

**Town of Palm Beach
Code Enforcement Board
Minutes**

Thursday, September 17, 2015, 02:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Joan Dunn, Secretary to the Code Enforcement Board at (561) 227-6388. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order:

II. Roll Call:(02:01:18 PM)

Upon roll call, the following Board members were present: Chairman Harris S. Fried, Vice Chairman James Ballentine, Members Madelyn Greenberg, Cynthia Van Buren, Robert G. Donnelley, Matthew Natale and Alternate Member Jay N.Nisberg. Member Scotch Peloso had an unexcused absence.

Staff present: Town Attorney John Randolph, Code Enforcement Officer John Moriarty, Code Enforcement Officer David Nault and Recording Secretary Joan Dunn.

III. Approval of the Minutes of August 20, 2015:

**MOTION BY MS. GREENBERG TO APPROVE THE AUGUST 20, 2015
MINUTES**

**SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:01:45 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:(02:02:19 PM)

Of the many code cases entered during this time period, 35 were escalated to Notice of Violation status with a September 17, 2015 Code Board Hearing date. All 35 of those first appearance cases reached compliance prior to the hearing

VI. Fine Consideration:

A. Case # CE 15-459, 168 Reef Rd., Paul Pomfret

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, vegetation infested with pests such as whitefly not allowed

Code Enforcement Officer Nault briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$50.00 a day commencing on August 31, 2015 and continuing until compliance is achieved.

Chirstopher Bushem was present at the hearing on behalf of the property owner and gave his testimony in the case. He requested more time to comply.

**MOTION BY MR. BALLENTINE TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY TO COMMENCE ON AUGUST 31, 2015 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

B. Case # CE 15-589, 174 Via Del Lago, Beatrice Tollman

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass in excess of 8 inches in height and an accumulation of trash and debris not allowed

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$50.00 a day commencing on August 31, 2015 and continuing until compliance is achieved.

The property owner was not present at the hearing and there was a finding of proper notice.

**MOTION BY MR. DONNELLEY TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY TO COMMENCE ON AUGUST 31, 2015 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

VII. Fine Reduction:

A. Case # CE 14-1118, 233 Royal Poinciana Way, Jeyanandarajan Sundarampillai Tr.

Violation of Chapter 18, Section 18-241 and 18-242 of the Town of Palm Beach Code of Ordinances, permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty advised that the property owner's attorney requested this case be postponed until the October 15, 2015 hearing.

Mr. Natale advised he keeps an apartment at this property.

**MOTION BY MR. NATALE TO POSTPONE THIS CASE UNTIL THE
OCTOBER 15, 2015 MEETING
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 14-1160, 375 S. County Rd., Bricktop's & Three Seventy Five South
County Assoc.

Violation of Chapter 134, Section 134-7 of the Town of Palm Beach Code of Ordinances, failure to comply with conditions established in connection with grants of variances or special exceptions

Code Enforcement Officer Moriarty briefly reviewed the case. The Town had no recommendation.

Maura Ziska, attorney for the business owner, and John Becker were present on behalf of the business owner. They gave their testimony in the case and requested a fine reduction.

**MOTION BY MS. VAN BUREN TO REDUCE THE FINE TO \$4,500.00.
MS. VAN BUREN FURTHER MOTIONED IF THE REDUCED FINE OF
\$4,500.00 WAS NOT PAID WITHIN 30 DAYS THAT THE FINE RETURN
TO THE ORIGINAL AMOUNT OF \$9,000.00
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VIII. Board Comments:(02:29:53 PM)

Various Board members expressed they were pleased to hear that 100% compliance was achieved this month at the staff level as it represented the goal of voluntary compliance that Code Board strives to attain.

IX. Adjournment:(02:31:09 PM)

**MOTION BY MR. DONNELLEY TO ADJOURN THE HEARING
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**