

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 14, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: 234 List Road – Three Strikes & Stop Work Order

Date: June 2, 2023

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.

234 List Road recently reached the level of three (3) Strikes for construction-related violations. The prime contractor is Palmcorp Construction Services, Inc. Please refer to the attached letter dated June 2, 2023, for the details of the Three Strikes.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, since the third violation was issued by Public Works, any appeal of the last violation would have been filed with the Paul Brazil, Dir. Of Public Works. The contractor has not filed an appeal. The Planning, Zoning & Building Department will issue a STOP WORK ORDER for the construction project on June 8, 2023.

The contractor owes the Town \$750.00 in fees, plus any unpaid fines, at this time.

This is the first time that Palmcorp Construction Services 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: Copies of the Violations and Fines
Copy of the Pending Stop Work Order Notice
Copy of the Warning Notice
Copies of Fees Due

Cc: Paul Brazil, Director of Public Works
Police Chief Nicholas Caristo
Benjamin Alma, Civilian Div. Mgr.
Debby Moody



PalmCorp Construction Services, Inc.

June 2, 2023

Mr. Wayne Bergman, Director
Town of Palm Beach
Planning, Zoning, Building
360 S County Road
Palm Beach, FL 33480

RE: 234 List Road – Permit #B-22-96890

Dear Mr. Bergman:

Please be advised that I am requesting being placed on the June 13, 2023, Town Council agenda, to lift the “Stop Work” order being placed on the above referenced job. We have already paid the fines and application fees.

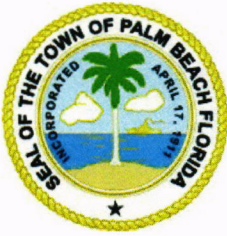
I appreciate your attention.

Sincerely,
PALMCORP CONSTRUCTION SERVICES, INC.

Russell Palmieri

Russell Palmieri
President

120 S Olive Avenue Suite 304 – West Palm Beach, FL 33401
PH: 561-429-4268 – Fax: 561-429-4302
info@palmieribuilder.com - www.palmcorpconstructionservices.com
CGC1508783 – CCC1327036



TOWN OF PALM BEACH

Planning, Zoning & Building Department

June 2, 2023

Via email & mail: info@palmieribuilder.com; palmieri329@yahoo.com; lamotte@northerntree.com

Palmcorp Construction Services, Inc.
% Russell Palmieri
1000 North US Hwy 1, Suite 617
Jupiter, FL 33477

Re: **STOP WORK ORDER PENDING** - 3-Strike Rule Citations – 234 List Road – B-22-96890

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 June 1, 2023 (PW-7050 – Inadequate Maintenance of Traffic, Failure to carry out permit terms/conditions)

Strike 2 April 5, 2023 (PW-7031 – Working in right-of-way without permit, Inadequate Maintenance of Traffic)

Strike 1 February 28, 2022 (PW-7016 – Working in right-of-way without permit, Inadequate Maintenance of Traffic)

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, 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. Invoice # 83084 is attached.

An appeal to the Public Works Director needs to be submitted in writing within 7 days. 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 June 8, 2023. 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, June 13, 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, June 7, 2023, prior to 5:00 PM.**

Truly yours,

Wayne Bergman

Wayne Bergman
Director, Planning, Zoning & Building Department

cc: Valley Property Management LLC, 234 List Rd, 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

83084

Page 1 of 1

DATE	06/02/2023
ACCOUNT	MI-000347
AMT DUE	500.00

PALMCORP CONSTRUCTION SERVICES
1000 NORTH US HWY 1
617
JUPITER, FL 33477

AMOUNT PAID _____



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

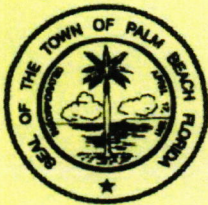
TOWN OF PALM BEACH

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 3 234 List Rd	500.00
Total Amount Due:	500.00
ACCOUNT NO. MI-000347	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.



PW- 7050

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Palmcorp Construction DATE: 6.01.23JOB ADDRESS: 234 1st Rd

- | | |
|--|--------------------------------|
| <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* | \$ 150 X _____ = _____ |
| 1 st = \$150 2 nd = \$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 _____ = _____ |
| <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.

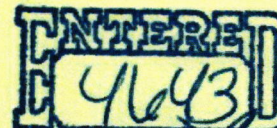
* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** 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.

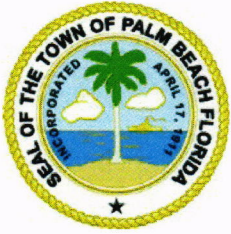


ISSUER: _____

white/violator

yellow/PW

pink/issuer



TOWN OF PALM BEACH

Planning, Zoning & Building Department

April 7, 2023

Via email & mail: info@palmieribuilder.com; lamotte@northerntree.com

Palmcorp Construction Services, Inc.
% Russell Palmieri
1000 North US Hwy 1, Suite 617
Jupiter, FL 33477

Re: **Warning Notice** Construction Parking & Construction Site Management Citations – 234 List Road – B-22-96890

On April 5, 2023, you received a citation for violations of the “3-Strike Rule”, which regulates the number of construction-related vehicles that can be parked on Town streets and construction site management. 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.

If three citations are received, the Chief of Police or 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).

Your project has received **two citations, constituting two strikes**:

Strike 2 April 5, 2023 (PW-7031 – Working in right-of-way without permit, Inadequate Maintenance of Traffic)

Strike 1 February 28, 2022 (PW-7016 – Working in right-of-way without permit, Inadequate Maintenance of Traffic)

Also, per Town Resolution No. 001-2022, because you have received two strikes, fines in the amount of \$250.00 are 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. See attached Invoice # 82741.

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 and additional fines shall be imposed. 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 construction 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: Valley Property Management LLC, 234 List Rd, Palm Beach, FL 33480
Kirk Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief
Benjamin Alma, Support Services Manager



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

INVOICE

82741

Page 1 of 1

DATE	04/07/2023
ACCOUNT	MI-000347
AMT DUE	250.00

PALMCORP CONSTRUCTION SERVICES
1000 NORTH US HWY 1
617
JUPITER, FL 33477

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 2 234 List Road	250.00
Total Amount Due:	250.00
ACCOUNT NO. MI-000347	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.



Equipment broke down
blocking neighbor
PUBLIC WORKS DEPARTMENT
(561) 838-5440

PW- **7031**

R.O.W. VIOLATION NOTICE

NAME: *Palmcoap Construction* DATE: *4.05.23*

JOB ADDRESS: *234 List Rd*

- | | |
|--|--|
| <input type="checkbox"/> Working in right-of-way without permit | \$ 150 X <u><i>1</i></u> = <u><i>150</i></u> |
| <input type="checkbox"/> Failure to have permit on job | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Construction parking without permit* | \$ 150 X _____ = _____ |
| 1 st = \$150 2 nd = \$250 and thereafter = \$500 | |
| <input type="checkbox"/> Inadequate Maintenance of Traffic | \$ 150 X <u><i>1</i></u> = <u><i>150</i></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 _____ = _____ |
| <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 _____ = _____ |

Loading equipment in Road
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 *[Signature]*

white/violator

yellow/PW

pink/issuer



PW- 7016

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: JLU P. Inc / Palmcorp DATE: 2.28.23JOB ADDRESS: 234 Lint Rd.

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

Concrete truck staging
on V.A. Marita

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: [Signature]

white/violator

yellow/PW

pink/issuer