

TOWN OF PALM BEACH

Information for Town Council Meeting on:

March 5, 2025

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Supervisor in PZB

Re: 128 Seabreeze Ave – Three Strikes & Stop Work Order (Permit B-23-00249)

Date: February 21, 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.

128 Seabreeze Ave recently received their third Strike for construction-related violations in the right of way. The contractor is Wildes Builders, located in West Palm Beach, FL. Please refer to the attached letter dated February 11, 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 code enforcement, to date, the contractor has filed no appeals. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on February 21, 2025, based upon the number of strikes with no appeal filed.

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

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
Email Wayne Bergman

Cc: Paul Brazil, Director of Public Works
Nicholas Caristo, Police Chief
Benjamin Alma, Parking and Code Enforcement Manager



TOWN OF PALM BEACH

Planning, Zoning & Building Department

February 11, 2025

Via email & mail: jeff.wildes@wildesbuilders.com

Wildes Builders LLC
% Jeffrey Wildes
440 25th Street
West Palm Beach, FL 33407

Re: **STOP WORK ORDER PENDING** - 3-Strike Rule Citations – 128 Seabreeze Ave – B-23-00249

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 **three citations, constituting three strikes**:
Strike 3 January 3, 2025 (NOV-10967 – for construction parking without permit)
Strike 2 February 1, 2025 (NOV-10942 for construction working hours)
Strike 1 July 3, 2024 (PW-7056 for illegal discharge to Town sewers)

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 three 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-25-00009966,9967. Payments can now be made at www.townofpalmbeach.com .

An appeal for the Notice of Violation could have been made, however, by virtue of payment for each Notice of Violation closes the code case and becomes an admission of guilt. At this time, it is up to the Building Official if a “Stop Work” order will be issued. If issued, no work may be carried out 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, March 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: Keith Palumbo 2007 Trust @ 19 Dartmouth St., West Newton, MA 02465
K. Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Parking and Code Enforcement Manager

**INVOICE (INV-25-00009966)
FOR TOWN OF PALM BEACH**

BILLING CONTACT

Wildes Builders
Wildes Builders
440 25 Street
West Palm Beach, FL 33407



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-25-00009966	02/11/2025	02/12/2025	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
STRIKE-25-00228	Fine for strike 2	\$250.00
128 Seabreeze Ave Palm Beach, FL 33480		SUBTOTAL \$250.00

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

TOTAL **\$250.00**

**INVOICE (INV-25-00009967)
FOR TOWN OF PALM BEACH**

BILLING CONTACT

Wildes Builders
Wildes Builders
440 25 Street
West Palm Beach, FL 33407



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INV-25-00009967	02/11/2025	02/12/2025	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
STRIKE-25-00229	Fine for strike 3	\$500.00
128 Seabreeze Ave 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**



PW- 7056

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Willas Bullers DATE: 7/3/24

JOB ADDRESS: 128 Seabreeze

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

TOTAL FINE: \$500.00

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

ISSUER: Will Campbell

white/violator yellow/PW pink/issuer

TOWN OF PALM BEACH

10942



POLICE DEPARTMENT Code Enforcement Unit Notice of Violation



John Hernandez
Respondent's Name

Wildes Builders LLC
Name of Company/Resident/Business

Respondent's Address

128 Seabreeze Ave Palm Beach Fl 33480
Property/Business Address

YOU ARE NOTIFIED that on Saturday, Feb 1, 2025 at 134 hrs
(day) (date) (time)
a violation of Construction work hours (winter season)
(description of violation)

which violate the following Town of Palm Beach Code of Ordinances: 42-199
(chapter and section)

occurred at: 128 Seabreeze Ave Palm Beach Fl 33480
(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 \$ 250.00
OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, March 20, 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

John Hernandez
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 Pelayo / 0303 Feb 1, 2025 134 hrs 2025-032-082
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

101-08
CE

TOWN OF PALM BEACH

10967



Tags
HVZK23
425 RuG
NWBLO5
BHO 4PJ
352 8XL

POLICE DEPARTMENT Code Enforcement Unit Notice of Violation



Jeffrey Wildes
Respondent's Name

Wildes Builders LLC.
Name of Company/Resident/Business

Respondent's Address

561-833-2023
Property/Business Address

YOU ARE NOTIFIED that on Mon, Feb 3, 2025 at 11/2 Hours
(day) (date) (time)

a violation of Construction Parking
(description of violation)

which violate the following Town of Palm Beach Code of Ordinances: 106-1
(chapter and section)

occurred at: 128 Seabreeze Ave Palm Beach FL 33480
(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 \$ 750.00
OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, Mar. 20, 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

Posted on site
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. Felix / 9080 02/3/2025 1120 Hrs. 2025-034-084
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

CE 25-196

Michelle Sentmanat

From: Wayne Bergman
Sent: Thursday, February 13, 2025 12:31 PM
To: Michelle Sentmanat; Tim Hanlon
Cc: Antonette Fabrizi; Mike Olbrych
Subject: FW: 128 Seabreeze
Attachments: 128 Seabreeze - STOP WORK ORDER.pdf

Michelle – add this to the March 4 or 5 Town Council meeting as a three-strike matter. No appeal was filed by the contractor. We will issue the stop work order next Friday, 2/21/2025. Thank you.

Wayne Bergman, MCP, LEED® AP

Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
www.townofpalmbeach.com

From: Tim Hanlon <tim.hanlon@amrl.com>
Sent: Thursday, February 13, 2025 11:01 AM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: 128 Seabreeze

*****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.*****

Hi Wayne. Jeff Wildes just forwarded to me the Notice attached. I represent the Palumbos, who are the owners.

Has a Stop Work Order been issued? Apparently, the house is almost completed and the owners were planning to spend Spring Break in the completed home.

If you want to discuss further, please let me know.

Thanks, Tim

M. Timothy Hanlon
Alley, Maass, Rogers & Lindsay P.A.
340 Royal Poinciana Way, Suite 321
Palm Beach, Florida 33480
Phone: (561) 659-1770
Fax: (561) 833-2261
Direct Fax: (561) 804-4617
tim.hanlon@amrl.com