

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

**Thursday, January 18, 2018, 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](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:(02:01:28 PM)**

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

**II. Roll Call:(02:01:57 PM)**

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

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

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

**MOTION BY MS. VAN BUREN TO APPROVE THE DECEMBER 21, 2017  
MINUTES**

**SECONDED BY MR. DONNELLEY  
MOTION PASSED UNANIMOUSLY**

**IV. Administration of the Oath to Town Staff:(02:02:18 PM)**

The Town staff were sworn in by Recording Secretary Dunn.

**V. Code Statistics(02:02:31 PM)**

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

- 45 - year-to-date Code Enforcement cases
- 74 cases initiated since last Code Board Hearing
  - 18 cases self initiated
  - 56 cases received (not self initiated)
- 25 cases set to appear at January Code Board
- 16 achieved compliance before Hearing
- 7 new cases to be heard today
- 2 fine consideration to be heard today

## VI. Public Hearings:

- A. Case # CE 18-8, 3100 Blk. S. Ocean Blvd., John Stanley Maciejewski  
Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances, obstruction of right-of-way

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$125.00 fine.

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

**MOTION BY MR. NATALE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$125.00 FINE  
SECONDED BY MR. NISBERG  
MOTION PASSED UNANIMOUSLY**

- B. Case # CE 17-1306, 255 Everglade Ave., Van Stewart  
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 evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and given them until February 8, 2018 to comply.

Van Stewart and Richard Rene Silvin gave their testimony in the case.

*Mr. Natale left the meeting at 2:27 PM and Ms. Carpenter became a voting member.*

**MOTION BY MR. DONNELLEY TO POSTPONE THIS CASE TO THE  
FEBRUARY 15, 2018 HEARING  
SECONDED BY MS. CARPENTER  
MOTION PASSED UNANIMOUSLY**

- C. Case # CE 17-1380, 710 S. County Rd., Joan Granlund Tr.  
Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, noise exceeding maximum decibel levels established for the geographic area

Code Enforcement Officer Moriarty requested a postponement of this case until the February 15, 2018 hearing.

**MOTION BY MR. PELOSO TO POSTPONE THIS CASE TO THE  
FEBRUARY 15, 2018 HEARING  
SECONDED BY MR. NISBERG  
MOTION PASSED UNANIMOUSLY**

- D. Case # CE 17-1421, 202 Onondaga Ave., 202 Onondaga LLC  
Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, collections of standing water in which mosquitos breed or are likely to breed not allowed

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and pursuant to Chapter 42, Section 42-129 find the violator guilty of a violation each day the violation continued beyond the date of compliance set by the Code Enforcement Officer. Resulting in a \$250.00 fine for the first violation on December 12, 2017 and a \$500.00 a day fine for the second and subsequent violations each day thereafter starting on December 13, 2017 and continuing until compliance is achieved. The Town also recommended that the Board make a recommendation to the Town Manager's Office to initiate abatement mitigation procedures on this property.

**MOTION BY MR. DONNELLEY TO ASSESS A \$250.00 FINE FOR THE  
FIRST VIOLATION ON DECEMBER 12, 2017 AND A \$500.00 A DAY FINE  
FOR THE SECOND AND SUBSEQUENT VIOLATIONS COMMENCING  
ON DECEMBER 13, 2017 AND CONTINUING UNTIL COMPLIANCE IS  
ACHIEVED. HE FURTHER MOTIONED THAT THE ABATEMENT  
MITIGATION PROCESS BE RECOMMENDED TO THE TOWN  
MANAGER'S OFFICE ON THIS PROPERTY  
SECONDED BY MR. NISBERG  
MOTION PASSED UNANIMOUSLY**

E. Case # CE 17-1460, 251 Bradley Pl., 251 Bradley Place 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 presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and given them until February 8, 2018 to comply.

Michelle Rashaed was present at the hearing and gave her testimony in the case.

**MOTION BY MR. NISBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL JANUARY 8, 2018 TO COMPLY  
SECONDED BY MR. DONNELLEY  
MOTION PASSED UNANIMOUSLY**

F. Case # CE 17-1487, 105 N. County Rd., Michelle Farmer & PB105 LLC

Violation of Chapter 114, Section 114-38 of the Town of Palm Beach Code of Ordinances, outdoor merchandising not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and pay the \$75.00 fine.

The business owner was not 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 \$75.00 FINE  
SECONDED BY MR. MCDONNELL  
MOTION PASSED UNANIMOUSLY**

G. Case # CE 17-299, 220 Kawama Ln., Barbara Dauphin Duthuit Trust

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 requested a postponement of this case until the February 15, 2018 hearing.

**MOTION BY MR. NISBERG TO POSTPONE THIS CASE TO THE  
FEBRUARY 15, 2018 HEARING  
SECONDED BY MS. CARPENTER  
MOTION PASSED UNANIMOUSLY**

**VII. Fine Consideration:**

- A. Case # CE 17-1221, 223 Orange Grove Rd., Reid & Michelle Boren  
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, accumulations of debris/building materials on a property and overgrown grass not allowed; Violation of Chapter 102, Section 102-137, construction sites required to be maintained in a clean and tidy manner

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a \$250.00 a day fine commencing on January 13, 2018 and continuing until compliance is achieved.

Reid Boren and Steve Davis were present at the hearing, gave their testimony in the case and requested more time to comply.

**MOTION BY MR. CARPENTER TO ASSESS A FINE IN THE AMOUNT  
OF \$100.00 A DAY COMMENCING ON JANUARY 18, 2018 AND  
CONTINUING UNTIL COMPLIANCE IS ACHIEVED  
SECONDED BY MR. PELOSO  
MOTION PASSED UNANIMOUSLY**

- B. Case # CE 17-1281, 215 Arabian Rd., 215 Arabian LLC  
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, conditions which provide harborage for rats, mice, snakes or other vermin and decayed or decaying buildings not allowed; Violation of Chapter 42, Section 42-87, all windows to be maintained in such a condition to exclude weather elements or insects from entering

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a \$250.00 a day fine commencing on January 13, 2018 and continuing until compliance is achieved. Zoning Administrator John Lindgren came into the meeting, was sworn in and gave his testimony in the case.

A representative from the law office of Robert J. Kanjian was present at the hearing and provided a written statement advising the firm was representing the property owner. She gave her testimony in the case.

**MOTION BY MR. DONNELLEY TO ASSESS A FINE IN THE AMOUNT  
OF \$250.00 A DAY COMMENCING ON JANUARY 13, 2018 AND  
CONTINUING UNTIL COMPLIANCE IS ACHIEVED  
SECONDED BY MS. VAN BUREN  
MOTION PASSED UNANIMOUSLY**

*Mr. Peloso left the meeting at 3:51 PM*

**VIII. Board Comments:(04:00:04 PM)**

Ms. Van Buren had questions about what constitutes outdoor merchandising and about homesteaded properties on the fines owed list.

**IX. Adjournment:**

**MOTION BY MR. DONNELLEY TO ADJOURN THE HEARING  
SECONDED BY MS. CARPENTER  
MOTION PASSED UNANIMOUSLY**