

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

**Thursday, May 18, 2017, 1:00 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](http://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:(1:59:53 PM)**

The meeting was called to order by Chairman Ballentine at 2:00 p.m. Mr. Ballentine announced that Ms. Van Buren would be signing the Board orders for this meeting.

**II. Roll Call:(02:00:06 PM)**

Upon roll call, the following Board members were present: Chair James Ballentine, Jr., Vice Chair Cynthia Van Buren, Members, Matthew Natale, Scotch Peloso, Jay N. Nisberg, Daniel McDonnell, and Alternate Member Rosemary G. Carpenter. Member Robert G. Donnelley and Alternate Member Donald B. Scott, Jr. had unexcused absences. Mr. Ballentine informed Ms. Carpenter that she would be a voting member.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Code Enforcement Officer Julien Felix, Road Patrol Sergeant William Rothrock and Recording Secretary Joan Dunn.

**III. Approval of the Minutes of April 20, 2017:(02:00:21 PM)**

**MOTION BY MS. VAN BUREN TO APPROVE THE APRIL 20, 2017 MINUTES  
SECONDED BY MR. NISBERG  
MOTION PASSED UNANIMOUSLY**

**IV. Administration of the Oath to Town Staff:(02:00:48 PM)**

The Town staff were sworn in by Recording Secretary Dunn.

V. Code Statistics(02:01:12 PM)

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

- 612 - year-to-date Code Enforcement cases
- 149 cases initiated since last Code Board Hearing
  - 65 cases self-initiated
  - 84 cases received (not self-initiated)
- 25 cases set to appear at May Code Board
- 21 achieved compliance before Hearing
- 1 new cases to be heard today
- 3 fine consideration case to be heard today

VI. Public Hearings:

A. Case # CE 17-488, 135 Bradley Pl., Eugene August Fusz

Violation of Chapter 10, Section 10-43 of the Town of Palm Beach Code of Ordinances, no dog shall run at large upon town or upon the property other than that of its owner

Code Enforcement Officer Felix presented the facts of the case and submitted photographs, previous violations and a letter from Publix into the record. The Town recommended the Board order a finding of non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$250.00 fine. Road Patrol Sergeant Rothrock gave his testimony in the case.

Mr. Nisberg advised he did have some ex-parte conversation about the case with Mr. Fusz.

Eugene Fusz was present at the hearing and gave his testimony in the case.

MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$250.00 FINE  
SECONDED BY MR. MCDONNELL  
MOTION OPPOSED

ROLL CALL VOTE

|                |     |
|----------------|-----|
| MS. VAN BUREN  | YES |
| MR. MCDONNELL  | YES |
| MR. NATALE     | NO  |
| MR. PELOSO     | NO  |
| MR. NISBERG    | NO  |
| MS. CARPENTER  | NO  |
| MR. BALLENTINE | YES |

MOTION FAILED 4 TO 3

**MOTION BY MR. NATALE TO DISMISS THE CASE AS HE FELT  
IMPLIED CONSENT MAY APPLY IN THIS CIRCUMSTANCE**

**SECONDED BY MR. PELOSO**

**MOTION OPPOSED**

**ROLL CALL VOTE**

|                       |            |
|-----------------------|------------|
| <b>MR. NATALE</b>     | <b>YES</b> |
| <b>MR. PELOSO</b>     | <b>YES</b> |
| <b>MS. VAN BUREN</b>  | <b>NO</b>  |
| <b>MR. NISBERG</b>    | <b>YES</b> |
| <b>MR. MCDONNELL</b>  | <b>NO</b>  |
| <b>MS. CARPENTER</b>  | <b>YES</b> |
| <b>MR. BALLENTINE</b> | <b>NO</b>  |

**MOTION PASSED 4 TO 3**

VII. Fine Consideration:

A. Case # CE 17-30, 1237 N. Lake Way, Geryl T. Pearl

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; Violation of Chapter 18, Section 18-175, ARCOM approval required prior to the issuance of certain permits

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$100.00 a day commencing on May 17, 2017 and continuing until compliance is achieved.

Brian Arendale, contractor for the property owner, was present at the hearing and gave his testimony in the case. He requested more time to comply.

**MOTION BY MR. PELOSO TO GIVE MORE TIME TO COMPLY, UNTIL SEPTEMBER 18, 2017. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY SEPTEMBER 18, 2017 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON SEPTEMBER 19, 2017, RETROACTIVE TO MAY 17, 2017 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED**  
**SECONDED BY MR. NISBERG**  
**MOTION PASSED UNANIMOUSLY**

B. CE 17-110, 2150 Ibis Isle Rd., PH5, Vere & Susan Gaynor

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 recommended the Board assess a fine in the amount of \$250.00 a day commencing on May 17, 2017 and continuing until compliance is achieved.

Frank Lynch was present on behalf of the property owner and gave his testimony in the case. He requested more time to comply.

**MOTION BY MS. VAN BUREN TO GIVE MORE TIME TO COMPLY, UNTIL JUNE 12, 2017. SHE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY JUNE 12, 2017 A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON JUNE 13, 2017, RETROACTIVE TO MAY 17, 2017 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED**  
**SECONDED BY MR. NISBERG**  
**MOTION PASSED UNANIMOUSLY**

C. Case # CE 17-221, 302 S. County Rd. AKA 296 S. County Rd., Le Macaron Palm Beach LLC & Milton Partnership LTD

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 briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$25.00 a day commencing on May 17, 2017 and continuing until compliance is achieved.

Natasha Rawding was present at the hearing on behalf of the business, gave her testimony in the case and requested more time to comply.

**MOTION BY MR. NATALE TO GIVE MORE TIME TO COMPLY, UNTIL JUNE 15, 2017. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY JUNE 15, 2017 A FINE IN THE AMOUNT OF \$25.00 A DAY WILL COMMENCE ON JUNE 16, 2017, RETROACTIVE TO MAY 17, 2017 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED  
SECONDED BY MS. VAN BUREN  
MOTION PASSED UNANIMOUSLY**

VIII. Board Comments:(03:31:44 PM)

Attorney Randolph discussed the outstanding fines list with the Board and the procedure for foreclosure on the properties that were eligible. Secretary Dunn advised the Board which properties are eligible at this time and that staff would start the foreclosure process on those properties.

Mr. McDonnell suggested the code statistics should be included in the minutes for reference.

IX. Adjournment:(03:46:24 PM)

**MOTION BY MR. PELOSO TO ADJOURN THE MEETING  
SECONDED BY MR. NISBERG  
MOTION PASSED UNANIMOUSLY**