

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 10, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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



Re: 221 Ocean Terrace– Third Strike & Stop Work Order

Date: December 28, 2022

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. The applicable pages of the Right of Way Manual are attached.

221 Ocean Terrace recently reached the level of Three Strikes for construction violations. The contractor is Jeremy Vassalotti, Inc. Please refer to the attached letter dated December 15, 2022 for the details of the three strikes. This is the first time that Jeremy Vassalotti, Inc. has been before you with Three Strike projects. Copies of the violations are attached. The Pending Stop Work Order Notice (attached) was sent to the contractor.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, since the last violation was issued by Police, the appeal (request for the dismissal of the violation) was filed with the Chief of Police Nicholas Caristo. 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 Strike. This decision occurred on December 16, 2022. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on December 21, 2022.

The contractor owes the Town \$750.00 in fees, plus any unpaid fines, 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 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: Copies of the Violations
Copy of the Pending Stop Work Order Notice
Copy of the Appeal Decision
Request to Appear Before the Town Council

Cc: Paul Brazil, Director of Public Works
Police Chief Nicholas Caristo
Debby Moody



PW- 6917

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Jeremy Vassalotti DATE: 11/23/22JOB ADDRESS: 221 Ocean Terrace

- | | |
|--|----------------------------------|
| <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*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X <u>3</u> = <u>\$450</u> |
| <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 checked="" type="checkbox"/> Use of right-of-way as work area | \$ 150 X <u>1</u> = <u>\$150</u> |
| <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: \$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.

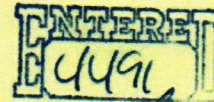
Right of Way restoration - \$30 per day until restored.

ISSUER

white/violator

yellow/PW

pink/issuer





Callaway Concrete

PW-

6979

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: James Vassalotti DATE: 12.02.02

JOB ADDRESS: 221 Ocean Terrace

- | | |
|---|--|
| <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 type="checkbox"/> Construction parking without permit*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X <u> </u> = <u> </u> |
| <input 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> |
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| <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> |

Concrete pour from R.O.W.

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.

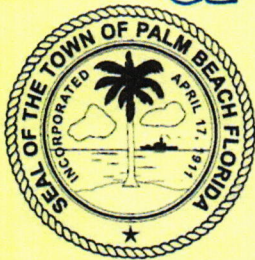
Right of Way restoration - \$30 per day until restored.

ISSUER Pa 13

white/violator

yellow/PW

pink/issuer



CE-22-2256

PD-01469

POLICE DEPARTMENT
(561) 838-5454**R.O.W. VIOLATION NOTICE**NAME: Jeremy Vassalotti INC DATE: 12-14-22JOB ADDRESS: 221 Ocean Ter Palm Beach FL 33480

- | | |
|---|-----------------------------------|
| <input checked="" type="checkbox"/> Working in right-of-way without permit | \$ 150 X <u>1</u> = <u>150.00</u> |
| <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 checked="" type="checkbox"/> Inadequate Maintenance of Traffic | \$ 150 X <u>1</u> = <u>150.00</u> |
| <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 _____ = _____ |
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| <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: 11450.00

Total fine to be paid within 10 working days to: Town of Palm Beach, **Finance Dept.**, P.O. 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 Police Department at 561-838-5454.

*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: JFC/14080 CHD 2022-348057

white/violator

yellow/PW

pink/issuer



TOWN OF PALM BEACH

Planning, Zoning & Building Department

December 15, 2022

Via email: jeremyvassalotti@yahoo.com; office.jvi@yahoo.com

Jeremy Vassalotti Inc
% Jeremy Vassalotti
7247 Via Leonardo
Lake Worth, FL 33467

Re: **STOP WORK ORDER PENDING** - 3-Strike Rule Citations – 221 Ocean Terrace, B-21-92019

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.

This letter is to serve as notice that on **THREE** separate occasions you have received citations:
Strike 3 December 14, 2022 (PD-01469 – Working in right-of-way without permit, Inadequate Maintenance of Traffic, Use of right-of-way as work area)
Strike 2 December 2, 2022 (PW-6979 – Working in right-of-way without permit, Inadequate Maintenance of Traffic)
Strike 1 November 23, 2022 (PW-6917 – Construction parking without permit, use of right-of-way as work area)

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 these strikes, a fine in the amount of \$500.00 is being imposed and is also payable immediate to the Town of Palm Beach. This fine is in addition to all right-of-way fines referenced above. Invoice #81817 is attached.

An appeal to the Police Chief needs to be submitted in writing within 7 days of the issuance of your strike. 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 December 21, 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, January 10, 2023. 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, January 4, 2023, prior to 5:00 PM.**

Truly yours,

Wayne Bergman

Wayne Bergman
Director, Planning, Zoning & Building Department

cc: Elizabeth & James Bonner, 221 Ocean Ter, 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



TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480
(561) 838-5444

INVOICE

81341

Page 1 of 1

DATE	12/05/2022
ACCOUNT	MI-000330
AMT DUE	250.00

JEREMY VASSALOTTI INC
7247 VIA LEONARDO
LAKE WORTH, FL 33467

AMOUNT PAID _____



PAY YOUR STATEMENT ONLINE AT: [HTTPS://TOWNOFPALMBEACH.COM/EDENAR](https://TOWNOFPALMBEACH.COM/EDENAR)

TOWN OF PALM BEACH

MAKE CHECKS PAYABLE TO TOWN OF PALM BEACH
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

DESCRIPTION	AMOUNT
FINE 3-STRIKE RULE STRIKE 2 Fine for Strike 2 - 221 Ocean Terrace	250.00
Total Amount Due:	250.00
ACCOUNT NO. MI-000330	PAYABLE UPON RECEIPT 250.00

Please Remit to: TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480

Pay your Statement online at: <https://TownofPalmBeach.com/EDENAR>
Log in or Register as a New User and connect to your account by entering your Account No and Invoice number.



TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480
(561) 838-5444

INVOICE

81817

Page 1 of 1

DATE	12/15/2022
ACCOUNT	MI-000330
AMT DUE	500.00

JEREMY VASSALOTTI INC
7247 VIA LEONARDO
LAKE WORTH, FL 33467

AMOUNT PAID _____



PAY YOUR STATEMENT ONLINE AT: [HTTPS://TOWNOFPALMBEACH.COM/EDENAR](https://TOWNOFPALMBEACH.COM/EDENAR)

TOWN OF PALM BEACH

MAKE CHECKS PAYABLE TO TOWN OF PALM BEACH
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

DESCRIPTION	AMOUNT
FINE 3-STRIKE RULE STRIKE 3 Fine for Strike 3 - 221 Ocean Ter	500.00
Total Amount Due:	500.00
ACCOUNT NO. MI-000330	PAYABLE UPON RECEIPT 500.00

Please Remit to: TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480

Pay your Statement online at: <https://TownofPalmBeach.com/EDENAR>
Log in or Register as a New User and connect to your account by entering your Account No and Invoice number.



TOWN OF PALM BEACH POLICE DEPARTMENT

DEDICATED TO EXCELLENCE



December 16, 2022

Jeremy Vassalotti, Inc.
Attn: Ms. Ashley Sanchez
300 W. 10th Street,
West Palm Beach, FL 33404

Re: Code Violations – 221 Ocean Terrace, Palm Beach, FL 33480

Dear Ms. Sanchez,

I am in receipt of your appeal request.

Town Ordinance allows ten days after each violation to contest the violation. You have elected to contest R.O.W. Violation # 1469. It was issued on December 14, 2022, for working in a right-of-way without a permit, for use of the right-of-way as a work area, and for inadequate maintenance of traffic. According to the Planning, Zoning and Building Department, you did not have a right-of-way permit. Records indicated that R.O.W. Permit U22-12071 was applied for on December 9th requesting permission to use the right-of-way on the December 14th; However, this R.O.W. permit request was not approved.

After thorough review of the Town Ordinances and the Town's Right-of Way Manual, along with the violations, the request for dismissal of the violation is denied.

With the recent changes in Town ordinances and the Town's commitment to strongly enforce construction site violations, I have an obligation to ensure consistencies in the enforcement and appeal process. You may contact the Planning, Zoning, and Building Department for any next steps in appearing before Town Council or restarting work.

Sincerely,

Nicholas Caristo
Chief of Police

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

JEREMY VASSALOTTI, INC.

300 W 10TH STREET WEST PALM BEACH, FL 33404
561.631.7299 | OFFICE.JVI@YAHOO.COM

LIFT "STOP WORK" REQUEST

12/27/2022

Re: 221 Ocean Terrace Palm Beach, FL 33480

Permit#: B-21-92019

To Whom it may concern,

As you may know, the Town of Palm Beach Chief of police has denied the 3rd strike appeal to Jeremy Vassalotti, Inc for Permit#: B-21-92019.

This letter is a request to lift the "Stop Work" order and to have a supervisor from JVI attend the Town Council meeting to go over the issues causing the "Stop work" order for 221 Ocean Terrace Palm Beach, FL 33480. JVI is requesting this so we can complete the back fill, rock base, Gunite in pool, walkway and patio install.

If additional information is needed, please feel free to contact us.

I greatly appreciate you taking the time to read this.

Respectfully,

A handwritten signature in black ink, appearing to be 'AS' or 'Ashley Sanchez'.

Ashley Sanchez

Office Manager

Jeremy Vassalotti, Inc.