement of final cover; [N.J.A.C. 7:26- 2A.9]
 - v. Importation and staging of final cover materials and construction of the final cover system; [N.J.A.C. 7:26- 2A.9]
 - vi. Off-site landfill perimeter waste identification, removal and/or consolidation on the landfill under the final cover system as further described in Conditions 4.b and c below; [N.J.A.C. 7:26- 2A.9]

WILDWOOD CITY SLF

132073 LCB110001 SW Landfill (Class B) Closure -Closure Plan Approval Requirements Report

- vii. Construction of the run-on and run-off control system; [N.J.A.C. 7:26- 2A.9]
- viii. Construction of measures to conform the site to the surrounding area. [N.J.A.C. 7:26- 2A.9]
- b. During closure activities the owner/operator shall conduct an investigation to remove any subsurface landfill debris located on privately-owned lots adjacent to the landfill along Susquehanna Avenue. This investigation will occur simultaneously with the gabion wall construction, per the closure plan schedule. The owner/operator shall utilize the waste delineation data, such as test pit data, from previous environmental investigations that delineated the landfill limits and are included in the closure plan application, to identify areas and depths of waste. The approximate limit of the landfill is presented on the closure plan application drawing Sheet 4 of 8 - Proposed Site Plan and Grading. This information should be used as guidance for locations to excavate solid waste.

All observed waste shall be excavated until the lateral limits and the depth of waste are determined and native soil is observed.

The excavated waste shall be consolidated onto the City of Wildwood owned portion of the landfill prior to the installation of final cover or transported off-site to an authorized disposal facility. Documentation of transport and disposal of waste off-site, e.g. weigh tickets and Origin and Disposal forms, shall be included in the final As-Built report. [N.J.A.C. 7:26- 2A.8(j)]

- c. Prior to backfilling excavations of waste from off-site private properties, the owner/operator shall collect and have analyzed post-excavation confirmation soil samples as follows: [N.J.A.C. 7:26- 2A.9]
 - i. Post-excavation floor samples shall be collected at a frequency of 1 sample for every 900 square feet of floor space; [N.J.A.C. 7:26- 2A.9]
 - ii. Post-excavation sidewall samples shall be collected near the bottom of the wall, at a frequency of 1 sample every 50 feet of linear sidewall; [N.J.A.C. 7:26- 2A.9]
 - iii. Sample locations shall be biased towards areas that exhibit odors, visual staining or discoloration; [N.J.A.C. 7:26- 2A.9]
 - iv. Floor and sidewall samples shall be collected at a depth of between 0-6 inches for all analyses, except samples collected for volatile organic analyses shall be collected at a depth between 6-12 inches; [N.J.A.C. 7:26- 2A.9]
 - v. The samples shall not be composited; [N.J.A.C. 7:26- 2A.9]
 - vi. All samples shall be analyzed by a NJ certified laboratory for Category 2 Extractable Petroleum Hydrocarbons, TAL metals, TCL plus 30, and hexavalent chromium; [N.J.A.C. 7:26- 2A.9]

WILDWOOD CITY SLF

132073 LCB110001 SW Landfill (Class B) Closure -Closure Plan Approval Requirements Report

- vii. All analytical results shall be submitted to the Division of Solid and Hazardous Waste for review and approval prior to backfilling the excavation. Analytical results must meet the NJRDCSRS before the excavation may be backfilled. If the analytical data does not meet this criteria, additional excavation in 6 to 12-inch increments shall be required until the sample results meet the standards. The excavation shall be backfilled with only clean fill that meets the NJRDCSRS. [N.J.A.C. 7:26- 2A.9]
- d. The Bureau of Solid Waste Compliance and Enforcement shall be notified at (609) 292-6305 at least 72 hours prior to initiation of any closure disruption activities. [N.J.A.C. 7:26- 2A.9]
- e. The disruption of waste during closure operations shall be conducted in accordance with N.J.A.C. 7:26-2A.8(j). [N.J.A.C. 7:26- 2A.8(j)]
- f. A minimum of 6 inches of clean soil shall be placed over any exposed waste at the end of each workday or more frequently if odors or vectors are a problem. A minimum of 12 inches of clean soil shall be applied to all waste exposed for any period exceeding 24 hours and extending up to six months. Thereafter, a minimum of two feet of cover material shall be applied and maintained over the waste material until installation of the final cover system required by this Approval. [N.J.A.C. 7:26- 2A.8(b)7-19]
- g. The disruption activities shall not cause any air contaminant to be emitted in violation of N.J.A.C. 7:27-5.2(a). Malodorous emissions shall be controlled by the use of daily, intermediate, and final cover material. Malodorous solid waste shall be covered immediately after excavation, unloading or re-deposition with a minimum of six inches of cover material. In the event that cover material is not satisfactory, other means of air contaminant emission control approved by the Department shall be used. [N.J.A.C. 7:26- 2A.8(j)4]
- h. In the event that chemical or hazardous waste materials are encountered during closure activities, operations shall cease immediately and the area shall be secured. The owner and/or contractor shall notify the Department by calling the Environmental Action Hot Line at 1-877-WARN DEP and take all necessary precautions for the safe removal and disposal of the waste to an approved facility under the direction of the Department. [N.J.A.C. 7:26- 2A.4(q)]
- i. The owner or operator and all contractors shall follow the Occupational Safety and Health Administration (OSHA) standards. The owner or operator shall submit to the Division of Solid and Hazardous Waste a site-specific Health and Safety Plan for review eight weeks prior to the commencement of any closure work. A copy of the operating procedures shall be posted on-site. On-site air monitoring shall be provided to ensure worker safety during all disruption activities. [N.J.A.C. 7:26- 2A.9]
- j. Soil erosion and sediment control shall be achieved in accordance with the Soil Erosion and Sediment Control Plan certified by the Ocean County Soil Conservation District. The plan shall be certified by the District and a copy submitted to the Division of Solid and Hazardous Waste prior to the start of construction. [N.J.A.C. 7:26- 2A.9(e)4i]
- k. The closure work shall be completed per the schedule provided in Section 4.8 of the Closure Plan. [N.J.A.C. 7:26- 2A.9(e)5]

WILDWOOD CITY SLF
132073 LCB110001 SW Landfill (Class B) Closure -Closure Plan Approval
Requirements Report

5. Closure Reports/Certifications [N.J.A.C. 7:26- 2A]

- a. Within 15 days of the end of each calendar quarter during the closure period, the owner or operator shall submit a quarterly report of closure and other activities performed at the sanitary landfill. The quarterly reports shall be certified by a New Jersey licensed professional engineer, who shall certify that all materials accepted at the site for any purpose were weighed, sampled, and tested in accordance with the approved material acceptance protocol and all provisions and prohibitions of this Approval were complied with during that quarter. [N.J.A.C. 7:26- 2A.9(c)5]
- b. Within six months of completion of closure of the landfill, the owner or operator of the landfill shall obtain and submit to the Division of Solid and Hazardous Waste an as-built certification by a New Jersey licensed professional engineer, certifying that the provisions of the Closure and Post-Closure Plan have been implemented as designed and approved, with exceptions noted. The certification shall meet the following requirements: [N.J.A.C. 7:26- 2A.9(c)6]
 - i. The New Jersey licensed professional engineer shall certify, in writing, that he or she has supervised the construction of each major phase of the sanitary landfill's closure. He or she shall further certify that each phase has been prepared and constructed in accordance with the closure design approved by the Department. The certification shall include as-built drawings. [N.J.A.C. 7:26- 2A.9(c)6i]
 - ii. The New Jersey licensed professional engineer shall certify that the materials utilized in the closure of the sanitary landfill are in conformance with and meet the specification of the approved closure design and materials accepted at the site for any purpose were weighed, sampled, and tested according to a protocol approved in advance by the Department. [N.J.A.C. 7:26- 2A.9(c)6ii]
 - iii. No work performed under this Approval shall be considered complete until such engineer's certification has been submitted to and accepted by the Division of Solid and Hazardous Waste. In the event that said certification is not received or is not accepted, the work shall be considered incomplete. [N.J.A.C. 7:26- 2A.9(c)]

WILDWOOD CITY SLF

132073 LCB110001 SW Landfill (Class B) Closure -Closure Plan Approval Requirements Report

- c. All certifications required by this Approval shall bear the raised seal of the New Jersey licensed professional engineer, his or her signature, and the date of certification. The certification shall include the following statement: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals under my supervision, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I understand that, in addition to criminal penalties, I may be liable for civil administrative penalty pursuant to N.J.A.C. 7:26-5 and that submitting false information may be grounds for denial, revocation or termination of any solid waste facility permit or vehicle registration for which I may be seeking approval or now hold." [N.J.A.C. 7:26- 2A.9(e)7]
6. **Deed Notice [N.J.A.C. 7:26- 2A]**
 - a. Upon closure of the sanitary landfill, the owner shall have recorded a detailed description of the landfill, along with the deed, with the appropriate recording office. The description shall include the general types, locations, and depths of wastes on the site, the depth and types of cover material, the dates the landfill was in use and all such other information as may be of interest to potential landowners, and shall remain in the record in perpetuity. The deed shall also provide notice that any future disruption of the closed landfill shall require prior approval from the Department in accordance with N.J.A.C. 7:26-2A.8(j). The owner shall submit a copy of the recorded deed description to the Division of Solid and Hazardous Waste within six months of completion of closure. [N.J.A.C. 7:26- 2A.9(c)8]
7. **Filing of Plan [N.J.A.C. 7:26- 2A]**
 - a. A copy of the approved Closure and Post-Closure Plan shall be filed with the municipal clerk after closure is complete. [N.J.A.C. 7:26- 2A.9(d)10]
8. **Final Cap/Cover [N.J.A.C. 7:26- 2A]**
 - a. The final cover system shall completely isolate the landfilled solid waste from the surrounding environment. The final cover shall be graded in accordance with the approved Closure and Post-Closure Plan. There shall not be any future use of the landfill that may result in the alteration of the final cover, subsequent to closure activities, without review and approval by the Department.

The final cover in descending order shall consist of: [N.J.A.C. 7:26- 2A.9(e)4ii]

 - i. A six-inch topsoil, vegetative growth layer; [N.J.A.C. 7:26- 2A.9(e)4]
 - ii. An 18-inch layer of cover material that has a minimum permeability of 1.05×10^{-3} cm/sec. [N.J.A.C. 7:26- 2A.9(e)4]
 - b. All material used in the final cover system shall meet the NJRDCSRS. [N.J.A.C. 7:26- 2A.9(e)4]
 - c. The final cover vegetation shall consist of two separate groups of plants. Woody plant species (4 to 6 foot whips) shall be planted over a 6.75 acre area. Herbaceous plant species (Ernst Seed Mix 153) shall be planted over the remainder of the landfill property. [N.J.A.C. 7:26- 2A.9(e)4]

WILDWOOD CITY SLF

132073 LCB110001 SW Landfill (Class B) Closure -Closure Plan Approval Requirements Report

9. Run-on/Run-off Controls [N.J.A.C. 7:26- 2A]

- a. Run-On and Run-Off Controls for the landfill consist of the following: [N.J.A.C. 7:26- 2A.9(e)4vi]
 - i. The final grades of the landfill allow for surface-directed flow of storm water; [N.J.A.C. 7:26- 2A.9(e)4]
 - ii. A gabion wall surrounding the perimeter of the entire landfill. The landfill side of the gabion wall shall have a 6-inch freeboard between the final cover and the top of the wall. The gabion wall will help prevent erosion of the final cover material by reducing sediment loss during heavy precipitation, and function as an energy dissipator from stormwater. [N.J.A.C. 7:26- 2A.9(e)4]

10. Landfill Gas Collection and Venting System [N.J.A.C. 7:26- 2A]

- a. The landfill gas collection and venting system shall be constructed along the landfill boundary, beneath the gabion wall, except for along the shoreline of Post Creek Basin. The gas system shall consist of an approximate twelve-inch wide trench filled with three-quarter inch clean stone that extends from the ground surface to the top of the groundwater table at high tide. Gas collection piping consisting of four-inch perforated PVC pipe shall be installed a minimum of 2.5 feet above the bottom of the trench. Passive vents constructed of four-inch solid PVC with a 180 degree gooseneck shall be installed at a minimum of every 200 linear feet along the gas trench. [N.J.A.C. 7:26- 2A.9(e)4xi]
- b. The owner or operator shall obtain and maintain permits for the landfill gas collection and venting system in accordance with the Department's rules at N.J.A.C. 7:27. [N.J.A.C. 7:26- 2A.7(f)2]

11. Access Control [N.J.A.C. 7:26- 2A]

- a. Access to the landfill during closure construction shall be controlled with the installation of six-foot temporary construction fencing placed around the section of the landfill that is being constructed at the time. [N.J.A.C. 7:26- 2A.9(e)4xv]

12. Conformance with Surrounding Area [N.J.A.C. 7:26- 2A]

- a. After the landfill ceased accepting waste in the late 1970s, vegetation that grew on the inactive landfill became critical wildlife habitat for threatened and endangered species of migrating raptors and songbirds. The closure plan requires restoration by the planting of species of trees and grasses on the landfill once the final cover is in place. These areas must be maintained. Any future change in the end use of the property requires an application for modification of the approved Closure and Post-Closure Plan. [N.J.A.C. 7:26- 2A.9]

WILDWOOD CITY SLF
132073 LCB110001 SW Landfill (Class B) Closure -Closure Plan Approval
Requirements Report

13. Post-Closure Requirements [N.J.A.C. 7:26- 2A]

- a. The owner or operator shall continue to monitor and maintain the landfill in accordance with this Approval during the post-closure care period, which continues for 30 years after the date of completing closure. The Department may reduce the post-closure care period to less than thirty (30) years when it has been adequately demonstrated that the reduced period is sufficient to protect human health and the environment. Prior to the time that the post-closure care period is due to expire, the Department may extend the post-closure care period upon a finding that such extended period is necessary to protect human health and/or the environment. Any aggrieved person may petition the Department for an extension or reduction to the post-closure care period, based on good cause. [N.J.A.C. 7:26- 2A.9(c)9]
- b. The owner or operator shall monitor and maintain the landfill in accordance with the Closure and Post-Closure Plan through implementation of the following maintenance programs: (i) A program for the maintenance of final cover and final cover vegetation; (ii) A program for the maintenance of side slopes; (iii) A program for the maintenance of run-on and run-off control programs; (iv) A program for the maintenance of methane gas venting system; and (v) A program for the maintenance of measures to conform the site to the surrounding areas. [N.J.A.C. 7:26- 2A.9(e)4]
- c. The final cover shall be maintained to minimize infiltration and ponded water. All cracks, erosion swales and rills shall be repaired by the replacement of cover material and reseeding and replanting. Settled areas shall be filled and graded to promote run-off.

The vegetation in the open areas of the landfill shall be fertilized, limed and mowed to promote growth of the planted species and discourage weed infestation. The area shall be mowed once a year, but not between April 1st and July 31st. [N.J.A.C. 7:26- 2A.9(e)4iv]

- d. The structural integrity and erosion protection of surface run-on/run-off structures shall be maintained to ensure the stability of the slope and prevent excess erosion. The top grades shall be maintained at their proper slopes to minimize ponding. The gabion wall shall be kept clear of excessive vegetation, sediment, and other obstructions to ensure the structure operates as designed. [N.J.A.C. 7:26- 2A.9(e)4vii]
- e. The structural integrity of the vents and piping of the gas venting system shall be maintained to ensure the free flow of gas and to prevent leaks. Vents and piping shall be maintained free of obstructions. [N.J.A.C. 7:26- 2A.9(e)4xii]
- f. Landscaping shall be maintained to conform with the approved closure design. [N.J.A.C. 7:26- 2A.9(e)4xviii]

WILDWOOD CITY SLF

132073 LCB110001 SW Landfill (Class B) Closure -Closure Plan Approval Requirements Report

- g. Inspections, Monitoring and Reporting [N.J.A.C. 7:26- 2A]
- i. Periodic inspections of the facility, as presented in the Closure and Post-Closure Plan Section 6.0 Post-Closure Monitoring Plan, and as needed to maintain the sanitary landfill in accordance with this Approval, shall be conducted. Inspections shall be conducted on a quarterly basis at a minimum. Quarterly reports of inspections shall be submitted to the Division of Solid and Hazardous Waste within 30 days of the end of each calendar quarter. The reports shall include, but not be limited to, the results of all inspections, recommendations for required maintenance, and a description of any maintenance performed. [N.J.A.C. 7:26- 2A.9(e)4]
 - ii. A methane gas survey shall be performed around the perimeter of the landfill buffer zone on a quarterly basis. Surveys shall be performed at times when barometric pressure is falling. The surveys shall be performed with a hand-held portable explosimeter or equivalent and the minimum sampling depth shall be three feet below the ground surface or above the water table, whichever is higher. The maximum interval between sampling points shall be 300 feet. Sampling shall be performed around the perimeter of all on-site structures. The maximum interval between sampling points for structures shall be 50 feet; however, there shall be at least one sampling point along each side of the structure. Where methane is detected, additional points surrounding the point of detection shall be surveyed to delineate the methane plume. Reports of survey results shall be submitted to the Division of Solid and Hazardous Waste within 30 days of completion of each survey. Reports shall include the location of each survey point and the associated measured methane concentrations. The report shall also include hourly barometric pressure readings for the day of the survey. Pressure data may be obtained from an on-site weather station or from a nearby weather station with publicly available data. [N.J.A.C. 7:26- 2A.8(h)9]
 - iii. During the post-closure care period, the owner or operator shall submit post-closure evaluation reports to the Division of Solid and Hazardous Waste as required by N.J.A.C. 7:26-2A.9(c)11. Submittal of a post-closure evaluation report is due every 10 years from the date of completion of closure of the sanitary landfill. A post-closure evaluation report is also due at least two, but not more than three, years prior to the scheduled end of the post-closure care period. If the owner or operator does not timely submit a complete post-closure evaluation report between two and three years prior to the scheduled end of the post-closure care period, the post-closure care period shall be extended until no less than two years from the Department's receipt of a complete report. [N.J.A.C. 7:26- 2A.9(c)11]
14. Closure and Post-Closure Plan Modifications [N.J.A.C. 7:26- 2A.9(d)]
- a. The owner or operator shall apply for and obtain Department approval to modify the Closure and Post-Closure Plan prior to undertaking any activity that is not included in the approved Closure and Post-Closure Plan, or changing any portion of the approved Closure and Post-Closure Plan. [N.J.A.C. 7:26- 2A.9(d)6]

WILDWOOD CITY SLF

**132073 LCB110001 SW Landfill (Class B) Closure -Closure Plan Approval
Requirements Report**

- b. The Department may require the modification of an engineering design and a Closure and Post-Closure Plan at any time it is deemed necessary during the sanitary landfill's operation, closure or post-closure care period. [N.J.A.C. 7:26- 2A.9(d)8]

15. Transfer of Ownership [N.J.A.C. 7:26- 2A]

- a. In accordance with N.J.A.C. 7:26-2A.9(d)6, changes in ownership or operational control are considered modifications to the Closure and Post-Closure Plan. Therefore, prior to transfer of ownership or operational control, the new party must submit and obtain Department approval of an application for modification of the Closure and Post-Closure Plan. [N.J.A.C. 7:26- 2A.9(d)6x]

16. Right to Inspect [N.J.A.C. 7:26- 2]

- a. Department inspectors shall have the right to enter and inspect the facility at any time. The right to inspect includes, but is not limited to: (a) sampling materials on site; (b) photographing any portion of the facility; (c) investigating an actual or suspected source of pollution of the environment; (d) ascertaining compliance or non-compliance with the statutes, rules or regulations of the Department, including conditions or any permit or approval issued by the Department; (e) reviewing and copying all applicable records, which shall be furnished upon request and made available at all reasonable times for inspection. [N.J.A.C. 7:26- 2.11(d)]

17. Other Permits/Approvals [N.J.A.C. 7:26- 2]

- a. The issuance of this Approval does not exempt the applicant from obtaining all other permits or approvals required by law or regulations. [N.J.A.C. 7:26- 2.8(h)]
- b. The following permits are required by the Division of Land Use Regulation for the landfill closure: a Coastal Area Facility Review Act permit; a Waterfront Development (in water) permit; a Freshwater Wetlands General Permit 5; a Coastal Wetlands permit; a Tidelands Conveyance permit; and a Coastal General Permit 11. Additional permits may be required by other programs within the Department.

The process of applying for and obtaining the required permits may necessitate revisions to the approved Closure and Post-Closure Plan that would require the submission of a formal application to the Division of Solid and Hazardous Waste for a modification to this Approval. [N.J.A.C. 7:26- 2A.9]

Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Monday, April 22, 2019 11:40 AM
To: Mary Bittner; Chris Fox
Subject: County/City Agreement
Attachments: Cape May County - Form of Redevelopment Collaboration Agreement(1).docx; Cape May County - Form of Redevelopment Collaboration Agreement - Cape May County - Form of Redevelopment Collaboration Agreement(1).pdf

- redacted / withheld

All, Proposed changes from all parties involved. Joe

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Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Saturday, April 27, 2019 1:45 PM
To: Chris Fox; Mary Bittner
Subject: CMC/ACIA/Wildwood
Attachments: 20190425114530655.pdf

FYI

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County of Atlantic, New Jersey



Resolution No.:

220

Approved as to Form and Legality

James F. Ferguson
James F. Ferguson, County Counsel

Submitted By:

Gerald DelRosso
Gerald DelRosso, County Administrator

RE: RESOLUTION AUTHORIZING THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY TO ENTER INTO A SHARED SERVICES/PROJECT MANAGEMENT AGREEMENT WITH CAPE MAY COUNTY AND THE CITY OF WILDWOOD.

WHEREAS, the Authority, is a political subdivision of the State of New Jersey and an instrumentality of Atlantic County, established pursuant to N.J.S.A. 40:37A-44, et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:37A-52 a purpose of the Authority is to plan, initiate and carry out redevelopment projects for the elimination, and for the prevention of the development or spread of blighted, deteriorated or deteriorating areas; and

WHEREAS, the City of Wildwood has designated the entire City as an "area in need of rehabilitation" and contemplates designating certain areas as being "in need of redevelopment"; and

WHEREAS, the County of Cape May is desirous of developing a project of partnering with municipalities, and in this instance the City of Wildwood as a pilot project, in order to implement a plan of redevelopment for certain portions of the City to include the construction of

I, Sonya G. Harris, Clerk of the Board of Chosen Freeholders of the County of Atlantic, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held

on the 9th day of April 2019

Signed

Sonya G. Harris
Clerk of the Board

RECORD OF VOTE															
FREEHOLDER	MOVED	SECOND	YES	NO	ABS	REC	AB	FREEHOLDER	MOVED	SECOND	YES	NO	ABS	REC	AB
BENNETT			✓					FORMICA			✓				
BERTINO	✓		✓					KERN		✓	✓				
COURSEY			✓					RISLEY			✓				
DASE			✓					GATTO, Chairwoman			✓				
FITZPATRICK			✓												
ABS - Abstain				REC - Recuse				AB - Absent							



residential and commercial buildings within the City ("Project") and has approached the Authority to potentially act as the redevelopment entity and Project Manager for the purposes of planning and constructing said Project as well as providing other assistance from the Authority that will include assistance with arranging financing (issuance of bonds) and property management, all of which will be at the expense of the County of Cape May; and

WHEREAS, as set forth within the County Improvement Authorities Law an Authority can provide services to a beneficiary county in which there is no existing county improvement authority and Cape May County does not currently have a county improvement authority; and

WHEREAS, the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1, et. seq. authorizes such legal entities to enter into a shared services agreement with each other to contract a service which the parties to an agreement are empowered to render within a certain jurisdiction; and

WHEREAS, the Cape May County Board of Chosen Freeholders has adopted a resolution authorizing a Shared Services Agreement with the Authority to perform services on a redevelopment project within the City of Wildwood; and

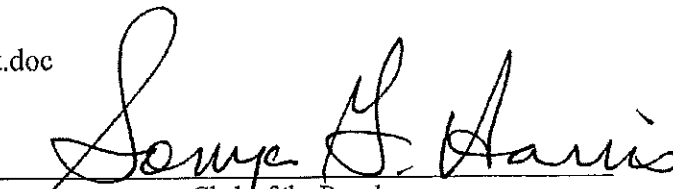
WHEREAS, the Atlantic County Improvement Authority Board of Trustees adopted resolution 8 on March 14, 2019 permitting the Authority's Executive Director to enter into a Shared Services Agreement with Cape May County and the City of Wildwood to perform services for the redevelopment project previously referenced; and

WHEREAS, the Authority seeks the approval of the Atlantic County Board of Chosen Freeholders to approve its participation in the Shared Services Agreement within the neighboring county of Cape May; and

WHEREAS, County Administration believes that such an agreement will be beneficial in furthering an already cooperative relationship between Atlantic County and Cape May County;

NOW, THEREFORE, BE IT RESOLVED that the Atlantic County Board of Chosen Freeholders does hereby give its approval for the Atlantic County Improvement Authority to enter into the Shared Services Agreement with both Cape May County and the City of Wildwood for purpose of being involved in the above listed redevelopment project.

m ACIA-Cape May Co-Wildwood-
shared services redevelopment project.doc


Clerk of the Board

Mary Bittner

From: Mary Bittner
Sent: Friday, May 24, 2019 2:27 PM
To: Joseph P. Baumann Jr.
Subject: FW: WILDWOOD Agenda special meeting
Attachments: 20190524140947992.pdf

FYI agenda for Wednesday May 29, 3:00.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Chris Wood
Sent: Friday, May 24, 2019 2:15 PM
To: Ernie Troiano Jr.; Tony Leonetti; Pete Byron; Sue Maxwell; Mary Bittner; Chris Fox; Karen Gallagher; Lisa Brown; Jeanette J. Powers; Susan Plaza; Laurie Schuyler; Hope Pinto; Rachel Fleck; Chief Daniel Speigel; Chief Robert Regalbuto; Kate Dunn; Lori Rosensteel; John Davis; Jason Hesley; Chris D'Amico; Steve Booy; Cyndi Garland; Rick Allen; Mike McIntyre
Subject: WILDWOOD Agenda special meeting

CITY OF WILDWOOD
4400 NEW JERSEY AVE.
WILDWOOD, NJ 08260

AGENDA

BOARD OF COMMISSIONERS REGULAR MEETING
LOCATION: COMMISSIONERS' MEETING ROOM, SECOND FLOOR
"SPECIAL MEETING"

DATE: Wednesday, May 29, 2019; 3 p.m.

- Meeting called to order by the Mayor
- City Clerk leads in the Pledge of Allegiance to the Flag
- Roll Call: _____ Commissioner Byron _____ Commissioner Leonetti _____ Mayor Troiano
- City Clerk reads Certification of Open Public Meetings Law

1. EXECUTIVE SESSION:

Negotiations - RFQP for the redevelopment of parking lots

2. PUBLIC COMMENT

Limited to the items on this agenda

FORMAL ACTION MAY BE TAKEN

Mary Bittner

From: Mary Bittner
Sent: Thursday, May 30, 2019 2:55 PM
To: Joseph P. Baumann Jr.
Subject: Resolution for June 12

Joe:

redacted

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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Mary Bittner

From: Mary Bittner
Sent: Tuesday, June 04, 2019 4:21 PM
To: Joseph P. Baumann Jr.
Subject: RE: Beach Parking Lots

Yes, will do.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Joseph P. Baumann Jr. [<mailto:JBaumann@MSBNJ.COM>]
Sent: Tuesday, June 04, 2019 4:19 PM
To: Mary Bittner
Subject: Beach Parking Lots

Mary, The Governor's office is setting up a meeting with NJSEA to discuss the fact that GWTIDA has issued RFP for a hotel. Let Mayor know he may need to attend a meeting with me. Joe

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Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Sunday, June 09, 2019 10:21 PM
To: Mary Bittner
Cc: Alaina K. Patzke
Subject: RE: Wildwood Convention Center Parking Lot Pump Station

redacted

From: Mary Bittner <mbittner@wildwoodnj.org>
Sent: Wednesday, June 5, 2019 4:14 PM
To: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Subject: Wildwood Convention Center Parking Lot Pump Station

redacted

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Monday, June 10, 2019 8:55 AM
To: Mary Bittner
Cc: Alaina K. Patzke
Subject: Re: Amended agreement for the proposed Leaming Ave Pump Station
Attachments: image001.png

redacted

> On Jun 10, 2019, at 8:49 AM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

redacted

> Mary D'Arcy Bittner, Esq.
> Solicitor, City of Wildwood
> 4400 New Jersey Ave.
> Wildwood, NJ 08260
> Direct Dial: (609) 846-2077
> Facsimile: (609) 522-8623

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> From: James Oris [<mailto:James.Oris@rve.com>]
> Sent: Tuesday, June 04, 2019 4:48 PM
> To: Mary Bittner; John Sciliano (jsiciliano@wildwoosnj.com)
> Cc: Chris D'Amico; Ernie Troiano Jr.; Sue Maxwell; Ryan McGowan
> Subject: Amended agreement for the proposed Leaming Ave Pump Station

> Mary
> I have spoken with Mr. John Siciliano and previously provided the map for the area wherein the project will require area to build and operate the Pump Station. Mr. Siciliano has spoken with GWTIDA board and they are willing to accommodate the city's request to occupy a portion of the current parking lot for the pumps station. I believe the next

steps are for the city to send a proposed amendment to the omnibus agreement with regard to the project. Please review with the Mayor and Chris D'Amico and proceed with the draft amendment. I have attached my correspondence from March 25 for your easy reference. If you require additional information please contact me immediately.

>

> Sincerely,

> James M. Oris, PE, PP, CME, CPWM

> Regional Manager

> Remington & Vernick Engineers, Inc.

> 4907 New Jersey Avenue

> Wildwood, New Jersey 08260

> (609) 522-5150 Ext. 2220

> (609) 522-5313 Fax

> (609) 306-6742 Mobile

> James.Oris@RVE.com<<mailto:James.Oris@RVE.com>>

>

> [RVE_OutlookSignatureLogo]

>

> Facebook<<https://www.facebook.com/RemingtonVernickEngineers/>> | Twitter<https://twitter.com/rv_engineers> | LinkedIn<<https://www.linkedin.com/company/remington-&-vernick-engineers>>

>

>

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> <image001.png>

> <John Sciliano GWTIDA request for parking amendment 3 25 19.pdf>

Mary Bittner

From: Sue Maxwell
Sent: Monday, June 10, 2019 9:26 AM
To: Alaina K. Patzke; Joseph P. Baumann Jr.; Mary Bittner
Subject: RE: Wildwood Parking Lot Proposals

This is perfect – thank you!

Sue Maxwell
Confidential Assistant to the
Board of Commissioners
City of Wildwood
4400 New Jersey Avenue
Wildwood, NJ 08260
smaxwell@wildwoodnj.org
(609) 846-2047 Ph
(609) 523-2444 Fx



From: Alaina K. Patzke <APatzke@MSBNJ.COM>
Sent: Monday, June 10, 2019 9:23 AM
To: Sue Maxwell <smaxwell@wildwoodnj.org>; Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>; Mary Bittner <mbittner@wildwoodnj.org>
Subject: RE: Wildwood Parking Lot Proposals

Sue,

The electronic versions are attached. Please let us know if you need anything else.

Best,
Alaina

From: Sue Maxwell <smaxwell@wildwoodnj.org>
Sent: Monday, June 10, 2019 9:10 AM
To: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>; Mary Bittner <mbittner@wildwoodnj.org>
Cc: Alaina K. Patzke <APatzke@MSBNJ.COM>
Subject: RE: Wildwood Parking Lot Proposals

Could you please send the electronic version? Thanks.

Sue Maxwell
Confidential Assistant to the

Board of Commissioners
City of Wildwood
4400 New Jersey Avenue
Wildwood, NJ 08260
smaxwell@wildwoodnj.org
(609) 846-2047 Ph
(609) 523-2444 Fx



From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Saturday, June 8, 2019 7:02 PM
To: Mary Bittner <mbittner@wildwoodnj.org>
Cc: Sue Maxwell <smaxwell@wildwoodnj.org>; Alaina K. Patzke <APatzke@MSBNJ.COM>
Subject: RE: Wildwood Parking Lot Proposals

We will check but I think we have electronic copy if you need it.

From: Mary Bittner <mbittner@wildwoodnj.org>
Sent: Friday, June 7, 2019 1:41 PM
To: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Cc: Sue Maxwell <smaxwell@wildwoodnj.org>
Subject: Wildwood Parking Lot Proposals

Joe:

I don't know how many copies of the parking lot proposals you received but if you have any extra copies please bring them Tuesday?

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Wednesday, June 12, 2019 4:17 PM
To: Mary Bittner
Cc: Sam Della Fera, Jr.; Alaina K. Patzke
Subject: Wildwood - Parking Lot Pump Station Easement.docx
Attachments: Wildwood - Parking Lot Pump Station Easement.docx; ATT00001.txt

retracted

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Mary Bittner

From: Alaina K. Patzke <APatzke@MSBNJ.COM>
Sent: Thursday, June 20, 2019 9:13 AM
To: Mary Bittner
Cc: Joseph P. Baumann Jr.; Ernie Troiano Jr.
Subject: RE: Resolution Authorizing Collaboration Agreement

Mary,

Thank you for the update. Please let us know if you need anything else from us.

Best,
Alaina

From: Mary Bittner <mbittner@wildwoodnj.org>
Sent: Thursday, June 20, 2019 8:49 AM
To: Alaina K. Patzke <APatzke@MSBNJ.COM>
Cc: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>; Ernie Troiano Jr. <mayor@wildwoodnj.org>
Subject: RE: Resolution Authorizing Collaboration Agreement

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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Mary Bittner

From: William W. Northgrave <WNorthgrave@MSBNJ.COM>
Sent: Thursday, June 27, 2019 1:03 PM
To: Mary Bittner; William P. Opel; Joseph P. Baumann Jr.
Cc: Vasquez Roche, Vanessa
Subject: RE: Dolphin Creek v. Board of Commissioners, et al.

redacted

From: Mary Bittner <mbittner@wildwoodnj.org>
Sent: Thursday, June 27, 2019 8:56 AM
To: William P. Opel <WOpel@MSBNJ.COM>; Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Cc: William W. Northgrave <WNorthgrave@MSBNJ.COM>
Subject: RE: Dolphin Creek v. Board of Commissioners, et al.

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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From: William P. Opel [<mailto:WOpel@MSBNJ.COM>]
Sent: Wednesday, June 26, 2019 10:39 PM
To: Joseph P. Baumann Jr.; Mary Bittner
Cc: William W. Northgrave
Subject: Dolphin Creek v. Board of Commissioners, et al.

Joe and Mary:

Judge Mendez has a scheduling conflict, so the case management order in this matter has been amended. Please see the attached; the final hearing/trial is now scheduled for September 10, 2019 at 1:30 in Cape May.

Please let us know of any questions or issues.

William P. Opel, Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, 2nd Floor
Roseland, New Jersey 07068
(973) 622-2766 – direct dial
(973) 712-1452 – fax

wopel@msbnj.com

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Mary Bittner

From: Mary Bittner
Sent: Friday, June 28, 2019 9:17 AM
To: Joseph P. Baumann Jr.
Subject: Wildwood

Joe:

I hope you made it back safely and had a wonderful trip.

FYI, the county collaboration agreement passed this week.

redacted

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Wednesday, September 19, 2018 1:24 PM
To: Mary Bittner; Chris Fox; Ernie Troiano Jr.
Subject: FW: Wildwood

FYI

From: Alaina K. Patzke
Sent: Wednesday, September 19, 2018 1:24 PM
To: Talvacchia Nicholas F.; Joseph P. Baumann Jr.
Subject: RE: Wildwood

Nick: In addition to sending the concept plan, etc., please provide a mailing address for your client to include in the agreement.

Thanks,
Alaina

Alaina K. Patzke, Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, Second Floor
Roseland, New Jersey 07068
Direct: (973) 681-7221

From: Talvacchia Nicholas F. [<mailto:NTALVACCHIA@cooperlevenson.com>]
Sent: Tuesday, September 18, 2018 7:33 AM
To: Joseph P. Baumann Jr.
Cc: Alaina K. Patzke
Subject: Re: Wildwood

Joe-will do.

Nicholas F. Talvacchia, Esq.
Cooper Levenson, P.A.
Attorneys at Law
1125 Atlantic Avenue<x-apple-data-detectors://1/0>
Atlantic City, NJ 08401<x-apple-data-detectors://1/0>
Direct Dial: (609) 572-7544<tel:(609)%20572-7544>
Direct Fax: (609) 572-7545<tel:(609)%20572-7545>
E-Mail: ntalvacchia@cooperlevenson.com<<mailto:ntalvacchia@cooperlevenson.com>>
URL: <http://www.cooperlevenson.com><<http://www.cooperlevenson.com>>
Cooper Levenson, P.A.
Atlantic City / Cherry Hill / Bear, DE / Las Vegas, NV

ATTENTION: This E-mail contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the Individual(s) named above. If you are not the intended recipient of this E-mail, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any

dissemination or copying of this E-mail is strictly prohibited. If you have received this E-mail in error, please immediately notify us by telephone at (609)344-3161 <tel:(609)344-3161> or notify us by E-mail at administrator@cooperlevenson.com <mailto:administrator@cooperlevenson.com>. Although Cooper Levenson Law Firm attempts to sweep e-mail and attachments for viruses, it does not guarantee that either are virus-free and accepts no liability for any damage sustained as a result of viruses.

Sent from my iPhone

On Sep 17, 2018, at 11:28 AM, Joseph P. Baumann Jr.
<JBaumann@MSBNJ.COM<mailto:JBaumann@MSBNJ.COM>> wrote:

Send me electronic versions of your concept plan etc. Thanks, Joe

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message . If you have received the message in error, please advise the sender by reply e-mail or contact the sender at McManimon, Scotland & Baumann, LLC by phone at (973) 622-1800 and delete the message. Thank you very much.

Mary Bittner

From: Mary Bittner
Sent: Friday, September 21, 2018 3:49 PM
To: 'Joseph P. Baumann Jr.'; Dina M. Statuto
Subject: RE: Wildwood

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Joseph P. Baumann Jr. [<mailto:JBaumann@MSBNJ.COM>]
Sent: Friday, September 21, 2018 3:32 PM
To: Mary Bittner; Dina M. Statuto
Subject: Fwd: Wildwood

Bayside is high because we spent fair amount of time understanding the landfill closure info etc.

Begin forwarded message:

From: Donna Young <DYoung@MSBNJ.COM>
Date: September 21, 2018 at 3:21:25 PM EDT
To: "Joseph P. Baumann Jr." <JBaumann@MSBNJ.COM>, "Dina M. Statuto" <DStatuto@MSBNJ.COM>
Subject: Wildwood

Bayside Area

August time (invoice dated September) \$9,545.39
Unbilled time/costs = \$166.07

Ocean Side Parking Lot Project

Unbilled time = \$2,365.00

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Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Tuesday, October 02, 2018 10:31 PM
To: Mary Bittner; Chris Fox
Cc: Dina M. Statuto
Subject: RE: Wildwood

I will call tomorrow before I call Nick. Joe

From: Mary Bittner [<mailto:mbittner@wildwoodnj.org>]
Sent: Tuesday, October 02, 2018 9:31 AM
To: Joseph P. Baumann Jr.; Chris Fox
Subject: RE: Wildwood

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Joseph P. Baumann Jr. [<mailto:JBaumann@MSBNJ.COM>]
Sent: Friday, September 28, 2018 9:47 PM
To: Mary Bittner; Chris Fox
Subject: Wildwood

Our quick search.

From: Alaina K. Patzke
Sent: Thursday, September 27, 2018 4:07 PM
To: Joseph P. Baumann Jr.
Subject: RE: Wildwood - Reso hiring Beacon

redacted

redacted

Mary Bittner

From: Joseph P. Baumann Jr. <JBaumann@MSBNJ.COM>
Sent: Wednesday, October 03, 2018 3:31 PM
To: Mary Bittner; Chris Fox
Subject: RE: Wildwood

redacted

From: Mary Bittner [<mailto:mbittner@wildwoodnj.org>]
Sent: Tuesday, October 02, 2018 9:31 AM
To: Joseph P. Baumann Jr.; Chris Fox
Subject: RE: Wildwood

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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Sent: Friday, September 28, 2018 9:47 PM
To: Mary Bittner; Chris Fox
Subject: Wildwood

Our quick search.

From: Alaina K. Patzke
Sent: Thursday, September 27, 2018 4:07 PM
To: Joseph P. Baumann Jr.
Subject: RE: Wildwood - Reso hiring Beacon

redacted

redacted

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Mary Bittner

From: Mary Bittner
Sent: Friday, June 28, 2019 10:25 AM
To: Joseph P. Baumann Jr.
Subject: RE: Nevin v Asbury Park City Council (Westlaw).doc

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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-----Original Message-----

From: Joseph P. Baumann Jr. [<mailto:JBaumann@MSBNJ.COM>]
Sent: Friday, June 28, 2019 10:16 AM
To: Mary Bittner
Subject: Nevin v Asbury Park City Council (Westlaw).doc

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Mary Bittner

From: Alaina K. Patzke <APatzke@MSBNJ.COM>
Sent: Tuesday, July 02, 2019 12:15 PM
To: Mary Bittner; Ernie Troiano Jr.; Chris Wood
Cc: Joseph P. Baumann Jr.
Subject: Redevelopment Collaboration Agreement - For Execution
Attachments: Cape May County - Redevelopment Collaboration Agreement.docx; Cape May County & Wildwood - Redevelopment Collaboration Agreement - Signature Page.pdf; Redline.pdf

Good afternoon,

Joe asked me to step in and coordinate execution of the Redevelopment Collaboration Agreement between the City of Wildwood and Cape May County.

Please find attached the execution copy of the agreement. The effective date of the agreement will be the date of last execution by the parties.

Also attached for your convenience is an extracted signature page. Please obtain four (4) original copies of the signature pages and mail them to my attention. Once all signature pages are collected, I will assemble original fully executed copies and email/mail them to you for your records.

Please let me know if you have any questions.

Thank you,
Alaina

Alaina K. Patzke, Associate
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue | Suite 201 | Roseland, NJ 07068
Direct Dial: 973-681-7221
Email: apatzke@msbnj.com
Connect with MS&B on [LinkedIn](#) | [Twitter](#) | [Instagram](#) | [Website](#)

EXECUTION COPY

REDEVELOPMENT COLLABORATION AGREEMENT

Between

CITY OF WILDWOOD

And

COUNTY OF CAPE MAY

THIS REDEVELOPMENT COLLABORATION AGREEMENT (this “**Agreement**”), dated as of the last date of execution hereof, as set forth on the signature page of this Agreement, is entered by and between the City of Wildwood, a public body corporate and politic of the State of New Jersey (the “**City**” or “**Wildwood**”) having its office at 4400 New Jersey Avenue, Wildwood, New Jersey 08260, and the County of Cape May, a public body corporate and politic of the State of New Jersey (the “**County**”) (collectively the “**Parties**”; each, a “**Party**”), having its office at 4 Moore Road, Cape May Court House, New Jersey 08210.

WITNESSETH:

WHEREAS, formerly troubled New Jersey shore communities such as Asbury Park and Atlantic City have experienced, or are experiencing, an economic resurgence through the development and implementation of redevelopment plans; and

WHEREAS, the County has determined it in the best interests of the citizens of Cape May County to establish a Municipal Redevelopment Program for the purpose of assisting with the redevelopment of blighted, abandoned or disadvantaged communities within the County; and

WHEREAS, the New Jersey Department of Community Affairs’ “Municipal Revitalization Index (MRI)” serves as the State’s official measure and ranking of municipal distress, incorporating eight separate indicators that measure diverse aspects of social, economic, physical, and fiscal conditions in each locality; and

WHEREAS, the State utilizes the MRI as a factor in distributing certain “need based” funds, and the County has determined that the use of the MRI would be applicable in the development and implementation of this new Municipal Redevelopment Program; and

WHEREAS, the most recent MRI was published in 2017, and this evaluation ranks the City of Wildwood as the fifth most distressed City in the State behind Camden, Salem City, Atlantic City, and Bridgeton; and

WHEREAS, the entire City of Wildwood was designated an “area in need of rehabilitation” by Resolution 377-11-13 dated November 13, 2013; and

WHEREAS, the private sector, acting on its own, has not been able to ignite an economic resurgence of the Pacific Avenue corridor within Wildwood’s Business Improvement District; and

WHEREAS, the County has decided to utilize Wildwood as the pilot community to assess the efficacy of this program, and finds the redevelopment of Pacific Avenue within Wildwood’s Business Improvement District to be an essential component of the County’s revitalization efforts to attract revenues, residents, businesses and employment opportunities to the County; and

WHEREAS, Wildwood is prepared to consider and employ all redevelopment and related powers afforded to it under New Jersey law, including, but not limited to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**LRHL**”), the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “**LTTE**”) and the Redevelopment Area Bond Law, *N.J.S.A.*

40A:12A-1 *et seq.* (the “**RAB Law**”), but lacks the expertise and capital necessary to accomplish such a significant endeavor; and

WHEREAS, the County has access to capital, certain in-house planning and engineering expertise and enjoys certain powers under the LRHL to assist with the redevelopment of Wildwood; and

WHEREAS, the Parties intend to also utilize the expertise of the Atlantic County Improvement Authority (“**ACIA**”) in this redevelopment initiative and to designate it as the “redevelopment entity” in accordance with the LRHL; and

WHEREAS, Wildwood, the County and ACIA will formalize this relationship by entering into a Shared Services Agreement pursuant to the Uniform Shared Services and Consolidation Act of the State of New Jersey, N.J.S.A. 40A:65-1 *et. seq.*; and

WHEREAS, the Parties desire to enter into this Agreement to outline their respective responsibilities and commitment to the redevelopment of Pacific Avenue within Wildwood’s Business Improvement District;

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the Parties hereto do hereby covenant and agree, each with the other, as follows:

1. **Recitals Incorporated.** The above recitals are hereby incorporated by reference into this Agreement, as if set forth in full.

2. **Mission.** The mission of the Parties shall be to develop and implement short-term and long-term plan(s) for the redevelopment of the Pacific Avenue corridor of Wildwood’s Business Improvement District.

3. **The Establishment of a Redevelopment Advisory Committee.** In order to promote an open and transparent process that is aided by, and benefits from, the input of the various stakeholders in Wildwood and the County, a Redevelopment Advisory Committee (the “**Committee**”) shall be established by the Parties. The Committee shall consist of 7 members and shall include the following: (i) the Chairperson of the Greater Wildwood Tourism Improvement and Development Authority; (ii) the Chairperson of the Greater Wildwood Chamber of Commerce; (iii) the Chairperson of the Wildwood Planning Board; (iv) the Chairperson of the Wildwood Business Improvement District; (v) the County Planning Director, (vi) a representative of County Administration, Finance & Purchasing, or Engineering, and (vii & viii) two “Members at Large” to be selected and approved by mutual agreement by the Mayor of Wildwood and the Board of Chosen Freeholders. The Committee shall adopt by-laws for the purpose of conducting its business, which is to provide input concerning the short-term and long-term redevelopment plan(s) for the Wildwood Business District, including the designation of redevelopment areas, the preparation of redevelopment plans, and the implementation of redevelopment projects.

4. **City of Wildwood.** The City shall designate the ACIA as the “redevelopment entity,” in accordance with the LRHL, to lead redevelopment efforts, which shall include securing

the service of other third-party professionals (hereinafter referred to as “**Consultants**”), when needed. The cost of the ACIA and Consultant services shall be shared by Wildwood and the County pursuant to the terms and conditions set forth in Section 5 below. The City will consider, in good faith, and act to implement the recommendations of the Committee and the ACIA with respect to the designation of redevelopment areas, approval of redevelopment plans and implementation of redevelopment projects. It will further consider, in good faith, the utilization of all the powers afforded to it under the law (including the LRHL, LTTE and RAB Law), and as recommended to it by the ACIA, to implement redevelopment projects.

5. Development, Implementation and Administration of the Redevelopment Plan.

The Parties shall review a proposal prepared by the ACIA for the scope of work and fees associated with the formation of a Redevelopment Plan. Upon approval by the Parties, ACIA shall prepare the Redevelopment Plan consistent with the approved terms. Thereafter, ACIA shall perform all work necessary to implement and administer the Redevelopment Plan, including the retention of Consultants as needed. The City and County shall share in the cost for the development, implementation and administration of the Redevelopment Plan, with the County contributing 80% and the City contributing 20%, in a combined amount not to exceed \$300,000.00 (County contribution not to exceed \$240,000.00 and City contribution not to exceed \$60,000.00).

6. Acquisition and Assemblage of Land. In furtherance of the implementation of the Redevelopment Plan, the Parties anticipate that it is very likely that it will acquire and assemble property. The Committee shall assist the ACIA in identifying and recommending such property for consideration by the Parties. The County and the City shall consider the properties recommended by the ACIA for purchase and subsequent resale to developers, and shall give written consent to the terms of agreements, including any incentives to be provided by the City under Section 4, in advance of each acquisition. Costs for the acquisition, demolition and remediation of properties shall be borne entirely by the County, except for those professional and consultant fees associated therewith which shall be cost-shared between the County and City as noted in Section 5 above. The Parties hereby agree that the net proceeds (after reimbursement to the County of all acquisition, demolition and remediation fees, costs and expenses) of any resale will be reinvested into this redevelopment initiative for future administration fees and costs, which shall include fees and costs of the ACIA, Consultants and other professionals necessary to advance future opportunities.

7. County of Cape May. In furtherance of the redevelopment efforts, the County shall finance the Redevelopment Plan in accordance with Sections 5 and 6 above. The County may consider issuing debt and/or guarantying debt as applicable. In any phase of the project, the Parties may request the assistance of County professionals as needed in furtherance of the redevelopment project.

8. Term of Agreement. The term of this pilot program shall be for a period of two (2) years from the date of execution. However, either party may terminate the agreement at any time by providing thirty (30) days’ advance written notice, provided that any amounts due hereunder have been paid in full. This agreement may be extended for two (2) consecutive one-year terms upon mutual written agreement by the Parties.

9. **Notices.** All notices required under the terms of this Agreement shall be in writing either personally delivered or by certified or registered mail, return receipt requested to the following addresses, or to such other address as may be designated in writing, which notice of change of address is given in the same manner.

If to County:

Cape May County
4 Moore Road, DN 107
Cape May Court House, New Jersey 08210
Attn: Administrator/Clerk of the Board

With copy to:

County Counsel
4 Moore Road, DN 104
Cape May Court House, New Jersey 08210

If to Wildwood:

4400 New Jersey Avenue
Wildwood, New Jersey 08260
Attn: City Clerk

With copy to:

Solicitor
440 New Jersey Avenue
Wildwood, New Jersey 08260

10. **Governing Law; Severability.** The laws of the State of New Jersey shall govern the validity, performance and enforcement of this Agreement. Any legal action for enforcement or any other issue relating to this Agreement shall be instituted in the Superior Court of New Jersey located in Cape May County. The invalidity or unenforceability of any provision hereof shall not affect or impair any other provision.

11. **Counterparts.** This Agreement may be executed in counterparts. All such counterparts shall be deemed to be originals and together shall constitute but one and the same instrument.

12. **Binding.** The provisions of this Agreement shall be binding on and inure to the benefit of the Parties hereto, their legal representatives, successors and permitted assigns.

[signatures appear on the following page]

IN WITNESS WHEREOF, the Parties hereto have set their hand and seals, or caused this Agreement to be signed as of the day and the year first above written.

Attested:

CITY OF WILDWOOD

Christopher H. Wood, City Clerk

By _____
Ernest Troiano, Jr., Mayor

Date: _____

Attested:

COUNTY OF CAPE MAY

Elizabeth Bozzelli
Administrator/Clerk of the Board

By _____
Gerald M. Thornton, Freeholder Director

Date: _____

APPROVED AS TO FORM:

Jeffrey R. Lindsay, Esquire
County Counsel

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Attested:

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Date: _____

Attested:

COUNTY OF CAPE MAY

Elizabeth Bozzelli
Administrator/Clerk of the Board

By _____
Gerald M. Thornton, Freeholder Director

Date: _____

APPROVED AS TO FORM:

Jeffrey R. Lindsay, Esquire
County Counsel

EXECUTION COPY

REDEVELOPMENT COLLABORATION AGREEMENT

Between

CITY OF WILDWOOD

And

COUNTY OF CAPE MAY

THIS REDEVELOPMENT COLLABORATION AGREEMENT (this "Agreement"), dated as of the [] day last date of [], 2019 (the "Effective Date") execution hereof, as set forth on the signature page of this Agreement. is entered by and between the City of Wildwood, a public body corporate and politic of the State of New Jersey (the "City" or "Wildwood") having its office at 4400 New Jersey Avenue, Wildwood, New Jersey 08260, and the County of Cape May, a public body corporate and politic of the State of New Jersey (the "County") (collectively the "Parties"; each, a "Party"), having its office at 4 Moore Road, Cape May Court House, New Jersey 08210.

WITNESSETH:

WHEREAS, formerly troubled New Jersey shore communities such as Asbury Park and Atlantic City have experienced, or are experiencing, an economic resurgence through the development and implementation of redevelopment plans; and

WHEREAS, the County has determined it in the best interests of the citizens of Cape May County to establish a Municipal Redevelopment Program for the purpose of assisting with the redevelopment of blighted, abandoned or disadvantaged communities within the County; and

WHEREAS, the New Jersey Department of Community Affairs' "Municipal Revitalization Index (MRI)" serves as the State's official measure and ranking of municipal distress, incorporating eight separate indicators that measure diverse aspects of social, economic, physical, and fiscal conditions in each locality; and

WHEREAS, the State utilizes the MRI as a factor in distributing certain "need based" funds, and the County has determined that the use of the MRI would be applicable in the development and implementation of this new Municipal Redevelopment Program; and

WHEREAS, the most recent MRI was published in 2017, and this evaluation ranks the City of Wildwood as the fifth most distressed City in the State behind Camden, Salem City, Atlantic City, and Bridgeton; and

WHEREAS, the entire City of Wildwood was designated an "area in need of rehabilitation" by Resolution 377-11-13 dated November 13, 2013; and

WHEREAS, the private sector, acting on its own, has not been able to ignite an economic resurgence of the Pacific Avenue corridor within Wildwood's Business Improvement District; and

WHEREAS, the County has decided to utilize Wildwood as the pilot community to assess the efficacy of this program, and finds the redevelopment of Pacific Avenue within Wildwood's Business Improvement District to be an essential component of the County's revitalization efforts to attract revenues, residents, businesses and employment opportunities to the County; and

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40A:12A-1 *et seq.* (the “**RAB Law**”), but lacks the expertise and capital necessary to accomplish such a significant endeavor; and

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5. Development, Implementation and Administration of the Redevelopment Plan.

The Parties shall review a proposal prepared by the ACIA for the scope of work and fees associated with the formation of a Redevelopment Plan. Upon approval by the Parties, ACIA shall prepare the Redevelopment Plan consistent with the approved terms. Thereafter, ACIA shall perform all work necessary to implement and administer the Redevelopment Plan, including the retention of Consultants as needed. The City and County shall share in the cost for the development, implementation and administration of the Redevelopment Plan, with the County contributing 80% and the City contributing 20%, in a combined amount not to exceed \$300,000.00 (County contribution not to exceed \$240,000.00 and City contribution not to exceed \$60,000.00).

6. Acquisition and Assemblage of Land. In furtherance of the implementation of the Redevelopment Plan, the Parties anticipate that it is very likely that it will acquire and assemble property. The Committee shall assist the ACIA in identifying and recommending such property for consideration by the Parties. The County and the City shall consider the properties recommended by the ACIA for purchase and subsequent resale to developers, and shall give written consent to the terms of agreements, including any incentives to be provided by the City under Section 4, in advance of each acquisition. Costs for the acquisition, demolition and remediation of properties shall be borne entirely by the County, except for those professional and consultant fees associated therewith which shall be cost-shared between the County and City as noted in Section 5 above. The Parties hereby agree that the net proceeds (after reimbursement to the County of all acquisition, demolition and remediation fees, costs and expenses) of any resale will be reinvested into this redevelopment initiative for future administration fees and costs, which shall include fees and costs of the ACIA, Consultants and other professionals necessary to advance future opportunities.

7. County of Cape May. In furtherance of the redevelopment efforts, the County shall finance the Redevelopment Plan in accordance with Sections 5 and 6 above. The County may consider issuing debt and/or guarantying debt as applicable. In any phase of the project, the Parties may request the assistance of County professionals as needed in furtherance of the redevelopment project.

8. Term of Agreement. The term of this pilot program shall be for a period of two (2) years from the date of execution. However, either party may terminate the agreement at any time by providing thirty (30) days’ advance written notice, provided that any amounts due hereunder have been paid in full. This agreement may be extended for two (2) consecutive one-year terms upon mutual written agreement by the Parties.

9. **Notices.** All notices required under the terms of this Agreement shall be in writing either personally delivered or by certified or registered mail, return receipt requested to the following addresses, or to such other address as may be designated in writing, which notice of change of address is given in the same manner.

If to County:

Cape May County
4 Moore Road, DN 107
Cape May Court House, New Jersey 08210
Attn: Administrator/Clerk of the Board

With copy to:

County Counsel
4 Moore Road, DN 104
Cape May Court House, New Jersey 08210

If to Wildwood:

4400 New Jersey Avenue
Wildwood, New Jersey 08260
Attn: City Clerk

With copy to:

Solicitor
440 New Jersey Avenue
Wildwood, New Jersey 08260

10. **Governing Law; Severability.** The laws of the State of New Jersey shall govern the validity, performance and enforcement of this Agreement. Any legal action for enforcement or any other issue relating to this Agreement shall be instituted in the Superior Court of New Jersey located in Cape May County. The invalidity or unenforceability of any provision hereof shall not affect or impair any other provision.

11. **Counterparts.** This Agreement may be executed in counterparts. All such counterparts shall be deemed to be originals and together shall constitute but one and the same instrument.

12. **Binding.** The provisions of this Agreement shall be binding on and inure to the benefit of the Parties hereto, their legal representatives, successors and permitted assigns.

[signatures appear on the following page]

IN WITNESS WHEREOF, the Parties hereto have set their hand and seals, or caused this Agreement to be signed as of the day and the year first above written.

Attested:

CITY OF WILDWOOD

Christopher H. Wood, City Clerk

By _____
Ernest Troiano, Jr., Mayor

Date: _____

Attested:

COUNTY OF CAPE MAY

Elizabeth Bozzelli
Administrator/Clerk of the Board

By _____
Gerald M. Thornton, Freeholder Director

Date: _____

APPROVED AS TO FORM:

Jeffrey R. Lindsay, Esquire
County Counsel

Document comparison by Workshare 10.0 on Tuesday, July 2, 2019 12:12:21 PM

Input:	
Document 1 ID	netdocuments://4828-8989-6842/4
Description	Cape May County - Form of Redevelopment Collaboration Agreement
Document 2 ID	netdocuments://4828-8989-6842/5
Description	Cape May County - Form of Redevelopment Collaboration Agreement
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	13
Deletions	5
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	18

Mary Bittner

Subject: FW: City of Wildwood/NJSEA/Gov Office - Redevelopment Project
Location: 225 West State Street, Trenton, NJ - CCR2

Start: Tue 7/16/2019 11:30 AM
End: Tue 7/16/2019 12:30 PM
Show Time As: Tentative

Recurrence: (none)

Organizer: Heffelfinger, Samantha

Please confirm this is on Mayor's schedule.

-----Original Appointment-----

From: Heffelfinger, Samantha <Samantha.Heffelfinger@nj.gov>

Sent: Tuesday, July 2, 2019 2:30 PM

To: Heffelfinger, Samantha; LaRusso, Lauren; Leaver, Tina; Snedeker, Courtney; mvignola@njsea.com; 'smaxwell@wildwoodnj.org'; Dina M. Statuto

Cc: Joseph P. Baumann Jr.; Delamater, Mike; Petzold, Greg

Subject: City of Wildwood/NJSEA/Gov Office - Redevelopment Project

When: Tuesday, July 16, 2019 11:30 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: 225 West State Street, Trenton, NJ - CCR2

Brian Wilton
Lauren LaRusso
Greg Petzold
Mike DeLamater
Vinnny Prieto
Frank Leanza
Mayor of Wildwood, Ernie Troiano
Joe Baumann

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Mary Bittner

Subject: FW: ET & MB - City of Wildwood/NJSEA/Gov Office - Redevelopment Project
Location: 225 West State Street, Trenton, NJ - CCR2

Start: Tue 7/16/2019 11:30 AM
End: Tue 7/16/2019 12:30 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Heffelfinger, Samantha

-----Original Appointment-----

From: Heffelfinger, Samantha <Samantha.Heffelfinger@nj.gov>

Sent: Thursday, June 6, 2019 9:46 AM

To: Heffelfinger, Samantha; LaRusso, Lauren; Leaver, Tina; Snedeker, Courtney; mvignola@njsea.com; Sue Maxwell; 'Dina M. Statuto'

Cc: Joseph P. Baumann Jr.; Delamater, Mike; Petzold, Greg

Subject: ET & MB - City of Wildwood/NJSEA/Gov Office - Redevelopment Project

When: Tuesday, July 16, 2019 11:30 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: 225 West State Street, Trenton, NJ - CCR2

Brian Wilton

Lauren LaRusso

Greg Petzold

Mike DeLamater

Vinny Prieto

Frank Leanza

Mayor of Wildwood, Ernie Troiano

Joe Baumann

Mary Bittner

From: Dina M. Statuto <DStatuto@MSBNJ.COM>
Sent: Thursday, July 18, 2019 4:00 PM
To: Talvacchia Nicholas F.
Cc: Mary Bittner; Joseph P. Baumann Jr.; Alaina K. Patzke
Subject: Wildwood RFQ Issued By GWTIDA
Attachments: 7-18-19 Letter to Cooper Levenson re RFQ - GWTIDA.pdf

Good afternoon Mr. Talvacchia,
Please see attached correspondence relating to the above matter.
Regards,
Dina

Dina M. Statuto, Legal Assistant to:
Joseph P. Baumann Jr. | Matthew D. Jessup | Alaina K. Patzke
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue | Suite 201 | Roseland, NJ 07068
Direct Dial: (973) 622-5264
Email: DStatuto@MSBNJ.COM
[Website](#)



Connect with MS&B on [LinkedIn](#) | [Twitter](#) | [Instagram](#)

Writer's Direct Dial: (973) 622-5259
jbaumann@msbnj.com

July 18, 2019

VIA FEDERAL EXPRESS AND EMAIL

Cooper Levenson, Attorneys at Law
Attn: Nicholas Talvacchia, Esq.
1125 Atlantic Avenue
Atlantic City, New Jersey 08401
ntalvacchia@cooperlevenson.com

**RE: REQUEST FOR QUALIFICATIONS ISSUED BY THE GREATER
WILDWOODS TOURISM IMPROVEMENT & DEVELOPMENT AUTHORITY**

Dear Mr. Talvacchia:

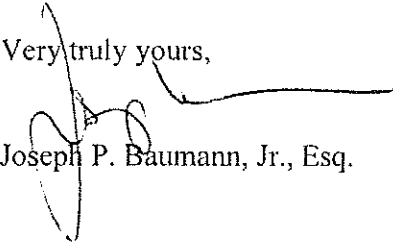
This firm serves as redevelopment counsel to the City of Wildwood (the "City"). You are receiving this letter because your client, Paramount Hotel Group, LLC, submitted a response to the Request for Qualifications and Proposals for Beachfront Redevelopment issued by the City in January 2019 (the "City RFQ").

As you may be aware, after issuance of the City RFQ, the Greater Wildwoods Tourism Improvement & Development Authority ("GWTIDA") issued its own Request for Qualifications for the Development of a Convention Hotel adjacent to the Wildwoods Convention Center (the "GWTIDA RFQ"). All responses to the GWTIDA RFQ are due by July 26, 2019.

The City RFQ and the GWTIDA RFQ are similar in scope and proximity. While the City is still evaluating responses to the City RFQ, please be reminded that the City reserves the right to take no further action with respect to same. Due to the potential overlap between the City RFQ and the GWTIDA RFQ, your client is strongly encouraged to submit a response to the GWTIDA RFQ in order to remain in consideration for a beachfront redevelopment project in the City.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,


Joseph P. Baumann, Jr., Esq.

cc: Mary Bittner, Esq.

Mary Bittner

From: Dina M. Statuto <DStatuto@MSBNJ.COM>
Sent: Thursday, July 18, 2019 4:02 PM
To: emita@icona.com
Cc: Mary Bittner; Joseph P. Baumann Jr.; Alaina K. Patzke
Subject: Wildwood RFQ Issued By GWTIDA
Attachments: 7-18-19 Letter to Icona re RFQ - GWTIDA.pdf

Good afternoon Mr. Mita,
Please see attached correspondence relating to the above matter.
Regards,
Dina

Dina M. Statuto, Legal Assistant to:
Joseph P. Baumann Jr. | Matthew D. Jessup | Alaina K. Patzke
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue | Suite 201 | Roseland, NJ 07068
Direct Dial: (973) 622-5264
Email: DStatuto@MSBNJ.COM
[Website](#)

MS&B

Connect with MS&B on [LinkedIn](#) | [Twitter](#) | [Instagram](#)

OPRA330

Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Monday, January 22, 2018 5:05 PM
To: Mary Bittner
Subject: redacted
Attachments: redacted | withheld

PLEASE NOTE OUR NEW FIRM NAME

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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Begin forwarded message:

From: "William G. Blaney" <bill@blaneykaravan.com>
Subject: redacted
Date: December 12, 2017 at 1:30:39 PM EST
To: Chief Robert Regalbuto <regalbuto@wildwoodpd.com>

Please review and let me know if this is okay.

Mary Bittner

From: Mary Bittner <mbittner@wildwoodnj.org>
Sent: Tuesday, January 23, 2018 8:36 AM
To: 'William G. Blaney'
Cc: 'cfox@wildwoodnj.org'; 'tleonetti@wildwoodnj.org'
Subject: *redacted*
Attachments: *redacted / withheld*

Bill

redacted

Mary

From: William G. Blaney [mailto:bill@blaneykaravan.com]
Sent: Monday, January 22, 2018 5:08 PM
To: Mary Bittner
Subject: *redacted*

redacted

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2123 Dune Drive - Suite 11
Avalon, NJ 08202
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Begin forwarded message:

From: "Kyle D. Weinberg" <kyle@blaneykaravan.com>
Subject: *redacted*
Date: January 3, 2018 at 4:56:38 PM EST
To: "William G. Blaney" <bill@blaneykaravan.com>

Final version, forward if appropriate.

Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Tuesday, January 23, 2018 11:59 AM
To: Tom Cushane
Subject:
Attachments: *redacted / withheld*

.htm

redacted

PLEASE NOTE OUR NEW FIRM NAME

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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Begin forwarded message:

From: "Mary Bittner" <mbittner@wildwoodnj.org>
Subject: *redacted*
Date: January 23, 2018 at 8:35:40 AM EST
To: "William G. Blaney" <bill@blaneykaravan.com>
Cc: <cfox@wildwoodnj.org>, <tleonetti@wildwoodnj.org>

Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Tuesday, March 06, 2018 4:53 PM
To: Robert Regalbuto
Cc: Chris Fox; Mary Bittner; Hope Pinto
Subject: *redacted*

Let me know if this is ok with you. It is ok with me.

PLEASE NOTE OUR NEW FIRM NAME

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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Begin forwarded message:

From: Tom Cushane <t.cushane@cushanelawfirm.com>
Subject: *redacted*
Date: March 6, 2018 at 1:23:31 PM EST
To: "Blaney William Esq." <bill@blaneykaravan.com>
Cc: "Athey Jennifer L." <assistant@cushanelawfirm.com>

redacted

Thomas A. Cushane, Esquire
The Cushane Law Firm, LLC
1028 East Landis Avenue
Vineland, New Jersey 08360
Tel: 856.794.2050
Fax: 856.794.2080
t.cushane@cushanelawfirm.com

Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Monday, May 07, 2018 11:56 AM
To: Mary Bittner; Chris Fox; Hope Pinto; Jeanette J. Powers
Subject: Chapter 78
Attachments: PERC 2017 22.pdf

redacted

PLEASE NOTE OUR NEW FIRM NAME

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Monday, May 07, 2018 5:22 PM
To: Chris Fox; Mary Bittner
Subject: Retiree Letters
Attachments: *reduced firmhead*

See attached.

PLEASE NOTE OUR NEW FIRM NAME

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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Begin forwarded message:

From: bill@blaneykaravan.com
Date: May 7, 2018 at 3:44:53 PM EDT
To: "William Blaney" <bill@blaneydonohue.com>

Mary Bittner

From: Wanda Soto-Frankenfield
Sent: Tuesday, May 08, 2018 2:17 PM
To: bill@blaneykaravan.com
Cc: Hope Pinto; Susan Plaza; Jeanette J. Powers; Mary Bittner; Chris Fox
Subject:
Attachments:

redacted / withheld

redacted

***Wanda Soto-Frankenfield
Principal Clerk Typist-Bilingual/Benefits Coordinator
City Of Wildwood
Department Of Human Resources
4400 New Jersey Ave
Wildwood NJ 08260
609-846-2014 Fax 609-522-9239***

wsoto@wildwoodnj.org



Mary Bittner

From: Mary Bittner
Sent: Thursday, May 10, 2018 11:46 AM
To: 'William Blaney (bill@BLANEYDONOHUE.COM)'
Subject: RE: Retiree Health Benefits
Attachments: FOP Contract 1-1-05 to 12-31-08.pdf

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Mary Bittner
Sent: Thursday, May 10, 2018 9:49 AM
To: 'William Blaney (bill@BLANEYDONOHUE.COM)'
Subject: Retiree Health Benefits

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Friday, June 15, 2018 10:02 AM
To: Hope Pinto
Cc: Tony Leonetti; Chris Fox; Mary Bittner
Subject: *re ducted*

re ducted

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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On Jun 15, 2018, at 9:42 AM, Hope Pinto <hpinto@wildwoodnj.org> wrote:

re ducted

Thank you in advance for your assistance with this matter.

Hope

<Mail Attachment.eml>

Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Wednesday, August 08, 2018 12:37 PM
To: Ryan Troiano
Cc: Hope Pinto; Mary Bittner; Ernie Troiano III; Tony Leonetti; Pete Byron
Subject: Complaint

I am writing as a follow up to our discussion after the last Commission Meeting and your emailed complaint to Hope Pinto dated July 9, 2018. As you are aware, I have been assigned to investigate the allegations you made with regard to certain statements made by City Administrator Chris Fox at a previous Commission Meeting. Specifically, you reported a concern that Mr. Fox said; "we have to pay for police and fire and those salaries go up. You're making \$104,000, we have to cover that". It appears that the meeting was not recorded, so it is impossible for me to confirm that direct quote, but there does not seem to be a dispute that Mr. Fox referenced your salary (or what he thought to be your salary) at the meeting.

As I explained to you when we met, public employees salaries are a matter of public record and their release does not violate any statute or other law. As such, there is no basis to the Commissioners to direct Mr. Fox to apologize to you. I note that the above referenced Commission Meeting and the last Commission Meeting (which I attended) became somewhat contentious when, what I would deem personnel issues, were raised. As we discussed, there are limitations to which the Commission must abide in discussing public employees without providing them a Rice Notice. Those limitations apply equally to any employment related discussion by the Commission; including discussions of you, Mr. Fox, or any other employee. I have had a discussion with the City Solicitor on my view of those limitations.

Of course, you are free to continue to exercise your free speech rights at Commissioner's meetings consistent with applicable law. Should any similar issues arise, please feel free to notify Hope Pinto.

PLEASE NOTE OUR NEW FIRM NAME

William G. Blaney
Blaney & Karavan P.A.
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Avalon, NJ 08202
Phone: (609) 435-5368
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bill@blaneykaravan.com

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Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Monday, August 13, 2018 4:31 PM
To: Chris Fox
Cc: Mary Bittner; Hope Pinto; m.cerrito@bacnj.com
Subject:
Attachments: *redacted / withheld*

redacted

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William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
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Mary Bittner

From: Mary Bittner
Sent: Thursday, August 16, 2018 10:35 AM
To: Chris D'Amico; Chris Fox; Hope Pinto
Cc: 'William Blaney (bill@BLANEYDONOHUE.COM)'
Subject: RE: Revised Wildwood MOU

I am not involved with this contract. This should be forwarded to Bill Blaney.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Chris D'Amico
Sent: Wednesday, August 15, 2018 12:26 PM
To: Mary Bittner; Chris Fox; Hope Pinto
Subject: FW: Revised Wildwood MOU

Fyi please look over and get back to me asap if all is ok need to get these guys hired block and materials are here thank you

From: Lisa Wysinski [<mailto:l.wysinski@bacnj.com>]
Sent: Wednesday, August 15, 2018 9:30 AM
To: Chris D'Amico <cdamico@wildwoodnj.org>
Cc: Mario Cerrito <m.cerrito@bacnj.com>
Subject: Revised Wildwood MOU

Chris,

Please see the attached changes that have been made to the MOU for your review.

Thank you.

Mario Cerrito

Field Rep.

Bricklayers Local #5/ ADC, NJ

Phone: 609-468-0705

Fax: 609-324-1505

Lisa Natole-Wysinski

Office Manager

BAC/ADC Local 5 NJ

Ph. 609-324-0500 Ext. 211

Fax 609-324-1505

L.wysinski@bacnj.com

Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Friday, November 09, 2018 1:25 PM
To: Sebastian Ionno
Subject:
Attachments: *redacted / withheld*

redacted

Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Tuesday, November 27, 2018 6:00 PM
To: Chris Fox
Cc: Mary Bittner
Subject: Fwd: WILDWOOD PD SOA MOA
Attachments: MOA WPD SOA 2019-2023 as of 11.1.18.docx

redacted

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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Begin forwarded message:

From: jmurphy <jmurphy@wildwoodpd.com>

Subject: WILDWOOD PD SOA MOA

Date: November 1, 2018 at 5:23:34 PM EDT

To: "bill@blaneydonohue.com" <bill@blaneydonohue.com>

Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Thursday, December 06, 2018 4:59 PM
To: Marv Bittner
Subject: *redacted*

redacted

Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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Mary Bittner

From: Mary Bittner
Sent: Wednesday, November 21, 2018 2:31 PM
To: William G. Blaney; Chris Fox; regalbuto; Tony Leonetti
Subject:
Attachments: *redacted / withheld*

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: William G. Blaney [<mailto:bill@blaneykaravan.com>]
Sent: Wednesday, November 14, 2018 11:21 AM
To: Chris Fox; regalbuto; Tony Leonetti; Mary Bittner
Subject: Fwd: *redacted*

redacted

4125 DUNE DRIVE - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
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bill@blaneykaravan.com

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Begin forwarded message:

From: <deanna@ionnolaw.com>

Subject: Christopher Galloway

Date: November 13, 2018 at 1:25:53 PM EST

To: bill@blaneykaravan.com

Cc: sebastian@ionnolaw.com

Mary Bittner

From: Kyle D. Weinberg <kyle@blaneykaravan.com>
Sent: Thursday, November 08, 2018 9:20 AM
To: Mary Bittner
Subject: DeMarzo v. Wildwood (CPM-L-231-17)
Attachments: Amended Complaint.pdf

redacted

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Timothy C. Alexander, Esquire (N.J. Attorney I.D.# 060062013)
JACOBS & BARBONE, P.A.
A Professional Corporation
Attorneys at Law
1125 Pacific Avenue
Atlantic City, New Jersey 08401
(609) 348-1125
talexander@jacobsbarbone.com
Attorneys for Plaintiff Gary DeMarzo

GARY DEMARZO

Plaintiff

v.

CITY OF WILDWOOD AND DEFENDANT
JOHN DOES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAPE MAY COUNTY

DOCKET NO. CPM-L-231-17

Civil Action

**PLAINTIFF'S FIRST AMENDED
COMPLAINT, DESIGNATION OF TRIAL
COUNSEL & JURY DEMAND**

Plaintiff by way of First Amended Complaint against Defendants says as follows:

FACTS COMMON TO ALL COUNTS

1. At all relevant time, Plaintiff was a police officer with the City of Wildwood.
2. On or about October 26, 2015, Gary S. DeMarzo submitted an application for a SORA license to work for the security company Sun Quest Property Services, LLC.
3. Investigator Thomas Mihalkovitz conducted a review of Plaintiff's employment in determining whether to grant Plaintiff's application for a SORA license.
4. Based, in part, on Plaintiff's personnel file, Investigator Mihalkovitz denied Plaintiff's application for a SORA license.
5. There are multiple negative and unfounded entries in Plaintiff's employment file with the City of Wildwood during his tenure as a police officer:

6. A June 3, 1992 entry in regard to Plaintiff receiving a three-day suspension for an incident that occurred on May 27, 1992. The entry further states "unacceptable conduct of member of the Wildwood Police Department-had to make apologies." This entry should be removed because on June 3, 1992, Plaintiff was not a full-time police officer within the City of Wildwood, but was a seasonal police officer. As a seasonal police officer, Plaintiff had no appeal rights to appeal his three-day suspension for an incident that occurred on May 27, 1992.

7. The entry of July 30, 1993 shows that Plaintiff showed up late to work, twice in one week. Upon information, knowledge and belief, this is a performance notice. It is my understanding that each agency, such as the City of Wildwood Police Department, should establish its own protocol for reviewing and purging performance notices and all reprimands from an employee's personnel file. Therefore, as the July 30, 1993 entry is regarding a performance notice, this performance notice should have been removed from Plaintiff's personnel file.

8. The entry of August 6, 1993, shows an entry for "official letter of reprimand on August 11, 1993. Lost/stolen radio." Again, Plaintiff, at the time of this incident, was not a full-time police officer within the City of Wildwood. Hence, Plaintiff had no appeal rights to appeal this entry of August 6, 1993.

9. The entry of September 1993, shows multiple entries for "failed to appear in Court or failed to report to duty." Plaintiff was given two days off without pay. Again, at the time and date of this entry and incident, Plaintiff was not a full-time police officer within the City of Wildwood and was only a seasonal employee. Plaintiff had no appeal rights concerning these entries that occurred in August of 1993.

10. On February 15, 1994, the entry is regarding an officer's report regarding a possible disturbance and yelling of profanities. At this time, Plaintiff was not employed as a full-time police officer within the City of Wildwood and was not a seasonal officer within the City of Wildwood. At this time, Plaintiff had NO connection to the Wildwood Police Department or City of Wildwood. As such, Plaintiff had no right to appeal, nor was he made aware of this document/report.

11. On June 25, 1996, the entry for a police vehicle accident should be removed from DeMarzo's personnel file due to the fact that Plaintiff was a seasonal employee, and had no appeal rights to contest this entry.

12. On March 6, 2000, the entry details "Plaintiff's failure to report for duty on March 4, 2000. Showed up late for work on March 5, 2000, considered honest mistake." This is a performance notice entry and should be removed from Plaintiff's personnel file.

13. On April 25, 2000, the entry details a violation of the Wildwood Police Department Standard Operating Procedure 3:17.18; however, this entry should be removed from Plaintiff's personnel file as this was a performance notice that was placed into his file.

14. The entry of May 16, 2000, should be removed as a duplicative of the entry for February 10, 2000.

15. The following additional entries in Plaintiff's personnel file should also be removed, as the below entries are performance notice entries:

- January 16, 2003 (IA-2003-02);
- June 14, 2003 (IA-2003-24);
- October 7, 2003 (IA-2003-41);
- April 19, 2004

- March 1, 2005, violation of "Department's General Order No. 9, Evidence and Recovered Property Procedures".
- June 22, 2007 (IA-2007-04) (the spraying of a subject with mace, excessive force and illegal arrest) (not sustained)

16. The entry of July 19, 2004 concerning the hypodermic syringes contains numerous entries of which were not sustained by Judge Miller or the Civil Service Commission dated March 27, 2009. **See Exhibit A.** The only charges that were sustained were: 3:1-1 (Conduct unbecoming of law enforcement officer); 3:10.01, (Contact toward public), and 6:8k (Judgment during arrest). The other entries should be removed from Plaintiff's personnel file, namely:

- 3:1.8 (Neglect of duty)
- 3:1.9 (Failure to perform duty)
- 3:1.13 (Obedient or disobedient to laws and regulations)
- 3:7.11 (False and inaccurate reports)
- 6:8q (Reporting incident)

17. On August 11, 2006, an email was sent from Capt. Long of the City of Wildwood to Plaintiff regarding the issue of the removal of Plaintiff's performance notices from his personnel file. **See Exhibit B.**

18. In the email, Capt. Long states to Plaintiff, "in accordance with the updated Wildwood Rules and Regulations, all performance notices dating back more than one year have been removed from your personnel file." **See Exhibit B.** However, no such action occurred.

19. The entry of December 6, 2006 involved Plaintiff not entering the offices of Captain Long and Captain Deaton after the superior officers refused to advise Plaintiff what the nature of the conversation would be. Subsequently, charges were brought against Plaintiff by Captain Steven Long. Both Captain Long and Captain Deaton were

named defendants by Plaintiff in a suit by Plaintiff regarding a Conscientious Employment Protection Act violation under Docket No. CPM-L-605-05. Though Plaintiff had a preliminary hearing with a City Hearing Officer, Plaintiff left the Police Department on an Electoral Leave of Absence. N.J.S.A. 11A:6-14. The matter was never fully adjudicated.

20. Plaintiff was elected a Commissioner of the City of Wildwood on May 8, 2007, approximately six weeks after he signed the stipulation dismissing the CEPA suit.

21. Before taking the oath of office on May 15, 2007, plaintiff applied for and was granted an unpaid leave of absence from his position as a police officer. N.J.S.A. 11A:6-14.

22. In regard to the entries of May 9, 2007, May 12, 2007, May 22, 2008, and June 13, 2008, Plaintiff, at these relevant times, was not an active police officer with the City of Wildwood. Plaintiff left the Police Department for an Electoral Leave of Absence. N.J.S.A. 11A:6-14. Plaintiff was serving as the Commissioner of the City of Wildwood. In fact, in these particular circumstances, Plaintiff was of a superior position in the Chain of Command relative to the City of Wildwood and its organization. **See Exhibit C.**

23. On February 22, 2010, the New Jersey Appellate Division reversed the Law Division and entered an Order wherein plaintiff had twenty days from the date of the Court's opinion to choose whether he wants to retain the appointed office of Wildwood police officer.

24. Plaintiff elected to keep his role as Commissioner for the City of Wildwood, and never returned to the police department.

25. Mr. Mihalkovitz in reviewing Plaintiff's SORA license application concluded that, pursuant to N.J.A.C. 13:55A-2.9a(8), "...the superintendent may deny, revoke,

suspend or refuse to renew a license upon determining that the owner or operator of the security officer company has demonstrated bad moral character, incompetence or untrustworthiness." However, it should be noted that the Civil Service Commission on March 27, 2009, stated, "by all accounts DeMarzo is a fine officer. He has many positive performance reviews and letters."

COUNT I

DECLARATORY JUDGMENT

26. Plaintiff hereby repeats and re-alleges each and every allegation set forth in this Complaint, as if set forth at length herein.

27. Pursuant to the Declaratory Judgments Act, N.J.S.A. 2A:16-50, et seq. plaintiff has a right to a Declaratory Judgment verifying and confirming that the multiple and negative entries, ranging from his performance notices to unfounded IA reports, should be removed from plaintiff's personnel file.

28. Plaintiff's charges from May 9, 2007, May 12, 2007 and May 22, 2008 were fabricated charges, as plaintiff was the Commissioner of the City of Wildwood and, therefore, unable to incur said charges on the dates delineated.

29. Defendant violated the Wildwood Rules and Regulations¹ when defendant failed to remove all the performance notice entries contained within plaintiff's personnel file.

30. Defendant failed to remove, due to plaintiff's lack of appeal rights, all entries that were instituted during the time period of plaintiff's seasonal employment with the Wildwood Police Department. Upon information, knowledge and belief, it was the custom

¹ A copy of the Wildwood Rules and Regulations dated January 1, 2009 is attached hereto as Exhibit D.

and practice of defendants to not permit seasonal employees to appeal their disciplinary findings against them.

31. The entry December 6, 2006 should be removed as the adjudication of same was ceased upon plaintiff's election to Commissioner of the City of Wildwood.

WHEREFORE, Plaintiff Gary DeMarzo respectfully requests that the Court grant the following relief:

- A. An Order declaring that plaintiff's performance notices must be removed from plaintiff's personnel file.
- B. An Order declaring that the entries of May 9, 2007, May 12, 2007 and May 22, 2008 must be removed from plaintiff's personnel file.
- C. An Order declaring that all entries for violations of the Wildwood Police Department Standard Operating Procedure regarding plaintiff's seasonal employment must be removed from plaintiff's personnel file.
- D. An Order requiring Defendant to produce to plaintiff his retirement credentials, such as plaintiff's police badge and picture identification.
- E. Any other relief which the Court deems equitable and just.

COUNT II

UNLAWFUL INTERFERENCE WITH CONTRACTUAL RELATIONS

32. Plaintiff hereby repeats and re-alleges each and every allegation set forth in this Complaint, as if set forth at length herein.

33. For the reasons delineated above, Defendant committed a wrongful act by having multiple negative and unfounded entries in Plaintiff's IA/personnel file with the City of Wildwood.

34. By virtue of Defendant's actions, as described above, Defendant unjustifiably interfered with Plaintiff's fair opportunity to conduct his legitimate business affairs.

35. Defendant's wrongful act does not rest upon some legitimate interest and, in fact, the conduct of Defendant falls below the behavior of fair men similarly situated.

36. As a result of Defendant's unjustifiable interference with Plaintiff's application for a SORA license to work for the security company Sun Quest Property Services, LLC, or any other similarly related business, Defendant has committed a wrongful act, to which Plaintiff has incurred substantial damages, including but not limited to lost wages, profits, earnings, as well as costs and humiliation.

WHEREFORE, Plaintiff Gary DeMarzo demands judgment against Defendant for:

- A. Compensatory damages;
- B. Consequential damages;
- C. Interest, Attorneys Fees and costs of suit;
- D. Any other relief which the Court deems equitable and just.

COUNT III

UNLAWFUL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

37. Plaintiff hereby repeats and re-alleges each and every allegation in this Complaint, as if set forth at length herein.

38. On or about October 26, 2015, Plaintiff had a reasonable expectation of economic advantage or benefit in potential employment with Sun Quest Property Services, LLC and/or any other similarly related business.

39. Defendant had knowledge of such expectancy of economic advantage.

40. Based on the above, Defendant wrongfully, and without justification, interfered with Plaintiff's expectancy of economic advantage or benefit by having multiple negative and unfounded entries in Plaintiff's IA/personnel file with the City of Wildwood, which prevented plaintiff from obtaining employment.

41. In the absence of the wrongful act of Defendant (i.e., multiple negative entries in Plaintiff's personnel/I.A. file), it is reasonably probable that Plaintiff would have realized his economic advantage or benefit (i.e., gained employment with Sun Quest Property Services, LLC and/or another similarly situated business).

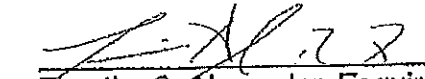
42. As a result of Defendant's actions, as described above, Plaintiff has sustained damages.

WHEREFORE, Plaintiff Gary DeMarzo demands judgment against Defendants as

follows:

- A. Compensatory damages;
- B. Consequential damages;
- C. Interest, Attorneys Fees and costs of suit;
- D. Any other relief which the Court deems equitable and just.

JACOBS & BARBONE, P.A.

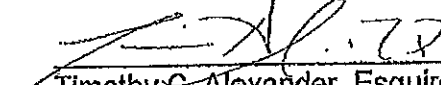

Timothy G. Alexander, Esquire

Dated: April 30, 2018

RULE 4:5-1 CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify that to the best of my knowledge, information and belief, the matter in controversy is not the subject of any other action pending in any Court or arbitration proceedings, and no other action is contemplated. I know of no other parties that should be joined herein.

JACOBS & BARBONE, P.A.


Timothy G. Alexander, Esquire

Dated: April 30, 2018

CERTIFICATION OF COMPLIANCE WITH R. 1:38-7(c)

I certify the Confidential Personal Identifiers have been redacted from documents now submitted to the Court, and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

JURY DEMAND PURSUANT TO R. 1:8-1(b) and R. 4:35-1

Plaintiff Gary DeMarzo hereby requests trial by jury as to all issues herein.

NOTICE OF DESIGNATION OF TRIAL COUNSEL

Plaintiff Gary DeMarzo hereby designates Timothy C. Alexander, Esquire as trial counsel in the within matter.

JACOBS & BARBONE, P.A.



Timothy C. Alexander, Esquire

Dated: April 30, 2018

EXHIBIT A



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter Gary S. DeMarzo

OSC Docket No. 2007-2946
OAL Docket No. OSV 4080-07

ISSUED: MAR 27 2009 (RG)

The appeal of Gary S. DeMarzo, a Police Officer with the City of Wildwood, of his 60 working day suspension on charges, was heard by Administrative Law Judge W. Todd Miller (ALJ), who rendered his initial decision on January 28, 2009. No exceptions were filed by the parties.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting on March 11, 2009, adopted the ALJ's recommendation to uphold the 60 working day suspension.

DISCUSSION

The appellant was charged with conduct unbecoming a public employee, neglect of duty, failure to perform duty, and the violation of various departmental rules. Specifically, the appointing authority asserted that the appellant used excessive profanity and acted unprofessionally while interrogating and arresting a civilian. The appointing authority also asserted that the appellant failed to notify a supervisor of the arrest and failed to complete and submit several reports for approval. Upon the appellant's appeal, the matter was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case.

Initially, the ALJ set forth that this matter arose from a civilian complaint alleging that the appellant was unprofessional and ridiculed the civilian about his bipolar disorder during his arrest on June 21, 2004. On that day, the appellant and

OAL DKT. NO. CSV 4030-07

citizen, public policy rests with protecting the employee against defective investigation. I believe this approach reconciles with McElwee and O'Rourke. DeMarzo was not given any prior notice of his delinquent reports, nor was he provided written notice of a pending internal affairs action. Had it not been for the Patterson complaint, these matters would have been appropriately resolved by assignment to desk duty for a few days. In my opinion, the gravamen of this case is the inappropriate arrest of Patterson.

PENALTY

By all accounts DeMarzo is a fine officer. He has many positive performance reviews and letters. (See disciplinary package jointly submitted and marked as DP-1; 001 to 096). He also has a three-day suspension for conduct violations (0099); reprimand for a lost radio (0101); two-day suspension for missing court (0102); five-day suspension for failure to engage his siren resulting in a motor vehicle accident (0105); reprimand for abandoning a personal vehicle (0107); reprimand-using profanity in public while off-duty (0108).

The penalty imposed in the final notice of disciplinary action was a sixty-day suspension. I AFFIRM that penalty. Appellant's conduct, related solely to the Patterson arrest, justifies a sixty-day suspension. Appellant's conduct was unprofessional and violated the high standard expected of police officers. I CONCLUDE that sixty-days suspension is reasonable and appropriate. West New York v. Book, 38 N.J. 500, 522 (1962). I DISMISS the remaining charges because, on balance, the department failed to articulate a myriad of policies necessary for me to sustain those charges. Had those charges been sustained, I would likely have suspended the appellant for more than sixty days.

ORDER

I ORDER the following charges be SUSTAINED: Standards of conduct (Conduct unbecoming) 8:1.1; Conduct towards the public 8:10.1; Judgment during arrest 8:8K. Appellant is hereby SUSPENDED for sixty days.

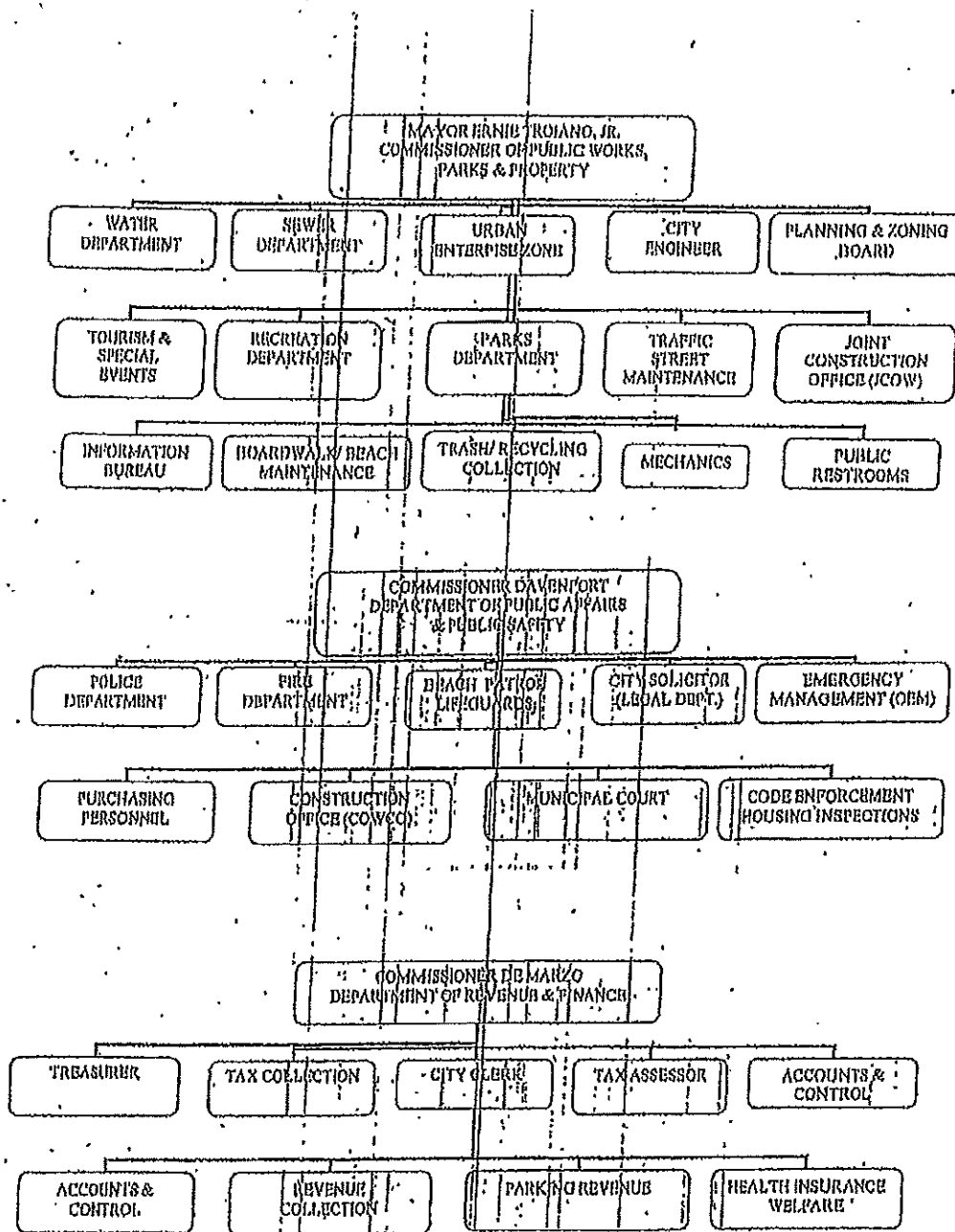
EXHIBIT B

Pflin DeMarzo

From: Capt Long
Sent: Friday, August 11, 2006 9:12 AM
To: Pflin DeMarzo
Subject: p.n.

In accordance with the updated Wildwood rules and regulations all performance notices dating back more than one year have been removed from your personnel file.

EXHIBIT C



Mary Bittner

From: Kyle D. Weinberg <kyle@blaneykaravan.com>
Sent: Thursday, November 08, 2018 10:59 AM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

redacted

Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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On Nov 8, 2018, at 9:46 AM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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Sent: Thursday, November 08, 2018 9:20 AM
To: Mary Bittner
Subject: DeMarzo v. Wildwood (CPM-L-231-17)

redacted

redacted

~~Blaney Karavan, P.C.~~
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Mary Bittner

From: Mary Bittner
Sent: Thursday, November 08, 2018 11:32 AM
To: 'Kyle D. Weinberg'
Subject: RE: DeMarzo v. Wildwood (CPM-L-231-17)

Kyle:

Can you provide to me both sides' statements of facts and issues prepared for the arbitration. After I review them I will discuss the status with Chris and Commissioner Leonetti.

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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redacted

Thank you.

Mary

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Solicitor, City of Wildwood
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Mary:

redacted

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
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Phone: (609) 435-5368
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Mary Bittner

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Sent: Thursday, November 08, 2018 2:53 PM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

Mary:

re: DeMarzo

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On Nov 8, 2018, at 2:30 PM, Kyle D. Weinberg <kyle@blaneykaravan.com> wrote:

Mary:

I will get them in the mail today to you. Thank you.

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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On Nov 8, 2018, at 11:35 AM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

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Can you provide to me both sides' statements of facts and issues prepared for the arbitration. After I review them I will discuss the status with Chris and Commissioner Leonetti.

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]

Sent: Thursday, November 08, 2018 10:59 AM

To: Mary Bittner

Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

Mary:

retracted

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
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On Nov 8, 2018, at 9:46 AM, Mary Bittner
<mbittner@wildwoodnj.org> wrote:

redacted

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Wildwood, NJ 08260
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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]
Sent: Thursday, November 08, 2018 9:20 AM
To: Mary Bittner
Subject: DeMarzo v. Wildwood (CPM-L-231-17)

redacted

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Mary Bittner

From: Mary Bittner
Sent: Thursday, November 08, 2018 3:40 PM
To: 'Kyle D. Weinberg'
Subject: RE: DeMarzo v. Wildwood (CPM-L-231-17)

Could you please scan and email them?

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
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From: Kyle D. Weinberg [mailto:kyle@blaneykaravan.com]
Sent: Thursday, November 08, 2018 2:31 PM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

Mary:

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Mary Bittner

From: Kyle D. Weinberg <kyle@blaneykaravan.com>
Sent: Thursday, November 08, 2018 4:01 PM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

Mary:

It has already been copied and placed into the UPS overnight bin. I do not have anyone to scan it. If it is not there by mid day tomorrow, let me know and I will have someone hand deliver a new set. Thank you and sorry for any inconvenience.

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On Nov 8, 2018, at 3:43 PM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

Could you please scan and email them?

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

Mary Bittner

From: Mary Bittner
Sent: Thursday, November 08, 2018 4:14 PM
To: 'Kyle D. Weinberg'
Subject: RE: DeMarzo v. Wildwood (CPM-L-231-17)

That's fine.

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
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4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
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Sent: Thursday, November 08, 2018 4:01 PM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

Mary:

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Mary Bittner

From: Mary Bittner
Sent: Friday, November 09, 2018 11:19 AM
To: 'Kyle D. Weinberg'
Subject: RE: DeMarzo v. Wildwood (CPM-L-231-17)
Attachments:

reduced / withheld
reduced

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
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From: Kyle D. Weinberg [mailto:kyle@blaneykaravan.com]
Sent: Thursday, November 08, 2018 4:01 PM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

Mary:

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Mary Bittner

From: Kyle D. Weinberg <kyle@blaneykaravan.com>
Sent: Friday, November 09, 2018 12:03 PM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

Thank you. Let me know if you have any questions or thoughts.

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On Nov 9, 2018, at 11:22 AM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

redacted

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Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
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Sent: Thursday, November 08, 2018 4:01 PM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

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Sent: Thursday, November 08, 2018 2:31 PM

To: Mary Bittner

Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]
Sent: Thursday, November 08, 2018 10:59 AM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

redacted

redacted

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On Nov 8, 2018, at 9:46 AM, Mary Bittner
<mbittner@wildwoodnj.org> wrote:

Kyle:

redacted

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To: Mary Bittner
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redacted

redacted

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<Retired vs Resigned.pdf>

Mary Bittner

From: Kyle D. Weinberg <kyle@blaneykaravan.com>
Sent: Thursday, November 15, 2018 10:39 AM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)
Attachments: Arbitration Decision.pdf; LETTER TO WEINBERG RE PROPOSED RESOLUTION 11.14.18.pdf *re redacted w/ withheld*

Mary:

Per our discussion yesterday, attached hereto you will find the Arbitrator's decision to "No Cause" the case. Additionally, you will find a letter that was sent to me by DeMarzo's attorney last night with respect to his settlement position. Before we left the mediation, I informed him that any settlement would have to be approved through City Council. Let me know if you have any questions. Thanks.

Kyle D. Weinberg, Esq.
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Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
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SUPERIOR COURT OF NEW JERSEY

REPORT AND AWARD OF ARBITRATOR(S)

☒ ARBITRATION TYPE (Check One)
☐ COMMERCIAL
☐ LEMON LAW

DEMARZO

PLAINTIFF

V.

CITY OF WILDWOOD ET AL

DEFENDANT

CIVIL ACTION

COUNTY: CPM

DOCKET NO: L-231-17

DATE: 11/14/2018

The undersigned arbitrator(s) make(s) the following award(s) for the reasons set forth:

This is an action with ^{Claimed} interference with contract
and unlawful interference with contract relationship
for economic Damages. TP does not meet
burden of proof of Economic Damage.

Defense presented ☒ yes ☐ no

PREVAILING PARTY		AMOUNT OF AWARD	RESPONSIBLE PARTY
DEF	City of Wildwood	N/C	
DEF			
DEF			
PL	Demarzo		
PL			

ARBITRATOR(S): Please sign below and print name next to signature.

Gregory C. Dibsic

Parties desiring to reject this award and obtain a trial *de novo* must file with the division manager a trial *de novo* request together with a \$200 fee within thirty (30) days of today. Parties requesting a trial *de novo* may be subject to payment of counsel fees and costs as provided by R.4:21A-6(c). Note that unless otherwise expressly indicated, this award will be filed today.

Counsel and pro se litigants acknowledge receipt of this award by signing below. Print name next to signature.

[Signature] (Plaintiff)

Timothy A. Alexander

[Signature] (Defendant)

Kyle D. Weinberg, Esq.

Mary Bittner

From: Mary Bittner
Sent: Monday, December 10, 2018 4:10 PM
To: 'Kyle D. Weinberg'
Subject: RE: DeMarzo v. Wildwood (CPM-L-231-17)

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
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Sent: Monday, December 10, 2018 3:17 PM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

redacted

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Mary Bittner

From: Mary Bittner
Sent: Tuesday, December 11, 2018 9:17 AM
To: 'Kyle D. Weinberg'
Cc: Tony Leonetti
Subject: RE: DeMarzo v. Wildwood (CPM-L-231-17)

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]
Sent: Monday, December 10, 2018 3:17 PM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

redacted

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Mary Bittner

From: Mary Bittner
Sent: Tuesday, December 11, 2018 11:01 AM
To: Kyle D. Weinberg
Subject: RE: DeMarzo v. Wildwood (CPM-L-231-17)
Attachments: Memo re settlement offer.doc — *redacted / withheld*

Kyle:

redacted

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]
Sent: Monday, December 10, 2018 3:17 PM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood (CPM-L-231-17)

redacted

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Mary Bittner

From: Mary Bittner
Sent: Monday, December 31, 2018 3:58 PM
To: Kyle D. Weinberg
Cc: William G. Blaney; Chris Fox
Subject: RE: Confidential Attorney - Client Communication DeMarzo v. COW

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]
Sent: Monday, December 31, 2018 3:46 PM
To: Mary Bittner
Cc: William G. Blaney; Chris Fox
Subject: Re: Confidential Attorney - Client Communication DeMarzo v. COW

Confirmed. I relayed the City's position to Plaintiff's Attorney and have not heard back.

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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On Dec 31, 2018, at 3:39 PM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

Bill & Kyle:

Please confirm you received my email from December 26. Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Mary Bittner
Sent: Wednesday, December 26, 2018 10:08 AM
To: William G. Blaney; Kyle D. Weinberg
Cc: Chris Fox
Subject: Confidential Attorney - Client Communication DeMarzo v. COW

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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Mary Bittner

From: Mary Bittner
Sent: Friday, January 04, 2019 2:56 PM
To: Kyle D. Weinberg
Cc: bustamante@summitrisk.com; Chris Fox
Subject: RE: DeMarzo, Gary / City of Wildwood / / / QM-0701

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]
Sent: Monday, December 31, 2018 8:39 AM
To: Mary Bittner
Subject: Fwd: DeMarzo, Gary / City of Wildwood / / / QM-0701

See below from the insurance.

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Begin forwarded message:

From: Jamie Bustamante <bustamante@summitrisk.com>
Subject: DeMarzo, Gary / City of Wildwood / / / QM-0701
Date: December 28, 2018 at 1:06:43 PM EST
To: "kyle@blaneykaravan.com" <kyle@blaneykaravan.com>, "bill@blaneykaravan.com" <bill@blaneykaravan.com>
Cc: "David DeWeese" <david@deweeseelawfirm.com>

Claim Number: QM-0701
Policy Number: QJA0104701 Eff Date: 1/1/2017
Insured: City of Wildwood
Claimant: DeMarzo, Gary

Hi Kyle and Bill,

redacted

Jamie C. Bustamante
Summit Risk Services
Tel: (215) 443-3540

Please remember that insurance coverage cannot be bound, amended or canceled by leaving an electronic or voice mail message. Thank you.

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Mary Bittner

From: Kyle D. Weinberg <kyle@blaneykaravan.com>
Sent: Wednesday, February 06, 2019 12:33 PM
To: Jamie Bustamante
Cc: Mary Bittner
Subject: DeMarzo v. WW (QM-0701)

redacted

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Mary Bittner

From: Mary Bittner
Sent: Thursday, February 28, 2019 8:24 AM
To: Kyle D. Weinberg
Subject: RE: Settlement Conference (DeMarzo)

Kyle: Chris and I will see you there.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]
Sent: Wednesday, February 27, 2019 10:49 AM
To: Jamie Bustamante
Cc: Mary Bittner
Subject: Settlement Conference (DeMarzo)

Jamie/Mary:

This email is to remind both of you that I will be attending a Settlement Conference tomorrow at 9:30 a.m. on the above case. Your appearances are not required, only that you be available by phone.

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Mary Bittner

From: Kyle D. Weinberg <kyle@blaneykaravan.com>
Sent: Thursday, February 28, 2019 9:24 AM
To: Mary Bittner
Subject: Re: Attorney Client Privilege DeMarzo v. COW

redacted

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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On Feb 28, 2019, at 9:10 AM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

...

redacted

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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Mary Bittner

From: Mary Bittner
Sent: Tuesday, March 26, 2019 3:28 PM
To: 'Kyle D. Weinberg'
Subject: DeMarzo v. City of Wildwood

Kyle:

When and where is oral argument on the summary judgment motion? Chris and I would like to attend.

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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Mary Bittner

From: Frank Guaracini iii <frank@blaneykaravan.com>
Sent: Tuesday, March 26, 2019 3:56 PM
To: Mary Bittner
Cc: Kyle D. Weinberg
Subject: DeMarzo v. City of Wildwood

Mary,

Oral argument on the DeMarzo case is tentatively scheduled for this Friday, March 29, 2019 at Superior Court in Cape May County. The Court has not yet assigned a time or courtroom for the argument. I will let you know once we can confirm the same.

Frank Guaracini, III, Esq.
Frank@BlaneyKaravan.com

BLANEY & KARAVAN, P.C.
2123 Dune Drive
Suite 11
Avalon, New Jersey 08202
Ph. (609) 435-5368
Fx. (609) 435-5473

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Mary Bittner

From: Frank Guaracini iii <frank@blaneykaravan.com>
Sent: Friday, March 29, 2019 1:39 PM
To: Mary Bittner
Cc: Kyle D. Weinberg
Subject: Re: Oral Argument

redacted

Frank Guaracini, III, Esq.
Frank@BlaneyKaravan.com

BLANEY & KARAVAN, P.C.
2123 Dune Drive
Suite 11
Avalon, New Jersey 08202
Ph. (609) 435-5368
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On Mar 28, 2019, at 4:19 PM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

We decided we are not going so please advise us of the outcome.

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Frank Guaracini iii [<mailto:frank@blaneykaravan.com>]
Sent: Thursday, March 28, 2019 11:34 AM
To: Mary Bittner
Cc: Kyle D. Weinberg
Subject: Oral Argument

Mary,

The DeMarzo matter is scheduled for argument at 11:30 AM tomorrow morning before Judge Gibson. I will be coming from Court in Gloucester County. My advisory will be coming from Court in Atlantic County. So, just be aware that the matter may be placed on "ready hold" if either one of us gets delayed.

Frank Guaracini, III, Esq.
Frank@BlaneyKaravan.com

BLANEY & KARAVAN, P.C.
2123 Dune Drive
Suite 11
Avalon, New Jersey 08202
Ph. (609) 435-5368
Fx. (609) 435-5473

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Mary Bittner

From: Mary Bittner
Sent: Thursday, May 23, 2019 2:43 PM
To: William G. Blaney
Subject: RE: Fox Termination

Bill

redacted

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: William G. Blaney [<mailto:bill@blaneykaravan.com>]
Sent: Thursday, May 23, 2019 2:23 PM
To: Mary Bittner
Subject: Re: Fox Termination

redacted

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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On May 23, 2019, at 1:58 PM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

Bill:

redacted

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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Mary Bittner

From: Bill Blaney <bill@blaneykaravan.com>
Sent: Thursday, May 23, 2019 3:41 PM
To: Hope Pinto
Cc: Mary Bittner
Subject: Chis Fox vacation, personal and sick time.

redacted

Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Friday, May 24, 2019 2:41 PM
To: Mary Bittner
Subject: Re: Chris Fox payouts and release

Thanks.

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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On May 24, 2019, at 11:36 AM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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-----Original Message-----

From: Bill Blaney [<mailto:bill@blaneykaravan.com>]

Sent: Friday, May 24, 2019 11:15 AM
To: Mary Bittner; Hope Pinto
Subject: Chris Fox payouts and release

redacted

Mary Bittner

From: Mary Bittner
Sent: Wednesday, June 05, 2019 4:24 PM
To: Bill Blaney
Subject: FW: Mandatory Drug and Alcohol Policy
Attachments: 1015 - Drug and Alcohol Screening (AP-1015).docx; 1015 - Drug and Alcohol Screening Forms (AP-1015).docx; Drug and Alcohol Policy - MOA.docx

*-redacted/
withheld*

redacted

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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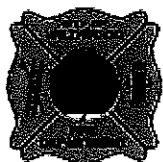
From: Chief Daniel Speigel
Sent: Wednesday, June 05, 2019 3:25 PM
To: Mary Bittner
Cc: Ryan Troiano; Chief Daniel Speigel; Ernie Troiano III
Subject: Mandatory Drug and Alcohol Policy

Mary,

redacted

Chief Daniel F. Speigel, CPM
Wildwood City Fire Department

4400 New Jersey Avenue
Wildwood, New Jersey 08260
609-846-2061 - office
609-780-5257 - cell
609-522-4965 - fax
daniel.spcigel@wildwoodnj.org



Mary Bittner

From: William G. Blaney <bill@blaneykaravan.com>
Sent: Thursday, June 06, 2019 10:19 AM
To: Mary Bittner
Subject: Fwd:
Attachments: 20190606094023952.pdf

Here are the bills for work done in January, February, March, April, and May in the Demarzo case. We have separated this case out from the rest of our Wildwood billing. We have not been paid on any of these by either the City or the Insurance Company. The City owes us 1/3 of the billed amount.

On our regular bill, the City is up to date with the exception of the billing for May which just went out.

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this communication in error, and delete the copy you received. Thank you.

Begin forwarded message:

From: bill@blaneykaravan.com
Date: June 6, 2019 at 9:40:24 AM EDT
To: "William Blaney" <bill@blaneydonohue.com>

Blaney & Karavan, PC
 2123 Dune Drive - Suite 11
 Avalon, NJ 08202
 (609)435-5368

Invoice

Bill To:
Wildwood, City of (DeMarzo)

Date	Invoice No.
06/04/19	GP204595

Date	Description	Hours	Rate	Amount
05/01/19	Review decision and order re: motion for summary judgment re: DeMarzo. (FG)	0.4	135.00	54.00
05/01/19	Receipt and review of court order; file review and review of submission. (KDW)	1.4	135.00	189.00
05/02/19	E-mail M.B. decision re: DeMarzo. (KDW)	0.2	135.00	27.00
05/02/19	Receipt and review of DeMarzo decision; follow up. (WGB)	0.4	135.00	54.00
05/03/19	Receipt and review of e-mail from M.B. re: DeMarzo. (KDW)	0.2	135.00	27.00
05/03/19	Receipt and review of e-mail from Mary Bittner, Esq.; followup re: DeMarzo litigation. (WGB)	0.3	135.00	40.50
05/04/19	Draft notice of motion for reconsideration; draft proposed order; draft brief in support of motion; review decision and motion record re: DeMarzo. (FG)	6.1	135.00	823.50
05/06/19	Continue to draft brief in support of motion for reconsideration; legal research re: material facts, firearm issues. (FG)	3	135.00	405.00
05/06/19	E-mail to M.B.; receipt and review of court trial date 6/24 re: DeMarzo. (KDW)	0.4	135.00	54.00
05/06/19	Review motion to reconsider re: DeMarzo. (KDW)	0.5	135.00	67.50
05/07/19	Finalize brief and motion papers; electronic filing of motion papers; correspondence to Judge Gibson forwarding motion papers; review decision re: DeMarzo. (FG)	2.5	135.00	337.50
05/07/19	Motion to Reconsider - \$50.00		50.00	50.00
05/08/19	Receipt and review of e-mail from M.B. re: DeMarzo. (KDW)	0.2	135.00	27.00
			Total	

Blaney & Karavan, PC
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 Avalon, NJ 08202
 (609)435-5368

Invoice

Bill To:
Wildwood, City of (DeMarzo)

Date	Invoice No.
06/04/19	GP204595

Date	Description	Hours	Rate	Amount
05/09/19	Receipt and review of e-mail re: payment - DeMarzo. (KDW)	0.2	135.00	27.00
05/19/19	Draft reply brief in further support of motion for reconsideration; legal research re: jury trial issues; review courts summary judgment opinion; review plaintiff's opposition brief re: DeMarzo. (FG)	2.6	135.00	351.00
05/20/19	Review reply brief re: DeMarzo. (KDW)	0.3	135.00	40.50
05/20/19	Continue to draft reply brief; legal research; electronic filing of reply brief; forward brief to Judge Gibson re: DeMarzo. (FG)	1.5	135.00	202.50
05/20/19	Review and edit reply brief re: DeMarzo. (WGB)	0.6	135.00	81.00
05/22/19	Receipt and review of correspondence from superior court clerk re: scheduling oral argument of motion for reconsideration. (FG)	0.2	135.00	27.00
05/23/19	File review; review motion papers; review summary judgment submissions; legal research re: licensing and handgun issues; review court's previous opinion; preparation for oral argument of motion for reconsideration; outline argument re: DeMarzo. (FG)	3.5	135.00	472.50
05/23/19	Receipt and review of court letter. (KDW)	0.2	135.00	27.00
05/24/19	Attendance at superior court for oral argument of motion for reconsideration; file review re: DeMarzo. (FG)	2.1	135.00	283.50
05/28/19	Review e-mail chain re: status - DeMarzo. (KDW)	0.2	135.00	27.00
	Sales Tax		0.00	0.00
			Total	\$3,695.00

Blaney & Karavan, PC
 2123 Dune Drive - Suite 11
 Avalon, NJ 08202
 (609)435-5368

Invoice

Bill To:
Wildwood, City of (DeMarzo)

Date	Invoice No.
05/02/19	GP204544

Date	Description	Hours	Rate	Amount
04/04/19	E-mail exchange with J.B. re: DeMarzo. (KDW)	0.2	135.00	27.00
04/09/19	File review; telephone conference with court re: status - DeMarzo. (KDW)	0.3	135.00	40.50
04/16/19	Receipt and review of letter from court re: PT; file review - DeMarzo. (KDW)	0.8	135.00	108.00
04/17/19	Review transcript and file re: DeMarzo. (KDW)	2.2	135.00	297.00
04/18/19	Telephone conference with T. Alexander, Esq.; file review re: status of motion decision. (FG)	0.2	135.00	27.00
04/18/19	File review re: trial issues and evidentiary issues re: DeMarzo. (FG)	0.5	135.00	67.50
04/19/19	Telephone conference with T.A. re: trial date - DeMarzo. (KDW)	0.2	135.00	27.00
04/19/19	Telephone conference with T. Alexander, Esq. re: trial issues - DeMarzo. (FG)	0.2	135.00	27.00
04/19/19	Correspondence to Judge Gibson re: adjournment request in light of pending motion re: DeMarzo. (FG)	0.3	135.00	40.50
04/23/19	Receipt and review of various correspondence from court staff re: trial date - DeMarzo. (FG)	0.2	135.00	27.00
04/23/19	Correspondence to judicial secretary re: availability for trial - DeMarzo. (FG)	0.3	135.00	40.50
04/24/19	Telephone conference with court; e-mail client re: DeMarzo. (KDW)	0.3	135.00	40.50
	Sales Tax		0.00	0.00
			Total	\$769.50

Blaney & Karavan, PC
 2123 Dune Drive - Suite 11
 Avalon, NJ 08202
 (609)435-5368

Invoice

Bill To: City of Wildwood Attn: Purchasing Dept. 4400 New Jersey Ave Wildwood, NJ 08260
--

Date	Invoice No.
05/02/19	GP204545

Date	Description	Hours	Rate	Amount
04/01/19	Telephone conference with R.R. re: OAL conference - [REDACTED]. (KDW)	0.2	135.00	27.00
04/01/19	File review; preparation for hearing re: [REDACTED]. (KDW)	0.5	135.00	67.50
04/01/19	Telephone conference with T.C. re: [REDACTED]. (KDW)	0.2	135.00	27.00
04/01/19	File review; preparation for OAL re: [REDACTED]. (KDW)	0.6	135.00	81.00
04/02/19	Attendance at OAL in Trenton re: [REDACTED]. (KDW)	5	135.00	675.00
04/02/19	E-mail exchange with A.P. re: [REDACTED]. (KDW)	0.2	135.00	27.00
04/02/19	Telephone conference with Chris Fox. (WGB)	0.2	135.00	27.00
04/02/19	File review re: Chobert discipline. (WGB)	0.2	135.00	27.00
04/03/19	Telephone conference with Chris Fox. (WGB)	0.2	135.00	27.00
04/03/19	Telephone conference with Chief Regalbuto. (WGB)	0.2	135.00	27.00
04/03/19	Telephone conference with Tony Leonetti. (WGB)	0.2	135.00	27.00
04/03/19	Telephone conference with Tom Cushane, Esq. (WGB)	0.6	135.00	81.00
04/04/19	Draft settlement and 31-B re: [REDACTED]. (KDW)	1.2	135.00	162.00
04/04/19	E-mail exchange with Dave Heister, Esq. re: [REDACTED]; review discipline paperwork. (WGB)	1.2	135.00	162.00
04/04/19	Receipt and review of e-mail from Hope Pinto re: pay issue. (WGB)	0.2	135.00	27.00
04/10/19	Telephone conference with Hope Pinto; legal research; followup re: question - VISA lifeguard. (WGB)	1	135.00	135.00
04/23/19	E-mail exchange with chief re: status; review files re: police. (KDW)	0.8	135.00	108.00
04/24/19	Receipt and review of e-mail with T.C.; follow up re: [REDACTED]. (KDW)	0.2	135.00	27.00
04/24/19	Draft e-mail to J.K.; telephone conference with J.A. re: [REDACTED]. (KDW)	0.3	135.00	40.50
			Total	

Blaney & Karavan, PC
2123 Dune Drive - Suite 11
Avalon, NJ 08202
(609)435-5368

Invoice

Bill To:
City of Wildwood Attn: Purchasing Dept. 4400 New Jersey Ave Wildwood, NJ 08260

Date	Invoice No.
05/02/19	GP204545

Date	Description	Hours	Rate	Amount
04/25/19	Recelpt and review of L.B. packet on background re: [REDACTED] (KDW)	0.4	135.00	54.00
			Total	\$1,836.00

Blaney & Karavan, PC
 2123 Dune Drive - Suite 11
 Avalon, NJ 08202
 (609)435-5368

Invoice

Bill To:

Wildwood, City of (DeMarzo)

Date	Invoice No.
04/03/19	GP204492

Date	Description	Hours	Rate	Amount
03/11/19	E-mail J.B. re: direction - DeMarzo. (KDW)	0.2	135.00	27.00
03/14/19	Receipt and review of plaintiff's response to motion re: DeMarzo. (KDW)	1	135.00	135.00
03/19/19	Review counterstatement of material facts; review brief in opposition to motion for summary judgment; review previous filings re: DeMarzo. (KDW)	0.4	135.00	54.00
03/20/19	Draft response to statement of additional material facts; review evidentiary record; draft reply brief; legal research re: state handgun permit laws. (FG)	5.1	135.00	688.50
03/21/19	Continue to draft reply brief in further support of motion for summary judgment; review discovery record; legal research re: handgun permitting issues; review document discovery re: DeMarzo. (FG)	6.4	135.00	864.00
03/22/19	Continue to draft reply brief; continue to draft response to additional statement of facts; review discovery record; legal research re: interference with economic advantage; review personnel file and redact confidential personal identifiers re: DeMarzo. (FG)	7.8	135.00	1,053.00
03/25/19	Telephone conference with Chief Regalbuto re: litigation issues re: DeMarzo. (FG)	0.2	135.00	27.00
03/26/19	Finalize brief and response to statement of facts; electronic filing of brief and supporting documents re: DeMarzo. (FG)	1.1	135.00	148.50
03/26/19	Correspondence to Mary Bittner, Esq. re: oral argument re: DeMarzo. (FG)	0.3	135.00	40.50
03/26/19	Review reply brief re: DeMarzo. (KDW)	0.4	135.00	54.00
			Total	

Blaney & Karavan, PC
 2123 Dune Drive - Suite 11
 Avalon, NJ 08202
 (609)435-5368

Invoice

Bill To:
Wildwood, City of (DeMarzo)

Date	Invoice No.
04/03/19	GP204492

Date	Description	Hours	Rate	Amount
03/27/19	Telephone conference with judicial law clerk re: motion/argument; correspondence to Judge Gibson requesting scheduling of argument; file review re: motion issues; receipt and review of correspondence from clerk re: argument of motion re: DeMarzo. (FG)	1.6	135.00	216.00
03/28/19	Receipt and review of correspondence from court clerk re: oral argument schedule; correspondence to solicitor re: oral argument schedule - DeMarzo. (FG)	0.3	135.00	40.50
03/28/19	Preparation for oral argument; outline issues for argument; review briefs and exhibits. (FG)	2.1	135.00	283.50
03/29/19	Telephone conference re: oral argument of motion for summary judgment re: DeMarzo. (FG)	0.5	135.00	67.50
03/29/19	Correspondence to solicitor advising of outcome re: DeMarzo. (FG)	0.2	135.00	27.00
	Sales Tax		0.00	0.00
			Total	\$3,726.00

Blaney & Karavan, PC
 2123 Dune Drive - Suite 11
 Avalon, NJ 08202
 (609)435-5368

Invoice

Bill To:
Wildwood, City of (DeMarzo)

Date	Invoice No.
03/04/19	GP204449

Date	Description	Hours	Rate	Amount
02/01/19	Continue to draft summary judgment brief; legal research re: exhaustion of remedies; legal research re: statute of limitations; legal research re: declaratory judgment; legal research re: department of law and public safety regulations re: DeMarzo. (FG)	5	135.00	675.00
02/06/19	Continue to draft summary judgment brief; legal research re: declaration judgment - DeMarzo. (FG)	0.8	135.00	108.00
02/06/19	Draft e-mail to J.B. and M.B. re: DeMarzo. (KDW)	0.2	135.00	27.00
02/06/19	Outline issuesw for settlement conference position statement re: DeMarzo. (FG)	0.3	135.00	40.50
02/07/19	Telephone conference with administrator and solicitor re: strategy and litigation issues. (FG)	0.2	135.00	27.00
02/07/19	Telephone conference with M.B. and C.F. re: DeMarzo. (KDW)	0.2	135.00	27.00
02/08/19	Draft evaluation of case and settlement position to judge in preparation of settlement conference; review discovery record; review correspondence from civil division manager re: settlement conference. (FG)	3.9	135.00	526.50
02/11/19	Telephone conference with J.B. re: status - DeMarzo. (KDW)	0.2	135.00	27.00
02/12/19	Legal research re: mandamus; legal research re: statute of limitations issues; legal research re: declaratory judgment issues; legal research re: standing and party in interest rule; continue to draft summary judgment brief re: DeMarzo. (FG)	5.5	135.00	742.50
02/13/19	Telephone conference with insurance adjuster re: defense budget re: DeMarzo. (FG)	0.3	135.00	40.50
			Total	

Blaney & Karavan, PC
 2123 Dune Drive - Suite 11
 Avalon, NJ 08202
 (609)435-5368

Invoice

Bill To:
Wildwood, City of (DeMarzo)

Date	Invoice No.
03/04/19	GP204449

Date	Description	Hours	Rate	Amount
02/13/19	Draft 30 day litigation plan and fee budget estimate re: DeMarzo. (FG)	0.5	135.00	67.50
02/13/19	Draft litigation loss report; comprehensive file review re: DeMarzo. (FG)	3.9	135.00	526.50
02/13/19	Correspondence to insurance adjuster forwarding litigation plan and fee budget re: DeMarzo. (FG)	0.3	135.00	40.50
02/13/19	Correspondence to adjuster forwarding litigation loss report re: DeMarzo. (FG)	0.3	135.00	40.50
02/13/19	Preparation for; attendance at council meeting re: DeMarzo. (KDW)	1.3	135.00	175.50
02/18/19	Legal research re: laches and declaratory judgment issues; continue to draft summary judgment brief re: DeMarzo. (FG)	3.7	135.00	499.50
02/24/19	Continue to draft brief in support of motion for summary judgment; legal research re: consent defense - DeMarzo. (FG)	2.5	135.00	337.50
02/25/19	Continue to draft summary judgment brief re: DeMarzo. (FG)	5.1	135.00	688.50
02/26/19	Draft notice of motion for summary judgment; draft proposed order; finalize statement of material facts; finalize brief; file review to identify documents as exhibits re: DeMarzo. (FG)	4.4	135.00	594.00
02/27/19	Electronic filing of motion papers re: DeMarzo. (FG)	0.2	135.00	27.00
02/27/19	Preparation for settlement conference; review summary judgment motion re: DeMarzo. (KDW)	2	135.00	270.00
02/27/19	Telephone conference with T.A.; receipt and review of T.A. request; follow up re: DeMarzo. (KDW)	0.4	135.00	54.00
			Total	

Blaney & Karavan, PC
 2123 Dune Drive - Suite 11
 Avalon, NJ 08202
 (609)435-5368

Invoice

Bill To:
Wildwood, City of (DeMarzo)

Date	Invoice No.
03/04/19	GP204449

Date	Description	Hours	Rate	Amount
02/27/19	Motion for Summary Judgment - \$50.00		50.00	50.00
02/28/19	Telephone conference with C.F.; telephone conference with J.B. re: DeMarzo. (KDW)	0.3	135.00	40.50
	Sales Tax		0.00	0.00
			Total	\$5,652.50

Blaney & Karavan, PC
 2123 Dune Drive - Suite 11
 Avalon, NJ 08202
 (609)435-5368

Invoice

*This invoice was
 also sent to the
 insurance company.
 Have a great day!*

Bill To:
City of Wildwood
Attn: Purchasing Dept.
4400 New Jersey Ave
Wildwood, NJ 08260

Date	Invoice No.
02/05/19	GP204393

Date	Description	Hours	Rate	Amount
01/02/19	Review deposition transcripts in preparation of draft motion for summary judgment re; DeMarzo. (FG)	2	135.00	270.00
01/03/19	Legal research re: division of superior court to grant declaratory relief; legal research re: declaratory judgment act; review amended complaint and electronic case jacket; legal research re: cause of action under declaratory judgment act re: DeMarzo. (FG)	2.1	135.00	283.50
01/03/19	Continue to review deposition transcripts re: DeMarzo. (FG)	0.4	135.00	54.00
01/04/19	Review for trial date and determination of return date and filing date for motion for summary judgment re: DeMarzo. (FG)	0.2	135.00	27.20
01/04/19	Receipt and review of e-mail from M.B. re: Insurance - DeMarzo. (KDW)	0.2	135.00	27.00
01/11/19	Review arbitration statements; review deposition transcripts; legal research re: internal affairs issues; review police rules and regulations; legal research re: privilege issues, administrative remedies; review personnel file re: DeMarzo. (FG)	3.1	135.00	418.50
01/14/19	Draft brief in support of motion for summary judgment; draft statement of material facts; review disciplinary documents re: DeMarzo. (FG)	4.1	135.00	553.50
01/16/19	Continue to draft brief in support of motion for summary judgment; review deposition transcripts; review document discovery re: DeMarzo. (FG)	2.1	135.00	283.50
01/18/19	Receipt and review of e-mail; follow up re: DeMarzo. (KDW)	0.3	135.00	40.50
			Total	

Blaney & Karavan, PC
2123 Dune Drive - Suite 11
Avalon, NJ 08202
(609)435-5368

Invoice

Bill To:

City of Wildwood
Attn: Purchasing Dept.
4400 New Jersey Ave
Wildwood, NJ 08260

Date	Invoice No.
02/05/19	GP204393

Date	Description	Hours	Rate	Amount
01/24/19	Telephone conference with T.A. re: DeMarzo status. (KDW)	0.2	135.00	27.00
01/30/19	Continue to draft summary judgment brief; review deposition transcripts; legal research re: tort issues - DeMarzo. (FG)	3	135.00	405.00
01/30/19	Receipt and review of demand letter re: DeMarzo. (KDW)	0.3	135.00	40.50
01/31/19	Telephone conference with T.A.; forward demand to M.B. re: DeMarzo. (KDW)	0.3	135.00	40.50
			Total	\$2,470.70

Mary Bittner

From: Mary Bittner
Sent: Friday, June 07, 2019 11:03 AM
To: marcus@blaneykaravan.com; 'Jason Hesley (jhesley@wildwoodnj.org)'
Subject: FW: Civil Action
Attachments: 20190607105022469.pdf

Marcus & Jason:

Please see attached.

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply email or contact the sender at (609) 846-2077. Thank you very much.

-----Original Message-----

From: Karen Gallagher
Sent: Friday, June 07, 2019 10:55 AM
To: Mary Bittner
Cc: Hope Pinto
Subject: Civil Action

Good Morning Mary:

Attached is a Civil Action re: US Bank Trust NA v. Wildwood.

Karen

Karen M. Gallagher
Deputy City Clerk,
Registrar of Vital Statistics
City of Wildwood
City Clerk's Office
4400 New Jersey Avenue
Wildwood, NJ 08260
kmgallagher@wildwoodnj.org
(609)-522-2244 EXT:209

-----Original Message-----

From: copiers

Sent: Friday, June 07, 2019 10:54 AM

To: Karen Gallagher

Subject: Message from "RNP002673D03384"

This E-mail was sent from "RNP002673D03384" (MP 5054).

Scan Date: 06.07.2019 10:50:22 (-0400)

Queries to: copiers@wildwoodnj.org

Stavitsky & Associates
ATTORNEYS AT LAW LLC

RECEIVED

JUN 07 2019

June 4, 2019

VIA Ecourts

Tax Court of New Jersey
Tax Court Management Office
Hughes Justice Complex
P.O. Box 972
Trenton, NJ 08625-0972

CITY CLERK'S OFFICE

cc: H. Pinto
M. Bittner

**Re: US Bank Trust NA v. Wildwood
Property: 3209 Park Blvd, Block: 199.01, Lot: 39**

Dear Sir/Madam:

Pursuant to Rule N.J.S.A. 54:3-26, enclosed for filing please find Plaintiff's Application for County Board Judgment/Freeze Act, regarding the above referenced property, along with our firm's Case Information Statement and additional supporting documentation.

Should you have any questions or require anything additional please feel free to contact our office. Thank you for your attention in this matter.

Very truly yours,

/s/ Bruce J. Stavitsky

Bruce J. Stavitsky

BJS/cd

cc: Municipal Attorney
Municipal Assessor
Municipal Clerk
Cape May County Tax Board

NEW JERSEY | 350 Passaic Ave. | Fairfield, New Jersey 07004 | phone 973-227-1912 | fax 973-227-1925 | www.proptaxappeal.net
NEW YORK | 5 Penn Plaza | 23rd Floor | New York, New York 10001 | phone 646-595-7005 | fax 646-378-2001
PENNSYLVANIA | 196 West Ashland Street | Doylestown, Pennsylvania | phone 267-864-7228 | fax 267-895-1701

PLEASE SEND ALL CORRESPONDENCE PERTAINING TO THIS MATTER TO OUR NEW JERSEY ADDRESS

Plaintiff or Filing Attorney Information:

Name Bruce J. Stavitsky
 NJ Attorney ID Number 020801983
 Address 350 Passaic Avenue
Fairfield, NJ 07004
 Telephone Number (973) 227-1912 Email Address bruce@proptaxappeal.net

US Bank Trust NA

Tax Court of New Jersey

Docket No. _____

Plaintiff,

v.

Wildwood

Defendant.

Civil Action

Application For Judgment
 Pursuant To N.J.S.A. 54:3-26
 (County Board Judgment Freeze Act)

Block 199.01 Lot 39 Street Address 3209 Park Blvd

1. Plaintiff is the taxpayer of the above property and demands judgment for tax year(s) 2019 (freeze year(s)) pursuant to N.J.S.A. 54:3-26 based upon a judgment of the Cape May County Board of Taxation for tax year 2018 (base year).

A final judgment having been entered by the Cape May County Board of Taxation for tax year 2018 (base year) determining the assessment on the captioned property to be:

Land	\$	\$97,000.
Improvements	\$	\$102,000
Total	\$	\$199,000

2. There is no appeal pending from said base year judgment.
3. There has been no change in value of the captioned property, revaluation or reassessment put into effect for the defendant taxing district for the freeze year(s) referred to in paragraph one (1) above.
4. No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year.

It is stipulated and agreed that a judgment incorporating the above terms be entered affirming that the judgment for the base year is applicable for the freeze year(s).

5/2/2019
 Date

/s/ Bruce J. Stavitsky

Plaintiff or Attorney for Plaintiff

5/24/19
 Date

Attorney for Defendant

MARLOS KACAVAS

Note: 1. The Freeze Act, N.J.S.A. 54:3-26, does not apply to a judgment granting an exemption or granting qualification for farmland assessment.

2. It is the policy of the Tax Court not to issue judgments applying the Freeze Act to an assessment until the assessment date has passed.

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

 Tax Court of New Jersey Case Information Statement (CIS-LP)				
Instructions: To be attached to face of complaint (type or print)				
Attorney Name (List your information if you are not represented by an attorney) Bruce J. Stavitsky				Attorney ID Number 020801983
Street 350 Passaic Avenue			E-mail Address bruce@proptaxappeal.net	
City Fairfield	State NJ	Zip 07004	Telephone Number (973) 227-1912	
Part A. Please check one of the following case types and the filing fee				
☐ Direct Appeal ☐ Added or Omitted Assessment ☐ Appeal from County Tax Board Judgment ☐ Farmland Qualification ☐ Correction of Error ☐ Farmland Rollback ☐ Exemption ☒ Other				
Is Case Hurricane Sandy related? ☐ Yes ☒ No				
Note: In order to proceed in the Small Claims Division, the property at issue must be a class 2 property (1-4 family residence) or a class 3A farm residence or prior year's taxes were less than \$25,000. See Rule 8:11-(a)(2). ☒ Check for Small Claims Division				
Filing Fee Submitted \$ 0.00		Check/other		Attorney Charge Account #
Part B. Fill in the following for all cases				
1. Plaintiff US Bank Trust NA		Defendant Wildwood		
2. County Cape May	Block 199.01	Lot 39	Unit	
3. Assessment year(s) in contest 2018				
4. Property Address 3209 Park Blvd				
5. Property Type (check one)				
☒ 1-4 Family Residence (class 2) ☐ Business Personal Property Percentage _____ ☐ Casino ☐ Commercial ☐ Condominium ☐ Farm Residence (class 3A) ☐ Farmland ☐ Hotel ☐ Industrial ☐ Multi-Unit Residential (over 4 Units) ☐ Nursing Home ☐ Pipeline ☐ Senior Citizen/Veteran Deduction ☐ Tax Exempt ☐ Vacant Land ☐ Vacant land used as part of a 1-4 family residence ☐ Other _____				

6. Is plaintiff the ☒ Owner ☐ Tenant ☐ Contract Purchaser ☐ Court Appointed Rent Receiver ☐ Municipality ☐ Other _____			
7. Is an exemption claimed? ☐ Yes ☒ No ☐ Type _____			
If more than one assessed property is included in the complaint, are they contiguous and in common ownership? ☐ Yes ☐ No			
Attach individual Case Information Statements for each separately assessed parcel. If multiple condominium units, attach the Condominium/Multiple Assessment Schedule.			
Part C. Fill in the following for all Case Types except Farmland Rollback			
Assessment for the year set forth in No. 3 above			
Original Assessment		County Tax Board Assessment	
Land	\$ 140,000	Land	\$ 97,000
Improvements	\$ 136,000	Improvements	\$ 102,000
Exemption	\$	Exemption	\$
Total	\$ 276,000	Total	\$ 199,000
Part D. Fill in the following only for Farmland Rollback			
Year	Non Qualified Assessed Value	Qualified Assessed Value	Assessment Subject to Rollback
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
Part E. Fill in the following:			
For Added Assessment ONLY			
Said property is the subject of an added assessment for the assessment year _____ as follows:			
Original Assessment		County Tax Board Judgment	
Improvements	\$	Improvements	\$
Prorated Assessment	\$	Prorated Assessment	\$
for _____ months		for _____ months	
For Omitted or Omitted/Added Assessment ONLY			
Said property is the subject of an added assessment for the assessment year _____ as follows:			
Original Assessment		County Tax Board Judgment	
Land	\$	Land	\$
Improvements	\$	Improvements	\$
Prorated Assessment	\$	Prorated Assessment	\$
for _____ months		for _____ months	
Do you or your client have any needs under the Americans with Disabilities Act? ☐ Yes ☒ No If yes, please identify any requirements or accommodations you may require.			
Will an interpreter be needed? ☐ Yes ☒ No If yes, for what language _____			
Please Note: Only an interpreter registered with the Administrative Office of the Courts may be used during a court proceeding.			
I certify that confidential personal identifiers have been removed from documents now submitted to the court, and will be removed from all documents submitted in the future in accordance with Rule 1:38-7(b)			
Dated <u>6/4/19</u>		Signed <u>/s/ Bruce J. Stavitsky</u>	
Make Filing Fee checks payable to: Treasurer, State of New Jersey Mailing Address: Tax Court Management Office, P.O. Box 972, Trenton, NJ 08625-0972			

NJ-CB (2008)

Appeal No. 14-17000571CAPE MAY COUNTY TAX BOARD
DN 303, CENTRAL MAIL ROOM
CAPE MAY COURT HOUSE, NJ 08210
609-465-1000

RECEIVED

MEMORANDUM
OF
JUDGMENT

STAVITSKY & ASSOC

STAVITSKY & ASSOC LLC
350 PASSAIC AVE
HARRFIELD, NJ

07904

US BANK TRUST NA
1501 WINGLESS WAY
OKLAHOMA CITY, OK

73134

RECEIVED

STAVITSKY & ASSOC

US BANK TRUST NA

Petitioner

HARRFIELD CITY

Respondent

Taxing District WILDSIDE CITYAddress 3209 PARK BLVDBlock 193.01Lot 39Year 2018A duly verified Petition of Appeal having been filed with the
Board of Taxation and said appeal having been heard and considered.

CAPE MAY

County

It is on this day JUNE 14, 2019 ORDERED that Judgment be entered as follows:

ORIGINAL ASSESSMENT

Land	\$	<u>140,000</u>
Improvement	\$	<u>136,000</u>
Abatement	\$	<u>0</u>
Total	\$	<u>276,000</u>
Prorated for	<u>N/A</u>	months
Prorated Amount \$	<u>N/A</u>	

JUDGMENT

Land	\$	<u>97,000</u>
Improvement	\$	<u>102,000</u>
Abatement	\$	<u>0</u>
Total	\$	<u>199,000</u>
Prorated for	<u>N/A</u>	months
Prorated Amount \$	<u>N/A</u>	

JUDGMENT CODE #

(Explanation—See Reverse Side)

ATTEST:

COUNTY TAX ADMINISTRATOR

DATE MAILED 6/21/19

COMMISSIONERS' SIGNATURES

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

Judgment Memorandum

SETTLEMENT SIGNATURE APPROVED BY TAX BOARD

* (Explanation for codes 1E and 5F)

DATE JUDGMENT ENTERED AND MAILED BY COUNTY BOARD OF TAXATION

- (a) A record shall be maintained noting the date each judgment is mailed.
 (b) Each judgment shall be stamped with the date of entry and date mailed.

Proof of Service - A copy of your complaint must be served on the clerk and assessor of the taxing district and the administrator of the county board of taxation. **All three must be served.**

1. On 6/4/19, I, the undersigned, served on the Clerk of Wildwood (taxing district), or the person in charge of the office, personally OR by ordinary mail in accordance with *Rule 8:5-4* (strike one out), a copy of the within complaint.
2. On 6/4/19, I, the undersigned, served on the Assessor of Wildwood (taxing district), or the person in charge of the office, personally OR by ordinary mail in accordance with *Rule 8:5-4* (strike one out), a copy of the within complaint.
3. On 6/4/19, I, the undersigned, served on the Administrator of the Cape May County Board of Taxation, or the person in charge of the office, personally OR by ordinary mail in accordance with *Rule 8:5-4* (strike one out), a copy of the within complaint.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

6/4/19

Date

/s/ Bruce J. Stavitsky

Signature

Mary Bittner

From: Mary Bittner
Sent: Friday, June 07, 2019 3:20 PM
To: Bill Blaney
Subject:
Attachments:

redacted / withheld

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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Mary Bittner

From: Mary Bittner
Sent: Friday, June 21, 2019 12:12 PM
To: Bill Blaney
Cc: Kyle D. Weinberg
Subject: Confidential Attorney Communication - DeMarzo Dep
Attachments: Gary DeMarzo Vol I.pdf; Time Line.docx; DeMarzo Vol II certified.zip

Winkheld/redacted

redacted

4400 NEW JERSEY AVE.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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Mary Bittner

From: Mary Bittner
Sent: Tuesday, June 25, 2019 2:52 PM
To: William G. Blaney
Subject: RE: Chief's Contract

Any copy yet to show the Mayor?

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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From: William G. Blaney [<mailto:bill@blaneykaravan.com>]
Sent: Monday, June 24, 2019 11:53 AM
To: Mary Bittner
Subject: Re: Chief's Contract

redacted

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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On Jun 24, 2019, at 11:45 AM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

Bill & Kyle:

redacted

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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Mary Bittner

From: Mary Bittner
Sent: Wednesday, June 26, 2019 10:44 AM
To: William G. Blaney
Subject: RE: Chief Regalbuto Contract
Attachments: Police Chief Salary.xlsx - redacted / withheld

redacted

Mary Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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From: William G. Blaney [<mailto:bill@blaneykaravan.com>]
Sent: Tuesday, June 25, 2019 6:27 PM
To: Mary Bittner
Subject: Fwd: Chief Regalbuto Contract

redacted

William G. Blaney
Blaney & Karavan P.A.
2123 Dune Drive - Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
Cell (609) 703-3210
bill@blaneykaravan.com

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Begin forwarded message:

From: "Kyle D. Weinberg" <kyle@blaneykaravan.com>
Subject: Fwd: Chief Regalbuto Contract
Date: June 25, 2019 at 5:41:48 PM EDT
To: 📧 Bill Blaney <bill@blaneykaravan.com>

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Mary Bittner

From: Mary Bittner
Sent: Monday, July 01, 2019 9:09 AM
To: Kyle D. Weinberg
Subject: RE: DeMarzo v. City of Wildwood (CPM-L-231-17)

Thank you. Good job.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]
Sent: Monday, July 01, 2019 9:08 AM
To: Mary Bittner
Cc: Jamie Bustamante
Subject: DeMarzo v. City of Wildwood (CPM-L-231-17)

Mary:

Per our discussion on Friday, attached hereto is the Order and Decision of Judge Gibson that granted the City's Motion for Reconsideration and dismissed Plaintiff's Complaint in its entirety with prejudice. By copy of this email I am notifying the insurance carrier. If you need anything please do not hesitate to contact my office. Thanks.

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Mary Bittner

From: Mary Bittner
Sent: Monday, July 01, 2019 8:35 AM
To: William G. Blaney
Subject: DeMarzo v. Wildwood

Bill:

Good job! Thanks for calling me to let me know. The Commissioners are happy.

With regard to bills, all the 2019 DeMarzo bills are on the July 10 bill list to be approved. If we can get the June invoice in by Wednesday that can be included.

Thanks.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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Mary Bittner

From: Mary Bittner
Sent: Wednesday, June 19, 2019 11:16 AM
To: 'regalbuto@wildwoodpd.com'
Cc: Kyle D. Weinberg
Subject: FW: DeMarzo v. Wildwood
Attachments: LETTER TO WEINBERG W NOTICES IN LIEU OF SUBPOENAS FOR TRIAL WITNESSES 6.18.19.pdf

Chief:

I am forwarding you a notice to appear for trial in the DeMarzo matter on Monday, as well as the notice for the PD records custodian to appear, which you advised me is you.

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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From: Kyle D. Weinberg [mailto:kyle@blaneykaravan.com]
Sent: Wednesday, June 19, 2019 10:54 AM
To: Mary Bittner
Subject: Re: DeMarzo v. Wildwood

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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On Jun 19, 2019, at 9:25 AM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

See addresses below.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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From: Wanda Soto-Frankenfield
Sent: Wednesday, June 19, 2019 9:04 AM
To: Mary Bittner
Cc: Hope Pinto
Subject: RE: DeMarzo v. Wildwood

Here you go Mary....

Steven Long
739 Shunpike Rd
Cape May, NJ
08204

KEVIN MCLAUGHLIN
9 Dyars Mill Rd
CMCH, NJ 08210

Wanda Soto-Frankenfield
Principal Clerk Typist-Bilingual-Benefits Coordinator

City Of Wildwood
Department Of Human Resources
4400 New Jersey Ave
Wildwood NJ 08260
609-846-2014 Fax 609-522-9239
wsoto@wildwoodnj.org

<image001.jpg>

From: Mary Bittner <mbittner@wildwoodnj.org>
Sent: Wednesday, June 19, 2019 8:32 AM
To: Hope Pinto <hpinto@wildwoodnj.org>; Wanda Soto-Frankenfield <wsoto@wildwoodnj.org>
Subject: FW: DeMarzo v. Wildwood

Hope and Wanda,

As per the email from Kyle, do you have the last known addresses for Steven Long and Kevin McLaughlin?

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]
Sent: Tuesday, June 18, 2019 4:52 PM
To: Mary Bittner
Subject: DeMarzo v. Wildwood

Mary:

Attached hereto find the letter with respect to Notices for trial. I already indicated to his counsel we could not accept service for Chief Long or Kevin McLaughlin because they are no longer employees of the City. I ask that you please forward the other two Notices: Custodian of Record and Chief Regalbuto to them directly.

Additionally, if you or someone could provide me for the last known addresses for Steven Long and Kevin McLaughlin it would be greatly appreciated. Thank you.

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Mary Bittner

From: Mary Bittner
Sent: Wednesday, April 24, 2019 4:27 PM
To: Kyle D. Weinberg
Cc: Jamie Bustamante; Frank Guaracini
Subject: RE: DeMarzo v. Wildwood

Thank you for letting us know.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]
Sent: Wednesday, April 24, 2019 4:02 PM
To: Mary Bittner
Cc: Jamie Bustamante; Frank Guaracini
Subject: DeMarzo v. Wildwood

Mary:

As you are aware the trial was previously scheduled for April 29, 2019. Since that time we have filed a summary judgment motion that was argued on March 29 2019. To date, we have not received a decision. As a result, the trial date was adjourned.

Civil Case Management has been in contact with our office to discuss trial dates sometime in June/July. While Case Management is doing this, I do not believe it is indicative of the summary judgment results as they do not know what the results of the motion will be either.

As soon as we get a summary judgment decision and/or a new trial date, I will inform you.

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Mary Bittner

From: Mary Bittner
Sent: Monday, May 06, 2019 1:43 PM
To: Kyle D. Weinberg
Subject: RE: DeMarzo v. Wildwood

Thank you.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]
Sent: Monday, May 06, 2019 9:15 AM
To: Mary Bittner
Cc: William G. Blaney; Frank Guaracini; Chris Fox
Subject: Re: DeMarzo v. Wildwood

Mary:

I will be there. Frank is attempting to make it as well.

Kyle D. Weinberg, Esq.
Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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received this communication in error, and delete the copy you received. No waiver of any privilege is expressed or implied by the inadvertent transmittal of this message. Thank you.

On May 3, 2019, at 9:50 AM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

Kyle:

Can you attend a May 8th commissioners meeting - executive session to discuss with the commissioners? The meeting starts at 3:30.

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Kyle D. Weinberg [<mailto:kyle@blaneykaravan.com>]

Sent: Thursday, May 02, 2019 3:56 PM

To: Mary Bittner

Cc: William G. Blaney; Frank Guaracini

Subject: DeMarzo v. Wildwood

redacted

Blaney & Karavan, P.C.
2123 Dune Drive Suite 11
Avalon, NJ 08202
Phone: (609) 435-5368
Fax: (609) 435-5473
kyle@blaneykaravan.com

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Mary Bittner

From: Law Office <frank@blaneykaravan.com>
Sent: Friday, May 24, 2019 2:30 PM
To: Mary Bittner
Cc: Kyle D. Weinberg
Subject: Re: DeMarzo v. Wildwood

redacted

Frank Guaracini, III, Esq.
frank@blaneykaravan.com

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On May 24, 2019, at 2:26 PM, Mary Bittner <mbittner@wildwoodnj.org> wrote:

How did motion argument go today?

Mary

Mary D'Arcy Bittner, Esq.
Solicitor, City of Wildwood
4400 New Jersey Ave.
Wildwood, NJ 08260
Direct Dial: (609) 846-2077
Facsimile: (609) 522-8623

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From: Mary Bittner
Sent: Tuesday, May 07, 2019 6:47 PM
To: Frank Guaracini III
Cc: Kyle D. Weinberg
Subject: RE: DeMarzo v. Wildwood

Thank you. And Chris and I discussed with Bill tonight that there is no need to appear tomorrow since the motion was filed.

Mary