

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

Thursday, August 17, 2017, 01:30 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:(01:28:08 PM)

The meeting was called to order by Vice Chair Van Buren at 2:00 p.m.

II. Roll Call:(01:28:34 PM)

Upon roll call, the following Board members were present: Vice Chair Cynthia Van Buren, Members Robert G. Donnelley, Matthew Natale, Scotch Peloso, Jay N. Nisberg, Daniel McDonnell, Alternate Members Donald B. Scott, Jr. and Rosemary G. Carpenter. Chairman James Ballentine, Jr. had an unexcused absence.

Staff present: Attorney for the Town Jamie Gavigan, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Code Enforcement Officer Felix and Recording Secretary Joan Dunn.

III. Approval of the Minutes of July 20, 2017 Code Board Hearing:(01:28:40 PM)

**MOTION BY MR. NISBERG TO APPROVE THE AUGUST 17, 2017 MINUTES
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(01:29:02 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Code Statistics(01:29:17 PM)

Code Enforcement Officer Felix reviewed the Code Enforcement statistics for the month as follows:

- 999 - year-to-date Code Enforcement cases
- 161 cases initiated since last Code Board Hearing
 - 81 cases self-initiated
 - 80 cases received (not self-initiated)
- 20 cases set to appear at August Code Board
- 13 achieved compliance before Hearing
- 5 new cases to be heard today
- 1 fine considerations to be heard today
- 1 fine reductions considerations to be heard today

Board Secretary Dunn advised the Board that 2 cases had come into compliance just prior to the hearing and the number of new cases heard today should read 3 instead of 5

VI. Public Hearings:

A. Case # CE 17-617, 306 Worth Ave., Love 300

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, conditions which provide harborage for vermin not allowed

Code Enforcement Officer Moriarty advised this case was postponed from last month's meeting and is now in compliance. The Town recommended this case be dismissed for compliance.

Complainant Ashton DePeyster was present at the hearing and gave his testimony in the case.

MOTION BY MR. MC DONNELL TO DISMISS THIS CASE FOR COMPLIANCE

SECONDED BY MR. NISBERG

MOTION PASSED UNANIMOUSLY

B. Case # CE 17-747, 306 Worth Ave., Love 300

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, appurtenances to be maintained in safe and good repair

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until September 18, 2017 to comply.

Shawn Foley was present at the hearing on behalf of the property owner, gave his testimony in the case and asked for a postponement.

Complainant Ashton DePeyster was present at the hearing and gave his testimony in the case.

**MOTION BY MR. NATALE TO POSTPONE THE CASE TO THE
SEPTEMBER 21, 2017 HEARING
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

C. Case # CE 17-758, 226 Australian Ave. #4, Anna K. Karayiannakis

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances, building 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 presented the facts of the case and submitted photographs into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until September 18, 2017 to comply.

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

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT
OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 18, 2017 TO
COMPLY
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

VII. Fine Considerations:

A. Case # CE 17-363, 264 Seminole Ave., TP Seminole Ave. LLC

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances, building 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 Felix briefly reviewed the case. The Town recommended a daily fine in the amount of \$250.00 commence on August 10, 2017 and continue until compliance is achieved.

Bertrum Crocker was present on behalf of the property owner and requested more time to comply.

**MOTION BY MR. NATALE TO GIVE ADDITIONAL TIME TO COMPLY, UNTIL NOVEMBER 15, 2017. HE FURTHER MOTIONED IF COMPLIANCE IS NOT ACHIEVED BY NOVEMBER 15, 2017 A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON NOVEMBER 16, 2017, RETROACTIVE TO AUGUST 10, 2017 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

VIII. Fine Reduction Considerations:

A. Case # CE 16-680, 232 Cherry Ln., Joshua & Celeste Leader

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, convert or replace any electrical, mechanical or plumbing system

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

David Kline, attorney for the property owner, was present at the hearing and requested this case be postponed.

**MOTION BY MR. DONNELLEY TO POSTPONE THIS CASE TO THE SEPTEMBER 21, 2017 HEARING, RETAINING THE PROVISION OF FORECLOSURE RECOMMENDATION SHOULD THE FINE NOT BE PAID AS OUTLINED IN THE BOARD ORDER ON SEPTEMBER 21, 2017
SECONDED BY MR. SCOTT
MOTION PASSED UNANIMOUSLY**

IX. Board Comments:(02:52:03 PM)

The Board thanked Officer Moriarty for his professional demeanor during this meeting despite the personal disparaging remarks he was subject to from a complainant in a case.

X. Adjournment:(02:52:43 PM)

**MOTION BY MR. SCOTT TO ADJOURN THE HEARING
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**