

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

Thursday, March 15, 2018, 11:30 a.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:

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

II. Roll Call:

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

Staff present: Attorney John Randolph, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Planning Administrator John Lindgren and Recording Secretary Joan Dunn.

III. Approval of the Minutes of February 15, 2018:

**MOTION BY MR. NISBERG TO APPROVE THE FEBRUARY 15, 2018
MINUTES**

**SECONDED BY MS. CARPENTER
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:

The Town staff were sworn in by Recording Secretary Dunn.

V. Code Statistics

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

- 226 - year-to-date Code Enforcement cases
- 97 cases initiated since last Code Board Hearing
 - 24 cases self initiated
 - 73 cases received (not self initiated)
- 19 cases set to appear at March Code Board
- 4 achieved compliance prior to meeting cancellation
- 11 postponed to April Code Board (were already notified of cancellation)
- 1 new case to be heard today
- 3 fine reduction considerations to be heard today

VI. Public Hearings:

- A. Case # CE 18-10, 901 N. Ocean Blvd., Jack & Lorraine Friedman Trust
Violation of Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances, conditions of demolition permit not adhered to

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. Planning Administrator Lindgren was present at the hearing and gave his testimony in the case. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and assess a fine in the amount of \$250.00 a day starting February 19, 2018.

Attorney Francis Lynch was present at the hearing on behalf of the property owner, gave his testimony in the case and requested a postponement. Attorney Greg Kino was present on behalf of the neighbor and gave his testimony in the case.

MOTION BY MR. NATALE TO POSTPONE THIS CASE TO THE APRIL 19, 2018 MEETING

SECONDED BY MR. NISBERG

MOTION PASSED UNANIMOUSLY

VII. Foreclosure Hearing:

- A. Case # 07-2073, 129 Chilean Ave., Robert & Beverly Lowden
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, roofs to be maintained so as not to leak and kept in a state of good repair

Code Enforcement Officer Moriarty advised that all three of these cases were going to be heard together for one fine reduction motion. He briefly reviewed the cases and fines owed. The Town had no recommendation.

**MOTION BY MR. DONNELLEY TO HEAR ALL OF THE FINE
REDUCTION CASES INVOLVING 129 CHILEAN AVE. TOGETHER SO
THAT ONE MOTION MAY COVER ALL THREE CASES
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

Attorneys Timothy Hanlon and Lawrence Smith were present on behalf of the property owner's sister and advised both property owners have passed away. They gave their testimony in the case and requested a fine reduction. Mrs. Martha Scarlett, sister of Mr. Lowden, was present at the hearing and gave her testimony in the case. Ms. Sheila Hurley, neighbor to the Lowden's, was present at the hearing and gave her testimony in the case.

**MOTION BY MR. NISBERG TO REDUCE THE FINE FOR ALL THREE
CASES TO A SINGLE SUM OF \$50,000.00. HE FURTHER MOTIONED IF
THE REDUCED SINGLE SUM FINE OF \$50,000.00 WAS NOT PAID
WITHIN 30 DAYS, THE FINES WOULD RETURN TO THEIR ORIGINAL
AMOUNTS
SECONDED BY MR. PELOSO
MOTION OPPOSED**

ROLL CALL VOTE

MR. NISBERG	YES
MR. PELOSO	YES
MR. DONNELLEY	NO
MR. NATALE	YES
MS. CARPENTER	YES
MR. MCDONNELL	YES
MR. BALLENTINE	YES

MOTION PASSED 6 TO1

- B. Case # CE 12-16, 129 Chilean Ave., Robert & Beverly Lowden
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, storage of construction debris and unsightly, unsafe and/or unsanitary conditions not allowed

See above

- C. Case # CE 14-1360, 129 Chilean Ave., Robert & Beverly Lowden
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, outside storage of debris not allowed

See above

VIII. Board Comments:

Mr. Ballentine advised this was his last Code Board hearing and said it was a pleasure to serve on the Board.

Various Board Members expressed their gratitude to Mr. Ballentine and wished him well.

**MOTION BY MR. DONNELLEY TO RECOGNIZE AND THANK MR.
BALLENTINE FOR HIS MANY YEARS OF SERVICE TO THE CODE
ENFORCEMENT BOARD
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

IX. Adjournment:

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