

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 9, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: 346 Seaspray Ave. – Third Strike & Stop Work Order

Date: February 3, 2022

FYI - This Memo is provided as Information Only 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 January 12, 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. The applicable pages of the Right of Way Manual are attached.

346 Seaspray Ave. just reached the level of Three Strikes for construction violations. The first ticket was written for vehicle parking violations on August 6, 2021 by Public Works. The second ticket was written for a vehicle parking violation on September 30, 2021 by Public Works. At that time, the Town issued a courtesy Warning Notice to the contractor, The Cury Group, advising them of the issue, and describing the actions that would be taken by the parties if there is a Third Strike. Copy of the courtesy letter is attached. The third ticket was written for noisy work on Saturday, January 22, 2022, by Code Enforcement, a division of the Police Department. Copies of all tickets are attached. The Pending Stop Work Order Notice (attached) was sent to the contractor January 31, 2022.

The regulations allow the violator to appeal the ticket(s). In this case, since the last ticket was issued by Code Enforcement, the appeal was filed to Police Chief Nick Caristo. The appeal was filed in accordance with the time allowed under the code. The regulations required Chief Caristo to hear / review the appeal (if filed) and render a ruling. Chief Caristo found in favor of the Town, and therefore upheld the third ticket (Third Strike). This decision occurred on February 3, 2022. The Planning, Zoning & Building Department immediately issued a STOP WORK ORDER for the entire construction project.

It is worth noting that the first two violations resulted in no appeals filed with the Town and payment in full for the citations. The third strike, although appealed by the contractor, did not include payment of the required fine. Based upon the violation, the contractor is required to pay the fine of \$250, and \$500 for the third strike. Total due the Town - \$750.

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 "3 strike" fine, 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) and each subsequent strike shall be \$500 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."

Attachments: Copies of the Right of Way Manual, Chapter XII, Construction Parking
Copies of the three citations
Copy of the Courtesy Notice, mailed October 15, 2021
Copy of the Pending Stop Work Order Notice, mailed January 31, 2022
Copy of Chief Caristo's decision regarding the appeal, dated February 3, 2022

WRB

Cc: Paul Brazil, Director of Public Works
Police Chief Nick Caristo

EXHIBIT “A”

Town Public Works Right of Way Manual

Chapter XII, Miscellaneous Provisions

Construction Parking & Construction Site Management

Construction parking on public streets and construction site management shall be controlled in order to protect the public's health, safety and welfare. The rules and procedures outlined below are commonly referred to as the Town's "3-Strike Rule".

All vehicles belonging to personnel working on or visiting a construction site from the date of the issuance of a building permit, to the date of the issuance of the certificate of occupancy, shall be parked on the construction site at all times. If the site cannot accommodate such vehicles, then the contractor may initiate car and/or truck pooling, apply for up to, but not more than, three (3) right-of-way permits for parking construction vehicles on the street in front of the construction site or, utilize both options in order prevent unnecessary congestion adjacent to the construction site.

The following rules and procedures shall govern the 3-Strike Rule:

1. Owner/contractor may apply for up to, but not more than, three (3) right-of-way permits for the temporary parking of construction-related vehicles.
2. Contractor will be asked if right-of-way parking permits are anticipated at time of initial building permit application. If anticipated at that time, or any subsequent time, a parking plan must be provided on an application form as prescribed by the Town, at a legible scale, as determined by the Town which clearly illustrates the entire construction site.
3. Applications must include a notarized signature from the property owner acknowledging understanding of the 3-strike rule in its entirety. A notarized power of attorney signature will be accepted by the Town, provided it specifies that the owner has been personally informed of the entire 3-strike rule.
4. The Public Works Department will review all such applications upon payment of the following fee(s) (see Appendix C). Public Works shall determine whether or not to approve the application, and if approved, whether 1, 2, or 3 right-of-way permits are issued.
5. The contractor must apply for a permit(s) from Public Works within seventy-two (72) hours in advance of the short-term use of the public right-of-way. Only extreme extenuating circumstances will be considered otherwise.
6. As a condition of approval, contractor is required to provide the Town with tag numbers of all vehicles authorized by the contractor to work at the site and is responsible for updating for any reason that may cause a change in the tag number list for a job site. The Director of Public Works or the Director's designees, which may include code enforcement officers, parking enforcement officers, and police officers, are authorized to enforce all "3-strike rule" provisions and to issue citations for violations of these provisions. Parking permit must be displayed on the dashboard of the vehicle. Failure to comply will result in a strike.
7. Owner/contractor must designate a private employee to act as a traffic monitor at each site to enforce Town rules when on-street construction parking is allowed. The traffic monitor must be present whenever work is occurring. Failure to do so constitutes a strike.

8. If the Town finds that there is no dedicated traffic monitor at a construction site, all right-of-way permits shall be immediately revoked and one (1) strike will be assessed.
9. When car or truck pooling is utilized, no substitute on-street parking spaces in the Town can be utilized for said purpose. Failure to comply will result in a strike.
10. Worth Avenue right-of-way permits shall be limited to two (2) vehicles for purposes of loading or unloading and for essential construction activities. Parking of construction vehicles that are not actively involved in the loading and unloading process will not be permitted. Failure to comply will result in a strike.
11. Only original Town-issued permits are valid. Permits may be transferred between vehicles but are valid only for the construction site for which they are issued. Failure to comply will result in a strike.
12. Copying, forging or duplication of a right-of-way permit is prohibited. All right-of-way permits will be immediately revoked if the Town determines that duplication or abuse has occurred.
13. Additional permits may be issued for the three (3) week period prior to the estimated date of issuance of the certificate of occupancy in the event said vehicles cannot be accommodated on site. The number of permits granted shall be determined by the Director of Public Works, or his designee.
14. Property owners and their contractors shall be responsible for the implementation, installation, and maintenance of all required demolition and construction screening, perimeter landscaping, screening of on-job toilet facilities, following the truck logistics and staging plan, and any and all site conditions required by Chapter 18, Buildings and Building Regulations, including Sections 18-2 (Landscaping: maintenance where used for screening), 18-3 (On-job toilet facilities, required), 18-86 (Construction staging and truck logistics plan), 18-111 (Compliance with the Town's right of way manual), and 18-201 (Construction screening). Any Town-documented lack of the required item(s) or lack of maintenance of the item(s) will constitute one (1) strike, and the Town will concurrently prosecute the violation(s) through the Code Enforcement process.
15. Property owners and their contractors shall be responsible for compliance with the noise regulations and the hours for construction work, found in Chapter 42, Environment, Sections 42-197 through 42-199. Any Town-documented violation of these sections will constitute one (1) strike, and the Town will concurrently prosecute the violation(s) through the Code Enforcement process.
- ~~14.~~
- ~~15.~~16. Failure to comply with the aforementioned conditions may result in the suspension, fines, or in the case of repeat offenses, the cancellation of the violator's building permit.
- ~~16.~~17. Penalty for parking in the right-of-way in violation of this section shall be \$150 per day/per vehicle for the first offense, \$250 per day/per vehicle for the second offense, and \$500 thereafter.
- ~~17.~~18. Said penalty may be appealed in writing within seven (7) calendar days of the date of issuance to either the ~~Director of Public Safety~~ Chief of Police or the Director of Public Works (dependent upon the Department issuing the ticket), who shall, thereafter, act on said appeal. If the appeal is upheld, then the 1st, 2nd, or 3rd strike, as applicable, shall be removed from the record. Construction may continue until the appeal has been acted upon.
- ~~18.~~19. When a 3rd strike has been issued, and if an appeal is denied or is not filed in timely fashion, the Planning, Zoning & Building Department shall issue a Stop Work Order halting all continued activity at the site.

~~19.20.~~ All requests to lift the stop work order must be decided by the Town Council, upon written application to the Planning, Zoning & Building Department, no less than seven (7) days prior to a regularly scheduled monthly Town Council (Development Review) meeting.

~~20.21.~~ 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; and/or collect any unpaid penalties.

~~21.22.~~ If a Stop Work Order is lifted, no additional right-of-way permits for the duration of the work in question shall be issued unless specifically approved by the Town Council.

All vehicles belonging to personnel working on or visiting a construction site from the date of the issuance of the permit, to the date of the issuance of the certificate of occupancy, shall be parked on the construction site at all times. If the site is limited, then the contractor must initiate "car and/or truck pooling." A site plan may be required to illustrate that the site is being fully and efficiently used for construction material storage and parking. Additionally, contractor is required to provide to the Town the tag numbers of all vehicles authorized by the contractor to work at the site. The Director of Public Works or the Director's designees, which may include code enforcement officers, parking enforcement officers, and police officers, are authorized to enforce the provisions of this paragraph on construction parking and to issue citations for violations of these provisions.

All contractor's equipment shall be parked on the construction site. If the contractor cannot park his/her equipment on the site, or in the event all vehicles described herein cannot be parked on the site, a right-of-way permit will be required to park said equipment or vehicles in the public right-of-way. The contractor must apply for a permit or permits from the Public Works Director within seventy-two (72) hours in advance of the short-term use of the public right-of-way. (Only extreme extenuating circumstances will be considered.)

Parking permits will be issued for Worth Avenue for up to two (2) vehicles for purposes of loading or unloading and for essential construction activities. Parking of construction vehicles that are not actively involved in the loading and unloading process will not be permitted.

Parking permits for other areas in the Town will be issued for up to three (3) vehicles to park within the rights-of-way in the event it is determined that said vehicles cannot be accommodated on site. In addition, one permit shall be provided to the owner of the property. Only original permits are valid, no copies are allowed. Permits may be transferred between vehicles but are valid only for the construction site for which they are issued. Additional permits may be issued for the three (3) week period prior to the issuance of the Certificate of Occupancy in the event said vehicles cannot be accommodated on site. The number of permits granted shall be determined by the Director of Public Works.

Failure to comply with the aforementioned conditions may result in suspension, fines, or in the case of repeat offenses, the cancellation of the violator's building permit. Penalty for parking in the right-of-way in violation of this section shall be \$150 per day/per vehicle for the first offense, \$250 per day/per vehicle for the second, and \$500 thereafter. Said penalty may be appealed in writing within seven (7) calendar days of the date of issuance to the ~~Director of Public Safety~~ Chief of Police or the Director of Public Works (dependent upon the Department issuing the ticket), who shall act on said appeal. If the appeal is upheld,

then the 1st, 2nd, or 3rd strike, as applicable, shall be removed from the record. Construction may continue until the appeal has been acted upon.

Once a contractor has accumulated three (3) violations or “strikes” at a single site that have either exceeded the appeal period or the appeal(s) have been adjudicated in favor of the Town, as described in the Town Right of Way Manual, the Director of Planning, Building, and Zoning (PZ&B) shall have issued a “stop work” order as allowed in Section 18-204 of the Town Code.

If after issuing the stop work order and reviewing the case, the Director of PZ&B concludes there are no mitigating circumstances that caused the contractor to receive any of the three (3) strikes, the Director of PZ&B must forward the matter to the Town Council at their next available meeting should the contractor and/or the property owner request in writing that the Town Council give consideration to lifting the stop work order.

If after issuing the stop work order and reviewing the case, the Director of PZ&B is convinced that mitigating circumstances caused the contractor to receive any one of the 3 strikes, the Director of PZ&B may waive that strike causing the contractor to have 2 strikes, but only upon payment of a fine of \$250, plus payment of any outstanding right-of-way fines, accumulated interest, and subject to the Director of PZ&B being satisfied that there will be strict future compliance with the Town regulations and/or the Right-of-Way Manual by the contractor at the job site in question. Periodically, as often as determined appropriate by the Town Manager, the Director of PZ&B shall provide a report to the Town Manager delineating the mitigating circumstance(s) that gave cause for him or her to remove a strike incurred by a contractor under this section.

If there is another strike received by the contractor on the same job site that results in a total of 3 strikes at a given job site, the Chief of Police or the Director of Public Works (dependent upon the Department issuing the ticket) will notify the Director of PZ&B of the situation upon passage of the time allowed for appeal. The Director of PZ&B must suspend the work activity on the site via issuance of a “stop work” order as allowed in Section 18-204 of the Town Code, subject to reinstatement only by application of the building permit applicant to the Town Council at their next regularly scheduled meeting.

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 “3 strike” fine, 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) and each subsequent strike shall be \$500 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.

Before issuance of a building permit, a Power of Attorney or notarized owner's signature is required as the owner's acknowledgement of the "3 strike" rule.

TOWN OF PALM BEACH

10163



POLICE DEPARTMENT Code Enforcement Unit Notice of Violation



Wells Brothers Construction
+

Alfredo Ormedo
Respondent's Name

Curry Interprise LLC
Name of Company/Resident/Business

Respondent's Address

Property/Business Address

YOU ARE NOTIFIED that on SAT (day), JAN. 22, 2022 (date) at 11:50 hrs (time),

a violation of Working, making noise outside on sat. (description of violation)

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

occurred at: 346 Seaspray Ave (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, 3/18/2022 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

A. O. R.
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/9090
Code Enforcement/Police Officer - I.D.

1-22-22
Date

11:55 AM
Time

22-022107
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



PW- 6304

**PUBLIC WORKS DEPARTMENT
(561) 838-5440****R.O.W. VIOLATION NOTICE**NAME: Cory Group DATE: 9/30/21JOB ADDRESS: 346 Seagrass

- | | |
|---|----------------------------------|
| <input type="checkbox"/> Working in right-of-way without permit | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Failure to have permit on job | \$ 150 X _____ = _____ |
| <input checked="" type="checkbox"/> Construction parking without permit* <i>expired</i> | \$ 150 X <u>1</u> = <u>\$150</u> |
| 1 st = \$150 2 nd = \$250 and thereafter = \$500 | |
| <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 checked="" type="checkbox"/> Failure to carry-out permit terms/conditions | \$ 150 X <u>1</u> = <u>\$150</u> |
| <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 type="checkbox"/> Illegal discharges to Town sewers** | \$ 500 X _____ = _____ |
| <input type="checkbox"/> Other _____ | \$ _____ X _____ = _____ |
| <input type="checkbox"/> 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

TOTAL FINE: \$300

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: Chet Purvis

white/violator

yellow/PW

pink/issuer



PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: The City Group DATE: 8.06.21

JOB ADDRESS: 746 S. Congress

- | | |
|--|--|
| <input type="checkbox"/> Working in right-of-way without permit | \$ 150 X <u>1</u> = <u>150</u> |
| <input type="checkbox"/> Failure to have permit on job | \$ 150 X <u> </u> = <u> </u> |
| <input checked="" type="checkbox"/> Construction parking without permit* | \$ 150 X <u>2</u> = <u>300</u> |
| 1st = \$150 2nd = \$250 and thereafter = \$500 | |
| <input checked="" type="checkbox"/> Inadequate Maintenance of Traffic | \$ 150 X <u>1</u> = <u>150</u> |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris | \$ 150 X <u> </u> = <u> </u> |
| <input type="checkbox"/> Failure to maintain safe sidewalk | \$ 150 X <u> </u> = <u> </u> |
| <input type="checkbox"/> Failure to carry-out permit terms/conditions | \$ 150 X <u> </u> = <u> </u> |
| <input type="checkbox"/> Storage of materials in right-of-way | \$ 150 X <u> </u> = <u> </u> |
| <input type="checkbox"/> Use of right-of-way as work area | \$ 150 X <u> </u> = <u> </u> |
| <input type="checkbox"/> Damage to infrastructure in right-of-way | \$ 150 X <u> </u> = <u> </u> |
| <input type="checkbox"/> Dewatering without a permit | \$ 150 X <u> </u> = <u> </u> |
| <input type="checkbox"/> Illegal discharges to Town sewers** | \$ 500 X <u> </u> = <u> </u> |
| <input type="checkbox"/> Other <u> </u> | \$ <u> </u> X <u> </u> = <u> </u> |
| <input type="checkbox"/> 2nd and added days of violation, double fine | \$ <u> </u> X <u> </u> = <u> </u> |

TOTAL FINE: 600

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: P. C. B.

white/violator

yellow/PW

pink/issuer



TOWN OF PALM BEACH

Planning, Zoning & Building Department

October 15, 2021

Via email: jennyalvarez@curygroup.com; edcury@curygroup.com

The Cury Group
% Edward Cury
1475 Centrepark Blvd, 100
West Palm Beach, FL 33401

Re: **Warning Notice** Construction Vehicle Parking Citations – 346 Seaspray Avenue, B-21-87156

On September 30, 2021 you received the second citation for violation of the “3-Strike Rule”, which regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building sites. These regulations are contained in the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach and information regarding these regulations is attached to all construction permits issued to a job site. Specifically, when possible all vehicles should be parked on private property. Permits (up to three in number) can be approved when private parking availability is limited and sufficient spaces in the right-of-way are available.

If three parking citations are received, the Director of Public Works may notify the Planning, Zoning & Building Department of these violations, and request that a “**Stop Work**” order be issued as allowed by Section 18-204 of Town Code (referred to as the “3-strike” rule).

You have received parking citations on two separate occasions: September 30, 2021 (PW-6304 for 1 vehicle) and August 6, 2021 (PW-5935 for 2 vehicles).

This is to notify you that if you receive another citation, under the Town’s rules a “Stop Work” order will be issued by this Department. Please note that if a “Stop Work” order is issued by the Building Official, no work may be performed at the site under any permits issued by the Town of Palm Beach, until the Town Council determines if and under what conditions the work may proceed.

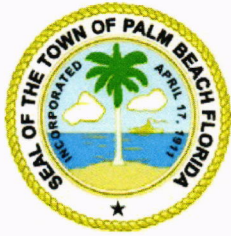
Your cooperation in observing the parking regulations of the Town will assist in ensuring that your job proceeds without disruption.

Sincerely,

Wayne Bergman

Wayne Berman
Director, Planning, Zoning & Building Department

cc: 346 Seaspray Avenue Trust, % Guy Rabideau, 346 Seaspray Avenue, Palm Beach, FL 33480
Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Support Services Manager



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 31, 2022

Via email: jennyalvarez@curygroup.com; edcury@curygroup.com

The Cury Group
% Edward Cury
1475 Centrepark Blvd, 100
West Palm Beach, FL 33401

Re: Construction Parking & Construction Site Management Citations – 346 Seaspray Avenue, B-21-87156
STOP WORK ORDER PENDING

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 and other construction site matters. Attached to all construction permits issued to a job is information regarding these regulations.

This letter is to serve as notice that on **three** separate occasions you have received citations:
Strike 3 January 22, 2022 (Working, making noise outside on Saturday)
Strike 2 September 30, 2021 (PW-6304 for 1 vehicle)
Strike 1 August 6, 2021 (PW-5935 for 2 vehicles).

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Chief of Police or the Director of Public Works has 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.

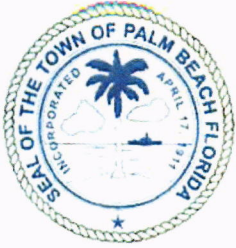
An appeal to the Chief of Police needs to be submitted in writing within seven (7) calendar days of the date of issuance of the citation. If an appeal is denied or is not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working day February 1, 2022. 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 Tuesday, February 8, 2022. In order for this item to be considered at that meeting, you would need to submit a written request to me no later than **Wednesday, February 2, 2022 prior to 5:00 PM.**
Sincerely,

Wayne Bergman

Wayne Berman
Director, Planning, Zoning & Building Department

cc: 346 Seaspray Avenue Trust, % Guy Rabideau, 346 Seaspray Avenue, Palm Beach, FL 33480
Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Support Services Manager



TOWN OF PALM BEACH POLICE DEPARTMENT

DEDICATED TO EXCELLENCE



February 3, 2022

Mr. Matt Corson
Vice President of Operations
The Cury Group
1475 Centrepark, Blvd. Suite 100
West Palm Beach, FL 33401

Re: Code Violations
346 Seaspray

Dear Mr. Corson,

I am in receipt of your appeal request.

Town Ordinance allows ten days after each violation to contest the violation. The following two citations were not contested and paid in full.

Citation #5935 for construction parking issued on August 6, 2021.

Citation #6304 for construction parking issued on September 30, 2021.

Another Citation #10163 for construction noise outside the allowable hours permitted, was issued on January 22, 2022. The complainant met with the Code Officer and your contractor. As of February 2, 2022, this fine has not been paid.

After thorough review of the Town Ordinance and the Town's Right-of Way Manual, along with the violations and the subsequent actions of the construction staff, the request for dismissal of the violations is denied.

Sincerely,

Nicholas Caristo
Chief of Police

cc: Paul Brazil Public Works Director
Wayne Bergman, Planning Zoning Building Director



THE CURY GROUP

February 1, 2022

Town of Palm Beach Police Department
Police Chief Nicholas Caristo
345 South County Rd
Palm Beach, FL 33480

Subject: Parking Citation on permit B-21-87156

Mr. Caristo

I received a letter from Wayne Bergman from the Town of Palm Beach dated January 21, 2022, stating that we have received a third citation for our 346 Seaspray Ave. project. Please note that this letter was received via email on 1.31.22. The letter states that I must submit an appeal letter to you directly.

In this appeal I wish to petition two of three citations as there are extenuating circumstances to be considered. Citation #2 was issued on 9.30.21 and was for construction parking without a permit. We were in possession of (3) valid parking passes which I have attached for your convenience. One of our trades showed up unannounced and had an expired pass in his vehicle. Our site supervisor was busy managing the job site when he was handed the citation. We keep the passes in the job box which would have been distributed and displayed in the vehicle shortly after his arrival. Our site supervisor did get a chance to discuss the matter or explain that we had valid passes and that one would be displayed in the vehicle right away.

The third citation was issued on 1.22.22 and was a noise violation. One of our subcontracts said that they might go to the site on Saturday to pick up some materials. Since they did not confirm that they were going to the site our site supervisor was not on site. Apparently, the sub showed up and started the Bobcat which resulted in the citation. If we knew that they were going to be on site for certain we would have required, our site supervisor to be there and would not have allowed any noise to be made.

The Cury Group will continue to make every effort to comply with all town requirements while adding value to the community. Additionally, we are in the process of implementing new procedures to minimize any future parking concerns or disruptions to the community. One of which will consist of a laborer to oversee all parking needs. Please advise if you have any further questions or require any additional information regarding this matter. Thank you in advance for your time in this matter.

Regards,

A handwritten signature in black ink that reads "Matt Corson". The signature is written in a cursive, flowing style.

Matt Corson
VP of Operations