

TOWN OF PALM BEACH

Information for Town Council Meeting on:

October 9, 2024

To: Mayor and Town Council

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

From: Michelle Sentmanat, Business Services Supervisor in PZB

Re: 241 Seaview Ave – Three Strike & Stop Work Order

Date: September 18, 2024

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.

241 Seaview Ave (Palm Beach Day Academy) recently reached the level of Three (3) Strikes for construction-related violations in the right of way. The contractor is Gilbane Building Company. Please refer to the attached letter dated September 18, 2024, 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 each violation was issued by Public Works, the appeal went to Paul Brazil the Director of Public Works. The contractor filed the appeal on September 11, 2024. Paul Brazil reviewed and denied the appeal on September 18, 2024. We are requiring the contractor to appear before the Town Council regarding the three strikes as well as have all citations and subsequent fines for three strikes paid prior to the meeting date.



September 11, 2024

Mr. Paul Brazil
Public Works Department
951 Old Okeechobee Road, Suite A
West Palm Beach, FL, 33401

Re: Palm Beach Day Academy
241 Seaview Ave – B-23-99295
Appeal – Stop Work Order - 3-Strike Rule Citations

Dear Mr. Brazil,

I hope this letter finds you well. I'm writing to appeal the decision on September 5, 2024, of Pending Stop Work Order – 3- Strike Rule Citations at Palm Beach Day Academy – 241 Seaview Ave. We have worked with PBDA beginning in 2023 and completed a major renovation without receiving any citations. In addition, we have completed successful projects that the students and faculty are truly benefiting from such as: eastern wing HVAC renovation, new west building impact windows and doors replacement, and have begun working on a new parking lot to alleviate the stress of parking on Seaview Avenue (for residents as well).

We recognize that we have received these citations, and we understand why they were issued. On behalf of the Gilbane project team, we sincerely apologize. While there were a few extenuating circumstances that caused some of these issues, in the future we strive to be compliant with town regulations and expectations. The corrective actions from each citation have been implemented below:

Citation #1 received on July 19. Material stored on sidewalk in public ROW. Discussion with HVAC contractor and reviewing project daily report. The RTU curb was delivered approx. 10am and moved onsite within 30 minutes when the proper equipment had arrived on site to lift the curb into the driveway. To rectify this scenario all deliveries have been coordinated onsite and any required lifting equipment have been onsite prior to avoid any impacts to public right-of-way.

Citation #2 received on August 19. Construction parking without permit. To resolve this situation PBDA has provided parking decal and all trade contractors onsite have been parking in the Wells Fargo parking lot, which PBDA has an agreement with.

Citation #3 received on August 22. The site received nearly a full inch of rain in the previous 24 hours causing extremely wet conditions in operation (see attached weather history). Water runoff from the field, vehicles passing on the street, and water from vehicles leaving the site was the only water that would have drain into street catch basin. No construction debris had been discharged in the catch basin or non-observed by the trade contractor and project superintendent. To rectify this situation, we added several tons of crushed stone at construction entry/ exit and have personnel manning the site entrance to ensure we are compliant.

Thank you for taking the time to consider Gilbane's appeal. Please do not hesitate to contact me at your convenience should you have any additional questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Hogg".

Robert Hogg
Project Manager
Gilbane Building Company



cc: Michael Murphy, Chief Finance and Operating Officer – Palm Beach Day Academy
Jason Zubatkin, Managing Principal – Zubatkin Owner Representation
Anna E. Kluger, Project Manager - Zubatkin Owner Representation
Cary Shippert, VP – Southeast Director, Gilbane Building Company
Nathan Burnham, Operations Manager – Gilbane Building Company
Brian Heinlein, Project Superintendent – Gilbane Building Company



TOWN OF PALM BEACH

September 18, 2024

Robert Hogg
Gilbane Building Company
1499 W Palmetto Park Road #105
Boca Raton, FL 33486

Re: Third Strike - 241 Seaview Avenue, Palm Beach, FL 33480

Dear Mr. Hogg:

On September 13, 2024 we received your appeal to the third strike citation issued on August 22, 2024. While this letter was received well past the seven (7) days of the third strike, staff determined that since you did not receive the standard third strike notification, your appeal would be considered within seven (7) days of the third strike notification.

After reviewing your appeal and the circumstances of the citation, your appeal is being denied. The citation was issued due to excessive runoff from the site and into the Town's drainage system. This discharge is in violation of the Town's NPDES permit and the sites requirement to provide the necessary barriers and screening to prohibit this type of discharge.

The requests to lift the "Stop Work" order must be heard at a Town Council meeting to rescind the Stop Work order. The next Town Council meeting will be held on October 9, 2024, in which this request will be heard.

Sincerely,

H. Paul Brazil, P.E.
Director of Public Works

HPB/lm
Attachments

cc: Wayne Bergman, Planning, Zoning & Building Director
Debby Moody, Planning, Zoning & Building Office Manager
Craig Hauschild, P.E., Planning, Zoning & Building Civil Engineer



TOWN OF PALM BEACH

Planning, Zoning & Building Department

September 5, 2024

Via email & mail: cshippert@gilbaneco.com; mmurphy@pbdays.org

Gilbane Building Company
% Cary Shippert
1499 W Palmetto Park Rd, 105
Sarasota, FL 33486

Re: **STOP WORK ORDER PENDING** - 3-Strike Rule Citations – 241 Seaview Ave – B-23-99295

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 August 22, 2024 (PW-7064 illegal discharges to Town sewers)

Strike 2 August 19, 2024 (PW-0619 Construction parking without a permit (5 vehicles))

Strike 1 July 19, 2024 (PW-0147 for working in right of way without a permit, failure to maintain safe sidewalks and storage of materials in right of way).

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works and Police Chief have notified the Planning, Zoning & Building Department of these violations, and requested that a "Stop Work" order be issued as allowed by Section 18-204 of Town Code.

Per Town Resolution No 001-2022, because you have received three strikes, fines are being imposed and are also payable immediately to the Town of Palm Beach. These fines are in addition to all right-of-way fines referenced above. Refer to Invoice #INV-24-00004656. Payments can now be made at www.townofpalmbeach.com.

An appeal to Public Works needs to be submitted in writing within 7 days of the ticket. 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 13, 2024. 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 Wednesday, October 9, 2024. For this item to be considered at that meeting, you would need to submit a written request to Michelle Sentmanat @ msentmanat@townofpalmbeach.com.

Truly yours,

Wayne Bergman

Wayne Bergman
Director, Planning, Zoning & Building Department

cc: Palm Beach Day School, 241 Seaview Avenue, 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
Planning, Zoning & Building Department
360 S County Rd
Palm Beach, FL 33480-6735

Permit No.: **B-23-99295**

Permit ID: **453261**

Issue Date: **05/30/2023**

Expiration Date: **09/30/2024**

Inspection Scheduling: (561) 227-7090

Web: townofpalmbeach.com/permits

P
E
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T

Contractor: **GILBANE BUILDING COMPANY**

Address: **1499 W PALMETTO PARK RD**

Suite: **105**

SARASOTA FL 33486

Phone: **(561) 691-0060**

Fax:

Qualifier: **CARY SHIPPERT**

Certification No.: **CGC1511537**

Project Address: **241 SEAVIEW AVE**

PALM BEACH FL 33480

PCN: **50-43-43-22-08-000-6640-00**

Owner's Name: **PALM BEACH DAY SCHOOL**

Owner's Address: **241 SEAVIEW AVE**

PALM BEACH FL 33480-4234

Construction Valuation: **2042840**

Sq Footage:

Permit Type: **B-COMMERCIAL ALTERATION**

Description: **INTERIOR RENOVATION AND SYSTEM UPGRADES FOR PBDA**

PERMIT FEES:

OPT CONST PLAN REVIEW BLDG	17,159.86
OPT BAIF FUND STATE PL REV	231.66
OPT HMWNR RECOV STATE PL REV	154.44
OPT HMWNR RECOV TOWN ISSUE	40.04
OPT BAIF FUND TOWN ISSUE	60.06

PERMIT FEES:

OPT BAIF FUND TOWN PL REV	25.74
OPT HMWNR RECOV TOWN PL REV	17.16
OPT CONST PERMIT FEE BLDG	40,039.66
OPT HMWNR RECOV STATE ISSUE	360.36
OPT BAIF FUND STATE ISSUE UPD	540.54
Total Fees:	58,629.52

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

The issuance of this permit is conditioned upon compliance with any approvals granted by the Town Council, Landmarks Preservation Commission, and/or Architectural Commission. Any misrepresentation of facts pertaining to required permit information and/or the required design professional's plans shall be considered prima-facie evidence and be cause for permit revocation.



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 S County Rd
Palm Beach, FL 33480-6735

Permit No.: **B-23-99362**

Permit ID: **453419**

Issue Date: **06/14/2023**

Expiration Date: **2/19/2024**

Inspection Scheduling: (561) 227-7090

Web: townofpalmbeach.com/permits

P
E
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Contractor: **GILBANE BUILDING COMPANY**

Address: **1499 W PALMETTO PARK RD**

Suite: **105**

SARASOTA FL 33486

Phone: **(561) 691-0060**

Fax:

Qualifier: **CARY SHIPPERT**

Certification No.: **CGC1511537**

Project Address: **241 SEAVIEW AVE**

PALM BEACH FL 33480

PCN: **50-43-43-22-08-000-6640-00**

Owner's Name: **PALM BEACH DAY SCHOOL**

Owner's Address: **241 SEAVIEW AVE**

PALM BEACH FL 33480-4234

Construction Valuation: **328043**

Sq Footage:

Permit Type: **B-WINDOWS/DOORS/SHUTTERS/GARAGE DOORS**

Description: **EXTERIOR GLAZING UPGRADES FOR PALM BEACH DAY ACADEMY**

PERMIT FEES:

OPT CONST PLAN REVIEW BLDG	2,755.56
OPT HMWNR RECOV STATE PL REV	24.80
OPT BAIF FUND STATE PL REV	37.20
OPT BAIF FUND TOWN ISSUE	9.65
OPT HMWNR RECOV TOWN ISSUE	6.43

PERMIT FEES:

OPT HMWNR RECOV TOWN PL REV	2.76
OPT BAIF FUND TOWN PL REV	4.13
OPT CONST PERMIT FEE BLDG	6,429.64
OPT BAIF FUND STATE ISSUE UPD	86.80
OPT HMWNR RECOV STATE ISSUE	57.87
Total Fees:	9,414.84

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

The issuance of this permit is conditioned upon compliance with any approvals granted by the Town Council, Landmarks Preservation Commission, and/or Architectural Commission. Any misrepresentation of facts pertaining to required permit information and/or the required design professional's plans shall be considered prima-facie evidence and be cause for permit revocation.



PUBLIC WORKS DEPARTMENT
561-838-5440

PW -

0619

VIOLATION NOTICE *Strike 2*

RIGHT-OF-WAY, PARKING & CONSTRUCTION SITE MANAGEMENT

Gilbane Construction DATE: *8.19.24*

IS: *241 Seaview*

g violations shall be considered strikes based on the "3-Strike Rule" for construction projects.
ay also concurrently prosecute the violation(s) through the Code Enforcement process.

Working outside permit hours of construction	\$150x =
Failure to comply with noise regulations	\$150x =
Insufficient or not properly maintained construction screening	\$150x =
Failure to maintain landscaping, where used for screening	\$150x =
Failure to provide or properly screen on-job toilet facilities	\$150x =
Violation of approved construction staging/truck logistics plan	\$150x =
Failure to provide dedicated traffic monitor	\$150x =
North Avenue-Parking construction vehicle/not actively loading/unloading	\$150x =
Construction parking without a permit*	
1st Offence \$150 2nd Offence \$250 Thereafter \$500	<i>150x = 750</i>
Vehicle Tag(s):	

Working in right-of-way without permit	\$150x =
Failure to have permit on job	\$150x =
Inadequate Maintenance of Traffic	\$150x =
Right-of-way littered by site dirt or debris	\$150x =
Failure to maintain safe sidewalks	\$150x =
Failure to carry-out permit terms and conditions	\$150x =
Storage of materials in right-of-way	\$150x =
Use of right-of-way as work area	\$150x =
Damage to infrastructure in right-of-way	\$150x =
Watering without a permit	\$150x =
Illegal discharges to Town sewers**	x =
Failure to Comply with Town's right-of-way manual ***	\$150x =
Other _____	x =
and added days of violation, double fine	x =

of 16 vehicles on TOTAL FINE *750*

ish to contest this violation call the Public Works office at 561-838-5440 within seven (7) calendar
ate of Issuance. Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept,
Palm Beach, FL 33480, may also be paid in person at 360 S County Rd, Palm Beach, FL 33480.
copy of this violation with payment, check must reference violation number.

Permits will be issued until fine is paid.

itions are per vehicle per day. Parking placard must be displayed in vehicle.

lean-up costs

ut not limited to: Dumpster in Right-of-way -\$100 per incident. Right-of-way restoration-\$30 per

ored



PUBLIC WORKS DEPARTMENT
561-838-5440

PW -

0147

VIOLATION NOTICE

Strike 1

RIGHT-OF-WAY, PARKING & CONSTRUCTION SITE MANAGEMENT

ME: Grillbange Construction DATE: 7.19.24
ADDRESS: 241 Seaview Ave

following violations shall be considered strikes based on the "3-Strike Rule" for construction projects.
Town may also concurrently prosecute the violation(s) through the Code Enforcement process.

- | | |
|---|------------------------------|
| <input type="checkbox"/> Working outside permit hours of construction | \$150x = |
| <input type="checkbox"/> Failure to comply with noise regulations | \$150x = |
| <input type="checkbox"/> Insufficient or not properly maintained construction screening | \$150x = |
| <input type="checkbox"/> Failure to maintain landscaping, where used for screening | \$150x = |
| <input type="checkbox"/> Failure to provide or properly screen on-job toilet facilities | \$150x = |
| <input type="checkbox"/> Violation of approved construction staging/truck logistics plan | \$150x = |
| <input type="checkbox"/> Failure to provide dedicated traffic monitor | \$150x = |
| <input type="checkbox"/> Worth Avenue-Parking construction vehicle/not actively loading/unloading | \$150x = |
| <input type="checkbox"/> Construction parking without a permit* | |
| 1st Offence \$150 2nd Offence \$250 Thereafter \$500 | x = |
| Vehicle Tag(s): | |
| <input checked="" type="checkbox"/> Working in right-of-way without permit | \$150x <u>1</u> = <u>150</u> |
| <input type="checkbox"/> Failure to have permit on job | \$150x = |
| <input checked="" type="checkbox"/> Inadequate Maintenance of Traffic | \$150x = |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris | \$150x = |
| <input checked="" type="checkbox"/> Failure to maintain safe sidewalks | \$150x <u>1</u> = <u>150</u> |
| <input type="checkbox"/> Failure to carry-out permit terms and conditions | \$150x = |
| <input checked="" type="checkbox"/> Storage of materials in right-of-way | \$150x <u>1</u> = <u>150</u> |
| <input type="checkbox"/> Use of right-of-way as work area | \$150x = |
| <input type="checkbox"/> Damage to infrastructure in right-of-way | \$150x = |
| <input type="checkbox"/> Dewatering without a permit | \$150x = |
| <input type="checkbox"/> Illegal discharges to Town sewers** | x = |
| <input type="checkbox"/> Failure to Comply with Town's right-of-way manual *** | \$150x = |
| <input type="checkbox"/> Other _____ | x = |
| <input type="checkbox"/> 2nd and added days of violation, double fine | x = |

TOTAL FINE 450

If you wish to contest this violation call the Public Works office at 561-838-5440 within seven (7) calendar days of the date of issuance. Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept, Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S County Rd, Palm Beach, FL 33480. Please attach copy of this violation with payment, check must reference violation number.

Further permits will be issued until fine is paid.

Violations are per vehicle per day. Parking placard must be displayed in vehicle.

Includes plus clean-up costs

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

Signature: [Signature]

WHITE/VIOLATOR

YELLOW/ISSUER

PINK/PZB



PW- 7064

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Gilbane Construction DATE: 8/22/24JOB ADDRESS: 241 Seaview Ave

- | | |
|---|--------------------------------|
| <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*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X _____ = _____ |
| <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 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 checked="" type="checkbox"/> Illegal discharges to Town sewers** | \$ 500 X <u>1</u> = <u>500</u> |
| <input type="checkbox"/> Other _____ | \$ _____ X _____ = _____ |
| <input type="checkbox"/> 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

TOTAL FINE: \$500.00

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

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

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

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

ISSUER: Will Campbell

white/violator

yellow/PW

pink/issuer

Debby Moody

From: Paul Burgoon
Sent: Thursday, September 5, 2024 9:44 AM
To: Patricia Strayer
Subject: 241 Seaview Ave - Strike 1
Attachments: 241 Seaview Ave - Strike 1 & 2.pdf

Good morning, Patricia.

Strike 1 was issued on July 19th for “storage of material in right-of-way” and “use of right-of-way without a permit.” PW-0147

Strike 2 was issued on August 19th for “construction parking” x 5 vehicles. PW-0619

Strike 3 and 4 were issued on August 22nd for “right-of-way littered with site debris and dirt” and “illegal discharge into Town’s inlet” PW-7064

Thank you,
Paul Burgoon
Construction and Right-of-Way Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7023

From: Paul Burgoon <plburgoon@gmail.com>
Sent: Thursday, September 5, 2024 9:09 AM
To: Paul Burgoon <pburgoon@TownOfPalmBeach.com>
Subject: Strike 1

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****









Sent from my iPhone

Debby Moody

From: Paul Burgoon
Sent: Thursday, September 5, 2024 9:45 AM
To: Patricia Strayer
Subject: FW: Strike 2

Please pictures below for "Strike 2"

Thank you,
Paul Burgoon
Construction and Right-of-Way Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7023

From: Paul Burgoon <plburgoon@gmail.com>
Sent: Thursday, September 5, 2024 9:12 AM
To: Paul Burgoon <plburgoon@TownOfPalmBeach.com>
Subject: Strike 2

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****























Sent from my iPhone

Debby Moody

From: Paul Burgoon
Sent: Thursday, September 5, 2024 9:46 AM
To: Patricia Strayer
Subject: FW: Strike 3

Please see pictures below for "Strike 3"

Will Campbell issues them a citation shortly after I left for mud and debris entering the Town's storm drain.

Thank you,
Paul Burgoon
Construction and Right-of-Way Manager

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7023

From: Paul Burgoon <plburgoon@gmail.com>
Sent: Thursday, September 5, 2024 9:13 AM
To: Paul Burgoon <plburgoon@TownOfPalmBeach.com>
Subject: Strike 3

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****







Sent from my iPhone