

# TOWN OF PALM BEACH

Information for Town Council Meeting on: September 13, 2022

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: 756 Hi Mount Road – Fourth Strike & Stop Work Order

Date: September 9, 2022

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## **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 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.

756 Hi Mount Road recently reached the level of Three (actually Four) Strikes for construction violations. The first violation was written for obstruction of the right of way, without a permit, on February 16, 2022 by Code Enforcement. The second violation was written for obstruction of the right of way, without a permit, on March 17, 2022 by Code Enforcement. The third violation was written the same day (March 17, 2022), by Code Enforcement, for the same offense. The Town issued a Stop Work Order and the contractor appeared at your April 12, 2022 Council meeting. The Town Council waived the third strike at that meeting. Copies of all violations and notices are attached, along with the April 12, 2022 Minutes relating to this matter.

Another violation was issued on August 15, 2022 by Public Works for the sidewalk littered with dirt and fencing material. This is another Third Strike.

The regulations allow the violator to appeal the ticket(s). In this case, since the last violation was issued by Public Works, the appeal was filed to Public Works Director Paul Brazil. The regulations required Mr. Brazil to hear / review the appeal (if filed) and render a ruling. Mr. Brazil found in favor of the Town, and therefore upheld the fourth violation (second Third Strike). This decision occurred on September 9, 2022. The Planning, Zoning & Building Department will issue a STOP WORK ORDER for the entire construction project on September

12, 2022.

The contractor has paid all fines and fees at this time.

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 (3<sup>rd</sup>) 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."*

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: Copies of the four violations  
Copy of the Pending Stop Work Order Notice  
Copy of Mr. Brazil's decision regarding the appeal  
Minutes of the April 12, 2022 Town Council meeting regarding this matter

WRB

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

# TOWN OF PALM BEACH

10214



## POLICE DEPARTMENT Code Enforcement Unit Notice of Violation



Robert Kraus  
Respondent's Name  
561-837-9820  
Respondent's Address

Alonso & Associates Inc  
Name of Company/Resident/Business  
561 837 9820  
Property/Business Address

YOU ARE NOTIFIED that on Thursday, March 17, 2022 at 1600 hrs  
(day) (date) (time)  
a violation of Obstruction of the right of way w/o Permit  
(description of violation)  
which violate the following Town of Palm Beach Code of Ordinances: 106-1  
(chapter and section)  
occurred at: 756 Hi Mount Rd 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~~ 250.00  
OR 2nd offense

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, April 21, 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

\_\_\_\_\_  
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 / 0272 3-17-22 1632 hrs 2022-076-149  
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



**TOWN OF PALM BEACH**  
**POLICE DEPARTMENT**  
**Code Enforcement Unit**  
**Notice of Violation**

10215



Robert Kraus

Respondent's Name

561 239 6738

Respondent's Address

Alonso & Associates

Name of Company/Resident/Business

561 837 9320

Property/Business Address

YOU ARE NOTIFIED that on Thursday, March 17, 2022 at 1710 hrs

a violation of Construction hours / Working Pass 1700 hrs (5:00 pm)

which violate the following Town of Palm Beach Code of Ordinances: 42-199

occurred at: 756 H1 Mount Rd Palm Beach FL 33480

**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, April 21, 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**

\_\_\_\_\_  
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 / 0272

Code Enforcement/Police Officer - I.D.

3-17-22

Date

1720 hrs

Time

2022-076-149

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



# TOWN OF PALM BEACH

## POLICE DEPARTMENT

### Code Enforcement Unit

### Notice of Violation

10197



Robert Kraus  
Respondent's Name

Alonso & Associates Inc  
Name of Company/Resident/Business

Respondent's Address

Property/Business Address

YOU ARE NOTIFIED that on Wed. Feb. 16, 2022 at 1008 hrs.  
(day) (date) (time)

a violation of Obstruction of the right of way w/o permit.  
(description of violation)

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

occurred at: 756 High Mount RD 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 \$ 125.00

OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Friday  
March 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

[Signature]  
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. Feix / 9080  
Code Enforcement/Police Officer - I.D.

2/16/2022  
Date

1010 hrs  
Time

22-047-075  
Case/CAD #

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

[Signature]  
Signature of Respondent

WHITE - PD Case File

BLUE - PD Log

GREEN - Finance

CANARY - Respondent





**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department

August 30, 2022

Via email & mail: [aalonso@alonsoandassociates.com](mailto:aalonso@alonsoandassociates.com);  
[lyza@brothersconstructionfl.com](mailto:lyza@brothersconstructionfl.com); [jrucci@jrucclawgroup.com](mailto:jrucci@jrucclawgroup.com)

Alonso & Associates Inc  
% Rene Alonso  
421 24th St  
West Palm Beach, FL 33407

Re: Construction Parking & Construction Site Management Citations –756 Hi-Mount Rd, B-21-88268

**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.

**At the April 12, 2022, Council meeting, Council lifted a stop work order for your project after you received three strikes.**

This letter is to serve as notice that on **FOUR** separate occasions you have received citations:

Strike 4 August 15, 2022 (PW-6174 – Right of way littered by site dirt or debris, Failure to carry-out permit terms/conditions)

~~Strike 3~~ March 18, 2022 (NOV-10214 – Obstruction of Right-of-Way & PW-6406 – Fine for 2nd Strike, PW-6408 for third strike) (Strike waived at 4/12/22 Council meeting).

Strike 2 March 18, 2022 (NOV-10215 – Construction Hours, working past 5:00pm)

Strike 1 February 16, 2022 (NOV-10197 – Obstruction of Right-of-Way without a permit

**Per Town Resolution No. 001-2022, because you have received four strikes, a fine in the amount of \$500 is being imposed and is payable immediately to the Town of Palm Beach. This fine is in addition to all right-of-way fines referenced above (Invoice #79020 is attached).**

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 Public Works Director 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 September 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, September 14, 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, September 7, 2022 prior to 5:00 PM.**

Sincerely,

*Wayne Bergman*

Wayne Berman  
Director, Planning, Zoning & Building Department

cc: Hi Mount LLC, % Rucci Law Group, 10 Old Kings Hwy S, Darien, CT 06820  
Kirk Blouin, Town Manager;  
Paul Brazil, Public Works Director  
Nicholas Caristo, Police Chief  
Benjamin Alma, Support Services Manager



# TOWN OF PALM BEACH

Public Works Department

September 9, 2022

Mr. Rene Alonso  
Alonso and Associates  
421 24<sup>th</sup> Street  
West Palm Beach, FL 33407

**Re: Third Strike 756 Hi-Mount Road**

Dear Mr. Alonso:

On August 31, 2022 we received your appeal to the third strike citation issued on August 15, 2022. After reviewing your appeal and the circumstances of the citation, your appeal is being denied. The citation was issued due to site debris and other materials in the road right-of-way. Since the citation was issued, the area has been cleaned and returned to an acceptable condition.

The requests to lift the "Stop Work" order must be heard at a Town Council meeting to rescind the stop work order. Your appeal included a request to be heard at the next Town Council meeting which is Tuesday, September 13, 2022, being held in the Town's Council Chambers at Town Hall, 360 S County Road, Palm Beach. This site is presently scheduled for the September 13 meeting.

Sincerely,

Paul Brazil, P.E.  
Director of Public Works

cc: Patricia Strayer, Town Engineer  
Wayne Bergman, Planning, Zoning & Building Director  
Debbie Moody, Planning, Zoning & Building Office Manager  
Craig Hauschild, Civil Engineer





## SUMMARY OF ACTIONS TAKEN AT THE APRIL 12, 2022 TOWN COUNCIL MEETING

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. MODIFICATIONS TO THE AGENDA

The following item was added to the agenda:

Item No. XVI.C.5. Approval of March 8, 2022, Town Council Meeting Consent Agenda  
*Jay Boodheshwar, Deputy Town Manager*

- IV. APPROVAL OF AGENDA  
**ACTION: APPROVED AGENDA, AS AMENDED**

- V. RECOGNITIONS

- A. Recognition of Pam McIver for her Service on the Recreation Advisory Commission from April 2019 to April 2022 [Danielle H. Moore, Mayor]
- B. Recognition of Leslie Wyrztes for her Service on the Recreation Advisory Commission from April 2015 to April 2022 [Danielle H. Moore, Mayor]

- VI. SWEARING IN OF ELECTED OFFICIALS

- A. The Honorable Judge Lisa Small
  - 1. Lewis S.W. Crampton
  - 2. Bobbie Lindsay
  - 3. Margaret A. Zeidman

(Mayor Becomes Presiding Officer)

- VII. ORGANIZATIONAL ITEMS

- A. Election of Town Council President Pursuant to Section 3.01 of the Town Charter

C. New Business

1. Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended September 30, 2021. TIME CERTAIN: 2:00 PM [Jane Le Clainche, Director of Finance]

**ACTION: ACCEPTED REPORT**

2. Review of a Stop Work Order Due to Three Strike Rule at 257 West Indies Drive [Wayne Bergman, Director of Planning, Zoning and Building]

**ACTION: LIFTED THE STOP WORK ORDER**

3. Review of a Stop Work Order Due to Three Strike Rule at 756 Hi Mount Road. [Wayne Bergman, Director of Planning, Zoning and Building]

**ACTION: LIFTED THE STOP WORK ORDER AND DIRECTED STAFF TO ISSUE RIGHT-OF-WAY PERMITS**

4. Discussion Regarding Monoposts [Kirk W. Blouin, Town Manager]

**ACTION: TOWN ATTORNEY TO PROVIDE INFORMATION ON CUSTOMARY USE**

XVII. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Section 42-199 of the Town Code to Include Additional Days When Construction and Landscaping Work is Prohibited

ORDINANCE NO. 004-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 42 of the Town Code of Ordinances at Article V. Noise, Section 42-199, Hours for Construction Work at Subsection (B) Limited, to Provide Additional Limitations on Dates and Hours of Construction and Landscaping Work; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Jay Boodheshwar, Deputy Town Manager]

**ACTION: REFERRED TO ORS COMMITTEE FOR FURTHER REVIEW.**

2. Proposed Ordinance to Amend Chapter 106, Article VII of the Town Code to Include Additional Restrictions Regarding Use of Public Properties for Private Special Events

ORDINANCE NO. 005-2022 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 106 Streets, Sidewalks and Other Public Places at Article VII, Special Events on Public Property at Division 1-, Generally, Section 106-257, Titled Regulations