

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 15, 2025

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: 1025 N. Lake Way – Three Strikes & Stop Work Order

Date: January 13, 2025

FYI - This Memo is provided as Information to the Town Council

As you know, the Town has a “Three Strike Rule” for construction parking and construction site management. The regulations and process are found in the Town’s “Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach” (commonly called the Right-of Way-Manual), dated May 1994, as revised through November 8, 2022. Chapter XII, Miscellaneous Provisions, contains the details of the Three Strike rules. The regulations spell out the process in which contractors can secure parking permits, the fees for various violations, and the process that must occur once a contractor receives Three Strikes – three different sets of tickets for construction violations.

1025 N. Lake Way recently received their Fourth Strike for construction-related violations in the right of way. The contractor is Eison Construction Company Inc. of West Palm Beach, FL. Please refer to the attached letter dated January 9, 2025, for the details of the Strikes.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, since the last violation was issued by the Public Works Department, the appeal went to Patricia Strayer, the Town Engineer, of the Public Works Department. The contractor filed the appeal on January 9, 2025. Mrs. Strayer reviewed and approved the appeal for the fourth strike. However, she denied the appeal for the remaining strikes on January 10, 2025, which resulted in three strikes remaining on this project. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on January 10, 2025, based upon the denial of the appeal and the normal work stoppage for season of construction in the R-B zoning district.

The contractor is required to pay all fees and fines related to the Strikes.

This is the first time that Eison Construction Company Inc. has been before you with Three Strikes. Copies of all violations are attached.

The Town Council’s process for this matter is contained within the Public Works “Right of Way

Manual”, as follows:

“When the Town Council receives a written request to lift a stop work order the Town Council shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations the amount for which shall be in the sole discretion of the Town Council; collect the fine as outlined below, plus payment of any outstanding right-of-way fines and accumulated interest, as referenced herein below and to prohibit the issuance of any additional right-of way permits for the duration of the work in question.

The fine for a third (3rd) strike shall be \$500; the fine and penalty for a fourth (4th) strike shall be a fine of \$2,500 and a mandatory thirty (30) day shutdown of the construction project; the fine and penalty for a fifth strike shall be a fine of \$5,000 and a mandatory thirty (30) day shutdown of the construction project, plus payment of any outstanding right of-way fines and accumulated interest unless the Town Council chooses to invoke the use of a binding agreement memorializing a penalty structure to be paid to the Town for all future right-of-way violations in excess of three (3) to be paid in accordance with the terms and conditions of the binding agreement between the Town and the contractor and/or property owner. All fines and penalties shall be paid in full prior to issuance of a Certificate of Occupancy for the construction associated with the activity that generated the fines, penalties, and interest.”

Any motion to resolve this matter should include “waiving the third strike” and “granting the ability for the contractor to apply for future right of way permits”.

Attachments: Copy of the Pending Stop Work Order Notice
Copies of the Violations and Fines
Appeal Letter and Town Response

Cc: Paul Brazil, Director of Public Works
Police Chief Nicholas Caristo
Benjamin Alma, Civilian Div. Mgr.
Michelle Sentmanat, Business Services Supervisor
Debby Moody, Office Mgr.



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 9, 2025

Via email & mail: R.MILLER@EISONCONSTRUCTION.COM

Eison Construction Company Inc
% Michael Eison
1335 Old Dixie Highway #9
West Palm Beach, FL 33403

Re: **STOP WORK ORDER PENDING** - 3-Strike Rule Citations – 1025 N. Lake Way – B-22-96565

As you know, the Town of Palm Beach Standards Applicable to Public Rights-Of-Way And Easements Within The Town Of Palm Beach regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building project sites within the Town. Attached to all construction permits issued to a job is information regarding these regulations.

Your project has received **FOUR citations, constituting three strikes:**

Strike 4 January 3, 2025 (PW-7080 for illegal discharge to Town sewers)

Strike 3 December 10, 2024 (PD-10937 Notice of Violation for four (4) vehicles without construction parking permits and obstruction of the right-of-way)

Strike 2 December 12, 2024 (PW-0220 for storage of material in the right-of-way)

Strike 1 March 20, 2024 (PD-0257 for construction parking without permits)

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works and Police Chief have notified the Planning, Zoning & Building Department of these violations, and requested that a "Stop Work" order be issued as allowed by Section 18-204 of Town Code.

Per Town Resolution No 001-2022, because you have received four strikes, fines are being imposed and are also payable immediately to the Town of Palm Beach. These fines are in addition to all right-of-way fines referenced above. Refer to Invoice #INV-24-00009276. Payments can now be made at www.townofpalmbeach.com.

An appeal to Public Works needs to be submitted in writing within 7 days of the ticket. If an appeal is denied or is not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working day January 10, 2025. After that date, no work may be performed at the site under any permits issued by the Town of Palm Beach.

All requests to lift a "Stop Work" order would need to be decided by the Town Council. The next Town Council meeting date is Wednesday, February 12, 2025. For this item to be considered at that meeting, you would need to submit a written request to Michelle Sentmanat @ msentmanat@townofpalmbeach.com.

Truly yours,

Wayne Bergman

Wayne Bergman
Director, Planning, Zoning & Building Department

cc: David and Jennifer Fischer @ 1030 N. Lake Way, Palm Beach, FL 33480
K. Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Parking and Code Enforcement Manager

**INVOICE (INV-25-00009276)
FOR TOWN OF PALM BEACH**

BILLING CONTACT

Eison Construction Company, Inc.
Eison Construction Company, Inc.
1335 Old Dixie Hwy Unit 9 Unit 9
Lake Park, FL 33403



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-25-00009276	01/09/2025	01/10/2025	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
STRIKE-25-00181	Fine for subsequent strikes	\$500.00
1025 N Lake Way Palm Beach, FL 33480		SUBTOTAL \$500.00

REMITTANCE INFORMATION
Town of Palm Beach 360 S County Rd PO Box 2029 Palm Beach, FL 33480 561-838-5431

TOTAL **\$500.00**



POLICE DEPARTMENT

561-838-5454

PD -

0257

VIOLATION NOTICE

RIGHT-OF-WAY, PARKING & CONSTRUCTION SITE MANAGEMENT

NAME: Eison Construction Company Inc DATE: 03/20/2024JOB ADDRESS: 1025 N Lake Way Palm Beach FL 33480

The following violations shall be considered strikes based on the "3-Strike Rule" for construction projects.

The Town may also concurrently prosecute the violation(s) through the Code Enforcement process.

- | | | | |
|---|-------------------|------------------|--|
| <input type="checkbox"/> Working outside permit hours of construction | \$150x | = | |
| <input type="checkbox"/> Failure to comply with noise regulations | \$150x | = | |
| <input type="checkbox"/> Insufficient or not properly maintained construction screening | \$150x | = | |
| <input type="checkbox"/> Failure to maintain landscaping, where used for screening | \$150x | = | |
| <input type="checkbox"/> Failure to provide or properly screen on-job toilet facilities | \$150x | = | |
| <input type="checkbox"/> Violation of approved construction staging/truck logistics plan | \$150x | = | |
| <input type="checkbox"/> Failure to provide dedicated traffic monitor | \$150x | = | |
| <input type="checkbox"/> Worth Avenue-Parking construction vehicle/not actively loading/unloading | \$150x | = | |
| <input checked="" type="checkbox"/> Construction parking without a permit* | | | |
| 1st Offence \$150 | 2nd Offence \$250 | Thereafter \$500 | |
| Vehicle Tag(s): <u>CG43DI</u> | | | <u>\$150</u> x <u>1</u> = <u>\$150</u> |

FL

- | | | | |
|--|--------|---|--|
| <input type="checkbox"/> Working in right-of-way without permit | \$150x | = | |
| <input type="checkbox"/> Failure to have permit on job | \$150x | = | |
| <input type="checkbox"/> Inadequate Maintenance of Traffic | \$150x | = | |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris | \$150x | = | |
| <input type="checkbox"/> Failure to maintain safe sidewalks | \$150x | = | |
| <input type="checkbox"/> Failure to carry-out permit terms and conditions | \$150x | = | |
| <input type="checkbox"/> Storage of materials in right-of-way | \$150x | = | |
| <input type="checkbox"/> Use of right-of-way as work area | \$150x | = | |
| <input type="checkbox"/> Damage to infrastructure in right-of-way | \$150x | = | |
| <input type="checkbox"/> Dewatering without a permit | \$150x | = | |
| <input type="checkbox"/> Illegal discharges to Town sewers** | x | = | |
| <input type="checkbox"/> Failure to Comply with Town's right-of-way manual *** | \$150x | = | |
| <input type="checkbox"/> Other _____ | x | = | |
| <input type="checkbox"/> 2nd and added days of violation, double fine | x | = | |

TOTAL FINE \$150.00

Should you wish to contest this violation call the Police Department at 561-838-5454 within seven (7) calendar days of the date of issuance. Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept, PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S County Rd, Palm Beach, FL 33480. Please attach copy of this violation with payment, check must reference violation number.

No further permits will be issued until fine is paid.

*Parking violations are per vehicle per day. Parking placard must be displayed in vehicle

**Fines plus clean-up costs

***Includes but not limited to: Dumpster in Right-of-way -\$100 per incident. Right-of-way restoration-\$30 per day until restored.

ISSUER: J/Pelago 10303

WHITE/VIOLATOR

YELLOW/ISSUER

PINK/PZB

CAD# 2024-080-072



PUBLIC WORKS DEPARTMENT
561-838-5440

PW -

0220

VIOLATION NOTICE

RIGHT-OF-WAY, PARKING & CONSTRUCTION SITE MANAGEMENT

NAME: Eison Construction DATE: 12/10/24

JOB ADDRESS: 1025 N Ladic Way

The following violations shall be considered strikes based on the "3-Strike Rule" for construction projects.
The Town may also concurrently prosecute the violation(s) through the Code Enforcement process.

- | | | | |
|---|--------|---|---------|
| <input type="checkbox"/> Working outside permit hours of construction | \$150x | = | |
| <input type="checkbox"/> Failure to comply with noise regulations | \$150x | = | |
| <input type="checkbox"/> Insufficient or not properly maintained construction screening | \$150x | = | |
| <input type="checkbox"/> Failure to maintain landscaping, where used for screening | \$150x | = | |
| <input type="checkbox"/> Failure to provide or properly screen on-job toilet facilities | \$150x | = | |
| <input type="checkbox"/> Violation of approved construction staging/truck logistics plan | \$150x | = | |
| <input type="checkbox"/> Failure to provide dedicated traffic monitor | \$150x | = | |
| <input type="checkbox"/> Worth Avenue-Parking construction vehicle/not actively loading/unloading | \$150x | = | |
| <input type="checkbox"/> Construction parking without a permit* | | | |
| 1st Offence \$150 2nd Offence \$250 Thereafter \$500 | | x | = |
| Vehicle Tag(s): | | | |
| | | | |
| <input type="checkbox"/> Working in right-of-way without permit | \$150x | = | |
| <input type="checkbox"/> Failure to have permit on job | \$150x | = | |
| <input type="checkbox"/> Inadequate Maintenance of Traffic | \$150x | = | |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris | \$150x | = | |
| <input type="checkbox"/> Failure to maintain safe sidewalks | \$150x | = | |
| <input type="checkbox"/> Failure to carry-out permit terms and conditions | \$150x | = | |
| <input checked="" type="checkbox"/> Storage of materials in right-of-way | \$150x | = | 1 = 150 |
| <input type="checkbox"/> Use of right-of-way as work area | \$150x | = | |
| <input type="checkbox"/> Damage to infrastructure in right-of-way | \$150x | = | |
| <input type="checkbox"/> Dewatering without a permit | \$150x | = | |
| <input type="checkbox"/> Illegal discharges to Town sewers** | | x | = |
| <input type="checkbox"/> Failure to Comply with Town's right-of-way manual *** | \$150x | = | |
| <input type="checkbox"/> Other _____ | | x | = |
| <input type="checkbox"/> 2nd and added days of violation, double fine | | x | = |

TOTAL FINE \$150.00

Should you wish to contest this violation call the Public Works office at 561-838-5440 within seven (7) calendar days of the date of issuance. Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept, PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S County Rd, Palm Beach, FL 33480. Please attach copy of this violation with payment, check must reference violation number.

No further permits will be issued until fine is paid.

*Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

**Fines plus clean-up costs

***Includes but not limited to: Dumpster in Right-of-way -\$100 per incident. Right-of-way restoration-\$30 per day until restored.

ISSUER: Matthew Horton

WHITE/VIOLATOR

YELLOW/ISSUER

PINK/PZB

TOWN OF PALM BEACH

10937



POLICE DEPARTMENT Code Enforcement Unit Notice of Violation



Nathan Eastman 607-434-9640
Respondent's Name

Eison Construction Inc.
Name of Company/Resident/Business

Respondent's Address

Property/Business Address

YOU ARE NOTIFIED that on Tuesday, Dec 10, 2024 at 0932,
(day) (date) (time)
a violation of 4 Vehicles w/o Construction Parking Passes (Obstruction of the
(description of violation) R.O.W
which violate the following Town of Palm Beach Code of Ordinances: 106-1
(chapter and section)
occurred at: 1025 N Lake Way
(violation address)

YOUR OPTIONS ARE INDICATED BELOW:

☒ 1) YOU MAY ADMIT to the violation by making payment by mail or in person between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the Town's Finance Department at 360 South County Road., Palm Beach, Florida 33480. **NO LATER THAN 5:00 P.M. ON THE MONDAY BEFORE THE SCHEDULED HEARING NOTED BELOW.** The fine amount is \$ 250⁰⁰ 2nd offense
OR

verbal warning 12/31/24 1st offense 10/5/24
YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, Jan 16, 2025 at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

☐ 2) THIS CASE WILL BE HEARD BEFORE THE CODE ENFORCEMENT BOARD on Thursday, _____ at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

I ACKNOWLEDGE RECEIPT OF THIS CODE ENFORCEMENT NOTICE OF VIOLATION

Signature of Respondent

This will be your only notice of the hearing. Failure to pay the fine or appear at the hearing will result in this matter being held in absentia. The maximum fine imposed may be \$250 for a first offense, \$500 for repeat offenses, or a maximum of \$5,000 if irreparable in nature, in addition to the administrative costs.

J OLIVARES 10272 12/10/24 0950 2024-345-054
Code Enforcement/Police Officer - I.D. Date Time Case/CAD #

I WISH TO ADMIT TO THE CHARGES, WAIVE MY RIGHT TO A HEARING AND PAY FINE.

Signature of Respondent

WHITE - PD Case File

BLUE - PD Log

GREEN - Finance

CANARY - Respondent

JOB ADDRESS: 1025 N Lake Way

- | | |
|---|--------------------------------|
| <input type="checkbox"/> Working in right-of-way without permit | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Failure to have permit on job | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Construction parking without permit*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Inadequate Maintenance of Traffic | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Failure to maintain safe sidewalk | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Failure to carry-out permit terms/conditions | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Storage of materials in right-of-way | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Use of right-of-way as work area | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Damage to infrastructure in right-of-way | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Dewatering without a permit | \$ 150 X _____ = _____ |
| <input checked="" type="checkbox"/> Illegal discharges to Town sewers** | \$ 500 X <u>1</u> = <u>500</u> |
| <input type="checkbox"/> Other _____ | \$ _____ X _____ = _____ |
| <input type="checkbox"/> 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

TOTAL FINE: \$500

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle

** Fine plus clean up



EISON CONSTRUCTION
— COMPANY, INC. —

January 9, 2025

Town of Palm Beach
Attn: Patricia Strayer
360 South County Rd
Palm Beach, FL 33480

RE: Stop Work Order Appeal
1025 N Lake Way

Dear Ms. Strayer,

It has come to my attention that we have four strikes at 1025 North Lake Way and that a 'Stop Work Order Pending' has been issued. I respectfully request that the order not be issued for the following reasons. First, we are nearing substantial completion on the project, and the permit will expire on March 14, 2025. Second, regarding the violations, two of them (strikes two and three) were written at the same time for the same violation by two different departments. Also, I do understand the latest violation but want you to know that it was unintentional. One of our laborers had set a hose on trickle at a recently planted tree that had a berm around it, but he got very busy and forgot to turn it off. We would not intentionally discharge water into the street. In addition, we have paid for all of the violations, including the fine issued today. And finally, since we received the December 10, 2024 violations, we have obtained an offsite parking lot and are shuttling crews to the site. We also have a parking attendant directing traffic and enforcing parking requirements per our parking permits.

For the sake of the surrounding neighbors and our client, I believe it is in everyone's best interest to allow this project to continue and be completed. We are willing to provide any other mitigation measures you may deem necessary to achieve that goal.

Hoping this meets your approval.

Kind Regards,

Michael M. Eison
President

From: [Patricia Strayer](#)
To: [Randa Miller](#); [Michelle Sentmanat](#)
Cc: [Antonette Fabrizi](#); [Benjamin Alma](#); [Chester Purves](#); [Craig Hauschild](#); [Debby Moody](#); [Kirk Blouin](#); [Martin Deloach](#); [Nicholas Caristo](#); [Paul Brazil](#); [Wayne Bergman](#)
Subject: RE: STOP WORK Warning Notice Construction Parking & Construction Site Management Citations –1025 N. Lake Way - B-22-96565
Date: Friday, January 10, 2025 8:49:06 AM

All,
I am willing to waive the fourth strike but am not willing to waive the second strike. You still have 3 strikes.

Patricia

Patricia Strayer, PE
Town Engineer

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7056
(C) 561.339.7309

From: Randa Miller <r.miller@eisonconstruction.com>
Sent: Thursday, January 9, 2025 4:42 PM
To: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>
Cc: Antonette Fabrizi <afabrizi@TownOfPalmBeach.com>; Benjamin Alma <BALma@PalmBeachPolice.com>; Chester Purves <CPurves@TownofPalmBeach.com>; Craig Hauschild <chauschild@TownOfPalmBeach.com>; Debby Moody <DMoody@TownofPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Martin Deloach <MDeLoach@TownofPalmBeach.com>; Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Patricia Strayer <PStrayer@TownofPalmBeach.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Paul Burgoon <pburgoon@TownOfPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: Re: STOP WORK Warning Notice Construction Parking & Construction Site Management Citations –1025 N. Lake Way - B-22-96565

*****STOP: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Attached is our letter appealing the Stop Work Notice for 1025 North Lake Way. If any additional information is needed, please let us know.

Kind Regards,

RANDA MILLER

1335 Old Dixie Hwy, Unit 9
Lake Park, FL 33403
Office: 561.855.4581
Fax: 561.855.4591
Email: r.miller@eisonconstruction.com

From: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>
Sent: Thursday, January 9, 2025 12:43 PM
To: Randa Miller <r.miller@eisonconstruction.com>
Cc: Antonette Fabrizi <afabrizi@TownOfPalmBeach.com>; Benjamin Alma <BALma@PalmBeachPolice.com>; Chester Purves <CPurves@TownofPalmBeach.com>; Craig Hauschild <chauschild@TownOfPalmBeach.com>; Debby Moody <DMoody@TownofPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Martin Deloach <MDeLoach@TownofPalmBeach.com>; Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Patricia Strayer <PStrayer@TownofPalmBeach.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Paul Burgoon <pburgoon@TownOfPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: STOP WORK Warning Notice Construction Parking & Construction Site Management Citations –1025 N. Lake Way - B-22-96565

You are receiving this email because you are listed as a copy holder on the attached letter.

Kind Regards,

Michelle Sentmanat

Business Services Supervisor

Town of Palm Beach

360 S. County Rd.
Palm Beach, FL 33480
(561) 227-6413

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.