

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

Thursday, April 21, 2016, 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:(02:00:10 PM)

II. Roll Call:(02:00:19 PM)

Upon roll call, the following Board members were present: Vice Chair James Ballentine, Members Madelyn Greenberg, Cynthia Van Buren, Robert G. Donnelley, Matthew Natale, Scotch Peloso and Jay N. Nisberg.

Staff present: Attorney Kelly Gardner, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Patrol Officer Ryan Burgoon and Recording Secretary Joan Dunn.

III. Election of Officers:(02:00:39 PM)

Attorney Gardner opened the floor for nominations for Chair. Ms. Greenberg nominated Mr. Ballentine. Mr. Peloso nominated Mr. Natale. A paper ballot was taken and Mr. Ballentine received 4 votes and Mr. Natalie received 3 votes. Attorney Gardner announced that Mr. Ballentine was elected Chair.

Attorney Gardner opened the floor for nominations for Vice Chair. Ms. Van Buren nominated Ms. Greenberg. Mr. Natale nominated Mr. Nisberg. A paper ballot was taken and Ms. Greenberg received 4 votes and Mr. Nisberg received 3 votes. Attorney Gardner announce that Ms. Greenberg was elected Vice Chair.

IV. Approval of the Minutes of March 17, 2016:(02:06:10 PM)

**MOTION BY MS. GREENBERG TO APPROVE THE MARCH 17, 2016
MINUTES
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

V. Administration of the Oath to Town Staff:(02:06:22 PM)

The Town staff were sworn in by Recording Secretary Dunn.

Code Enforcement Officer Moriarty presented the statistical information about the Code Enforcement actions for the past month.

VI. Public Hearings:

A. Case # CE 16-181, 400 Royal Palm Way, CP 400 Royal Palm Way LLC & Whalou Properties II LLC

Violation of Chapter 38, Section 38-35 of the Town of Palm Beach Code of Ordinances, overdue false alarm service charges and late penalties

Patrol Officer Burgoon presented the facts of the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the outstanding false alarm fines and late charges.

Neither the business owner nor the property owner were present at the hearing and there was a finding of proper notice.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE OUTSTANDING FALSE ALARM FINES AND LATE CHARGES
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

B. Case # CE 16-120, 232 Cherry Ln., Joshua & Celeste Leader

REPEAT violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, accumulation of stagnant water not allowed

Code Enforcement Officer Moriarty presented the case and submitted pictures into the record. The Town recommended the Board fine the violator in REPEAT non-compliance, assess administrative costs of \$150.00 and assess a daily fine not to exceed \$500.00 a day for the 14 days out of compliance.

Greg Gerszewski was present on behalf of the property owners and gave his testimony.

**MOTION BY MR. NISBERG TO FIND THE VIOLATOR IN REPEAT NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ASSESS A DAILY FINE IN THE AMOUNT OF \$250.00 A DAY FOR THE 14 DAYS OUT OF COMPLIANCE FOR A TOTAL FINE OF \$3,500.00
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

Mr. Ballentine recognized and thanked Council Member Moore for her attendance at the hearing

C. Case # CE 16-127, 236 Australian Ave., Marylynne D. McGlone

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 and electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty presented the case and submitted pictures into the record. The Town recommended the Board fine the violator in non-compliance, assess administrative costs of \$150.00 and give until May 6, 2016 to comply.

The property owner was present at the hearing but did not choose to address the Board.

Board members discussed alternate dates for compliance.

**MOTION BY MR. PELOSO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 13, 2016 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

D. Case # CE 16-138, 2773 S. Ocean Blvd., Carlyle House Association, Inc.

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 and electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty presented the case and submitted pictures into the record. The Town recommended the Board fine the violator in non-

compliance, assess administrative costs of \$150.00 and give until May 6, 2016 to comply.

Wendy Barber, the property manager, was present at the hearing and gave her testimony in the case.

Board members discussed alternate dates for compliance.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 18, 2016 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Fine Consideration:

A. Case # CE 16-59, 220 Arabian Rd., Richard J. Carlino

Violation of Chapter 18, Section 18-233 of the Town 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 briefly reviewed the case and advised he was notified that the permit was finalized just before the hearing. The Town recommended a daily fine the amount of \$100.00 a day for the 16 days out of compliance.

Jeffrey Thompson was present at the hearing on behalf of the property owner and gave his testimony.

**MOTION BY MR. DONNELLEY TO ASSESS A DAILY FINE IN THE AMOUNT OF \$100.00 FOR THE 16 DAYS OUT OF COMPLIANCE FOR A TOTAL FINE OF \$1,600.00
SECONDED BY MS. NATALE
MOTION PASSED UNANIMOUSLY**

VIII. Board Comments:(02:46:22 PM)

Various Board members congratulated Mr. Ballentine and Ms. Greenberg on their appointments.

IX. Adjournment:(02:46:58 PM)

The meeting was adjourned without benefit of a motion.