

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

Thursday, March 20, 2014, 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:(02:01:25 p.m.)

The meeting was called to order by Chairman Fried at 2:00 p.m.

Chairman Fried acknowledged and thanked Council Member Townsend for her presence at the hearing

II. Roll Call:(02:01:41 p.m.)

Upon roll call, the following Board members were present: Chairman Harris S. Fried, Vice Chairman James Ballentine, Members Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, W. Anthony Dowell, Robert G. Donnelley and alternate members Scotch Peloso and Matthew Natale.

Staff present: Matthew Ramenda, Attorney for the Board, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer John Moriarty and Recording Secretary Joan Dunn.

III. Approval of the Minutes of February 20, 2014:(02:01:44 p.m.)

MOTION BY MS. GREENBERG TO APPROVE THE FEBRUARY 20, 2014 MINUTES

SECONDED BY MR. DONNELLEY

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(02:02:18 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 14-143, 1 S. County Rd., Hope Taxi & Limousine

Violation of Chapter 130, Section 130-33 of the Town of Palm Beach Code of Ordinances, all taxicabs required to use the meter to determine all fares

Lead Code Enforcement Officer Walton presented the facts of the case and advised that Detective Larry Menetti was present to answer any questions from the Board. Det. Menetti testified about his involvement in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$250.00 fine.

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

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

The business owner arrived at the meeting after his case was heard. At the end of the fine consideration cases, the Board was asked if they would hear the case again. Chairman Fried asked for a motion to rehear the case

**MOTION BY MR. DOWELL TO RE-HEAR THE CASE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

Lead Code Enforcement Officer Walton presented the facts of the case and advised that Detective Larry Menetti was present to answer any questions from the Board. Det. Menetti testified about his involvement in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$250.00 fine.

Willy Isidore was present on behalf of the company and testified that he did not start the meter running because he thought he was going to pick up the fare's friends at the Breakers and was not going to start the meter until after he picked up the friends.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MR. DONNELLEY**

MOTION OPPOSED

ROLL CALL VOTE:

MR. OCHSTEIN	YES
MR. DONNELLEY	YES
MS. GREENBERG	NO
MS. VAN BUREN	NO
MR. BALLENTINE	YES
MR. DOWELL	YES
MR. FRIED	NO

MOTION PASSED 4 TO 3

B. Case # CE 14-142, 1 S. County Rd., West Side Taxi

Violation of Chapter 130, Section 130-33 of the Town of Palm Beach Code of Ordinances, all taxicabs required to use the meter to determine all fares

Lead Code Enforcement Officer Walton presented the facts of the case and advised the business owner had paid the fine just prior to the hearing. The Town recommended the Board accept the guilty plea and fine and no other action be taken.

**MOTION BY MS. GREENBERG TO ACCEPT THE GUILTY PLEA AND
FINE AND NO OTHER ACTION BE TAKEN
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

Chairman Fried acknowledged and thanked Councilman Kleid for his presence at the hearing

C. Case # CE 14-128, 260 Clarke Ave., Arij Gasiunasen

Violation of Chapter 18, Section 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, repair, remove, convert or replace any electrical or plumbing system

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until April 14, 2014 to comply. Building Official Bill Bucklew advised the Board permits were required for this fence and ARCOM approval might also be required.

Arij Gasiunasen was present at the hearing and testified that he did not believe he needed permits for the scope of the work done.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL APRIL 14, 2014 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

D. Case # CE 14-152, 2165 Ibis Isle Rd. #8, Ellis & Nancy Parker

Violation of Chapter 18, Section 18-241 and Section 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, repair, remove, convert or replace any electrical or plumbing system

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and give them until April 14, 2014 to comply.

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

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL APRIL 14, 2014 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

E. Case # CE 14-164, 221 Jamaica Ln., J.P. Dimisa

Violation of Chapter 134, Section 134-1729 of the Town of Palm Beach Code of Ordinances, no generator testing outside allowable hours and on Town Hoidays

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$75.00 fine.

Robert LaBonte was present on behalf of the company and testified that he did not realize the generator was scheduled to go off on the holiday

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND WAIVE THE \$75.00 FINE
SECONDED BY MR. DOWELL
MOTION OPPOSED**

ROLL CALL VOTE:

MR. OCHSTEIN	YES
MR. DOWELL	YES
MS. GREENBERG	NO
MS. VAN BUREN	NO
MR. BALLENTINE	NO
MR. DONNELLEY	YES
MR. FRIED	NO

MOTION FAILED 4 TO 3

MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY A FINE OF \$25.00
MOTION FAILED FOR LACK OF A SECOND

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$75.00 FINE
SECONDED BY MS. VAN BUREN
MOTION PASSED WITH MR. OCHSTEIN OPPOSED**

- F. Case # CE 14-215, 219 Royal Poinciana Way, #4, Paradise Alley
Violation of Chapter 114, Section 114-38 of the Town of Palm Beach Code of Ordinances, outdoor display of merchandise not allowed

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$75.00 fine.

Robin Thomas was present on behalf of the business and advised she did not realize outside merchandise was part of the original warning.

**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 \$75.00 FINE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- G. Case # CE 14-181, 200 S. Ocean Blvd., Lawn & Gardens of Palm Beach
Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances, leaf blower over allowable noise decibels

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$250.00 fine.

Marcello Salvo was present on behalf of the company and testified that he thought he should get a warning for the first offense of this kind.

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

VI. Fine Consideration:

A. Case # CE 13-1199, 256 Seaspray Ave, John & Teresa Garofalo

Violation of Chapter 18, Section 18-241 and Section 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, repair, remove, convert or replace any electrical 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 starting March 15, 2014

John Garofalo was present at the hearing and testified that he is working toward compliance and requested more time to comply.

**MOTION BY MS. VAN BUREN TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL APRIL 15, 2014. SHE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY APRIL 15, 2014 , A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON APRIL 16, 2014 RETROACTIVE TO MARCH 15, 2014 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Fine Reductions:

Cases A and B were heard together as they involve the same property.

A. Case # CE 11-641, 142 Via Palma, Salomon & Ellen Bitton
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsafe or unsanitary conditions and grass in excess of 8" in height not allowed

B. Case # CE 11-778, 142 Via Palma, Salomon & Ellen Bitton
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, stagnant water or unsanitary conditions prohibited and properties required to be maintained in good condition

Lead Code Enforcement Officer Walton advised Ellen Bitton was present to request a fine reduction from the Board. The Town had no recommendation.

Ellen Bitton was present at the hearing and testified about her reasons for not being able to comply and requested a fine reduction to zero.

MOTION BY MS. GREENBERG TO REDUCE THE FINES IN BOTH CASES TO ZERO.

MOTION FAILED DUE TO LACK OF A SECOND

MOTION BY MR. BALLENTINE TO REDUCE THE FINES IN BOTH CASES TO A TOTAL OF \$10,000.00. HE FURTHER MOTIONED THAT THE FINE REDUCTION AMOUNT OF \$10,000.00 BE PAID WITHIN 30 DAYS OR THE FINES REVERT BACK TO THEIR ORIGINAL AMOUNTS.

SECONDED BY MS. VAN BUREN

MOTION PASSED WITH MS. GREENBERG OPPOSED

VIII. Board Comments:(04:49:04 p.m.)

Mr. Ballentine requested an update on the Gilbertson cases.

IX. Adjournment:

MOTION BY MR. DOWELL TO ADJOURN THE MEETING

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY