

TOWN OF PALM BEACH

Information for Town Council Meeting on:

February 12, 2025

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: 210 Eden Rd – Three Strikes & Stop Work Order (Permit B-23-98542)

Date: January 24, 2025

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.

210 Eden Rd. recently received their third Strike for construction-related violations in the right of way. The contractor is Four Points Construction of West Palm Beach, FL. Please refer to the attached letter dated January 22, 2025, for the details of the Strikes.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, since the last violation was issued by Code Enforcement, there has been no appeals. The contractor paid the code fee prior to the hearing and chose not to go before the board. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on January 24, 2025, based upon the number of strikes with no appeal filed.

The contractor is required to pay all fees and fines related to the Strikes.

This is the first time that Four Points Construction has been before you with Three Strikes for this project. 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: Copy of the Pending Stop Work Order Notice
Copies of the Violations and Fines
Email from Code Enforcement
Email from Police Chief

Cc: Paul Brazil, Director of Public Works
Nicholas Caristo, Police Chief
Benjamin Alma, Parking and Code Enforcement Manager

Michelle Sentmanat

From: Nicholas Caristo
Sent: Monday, January 27, 2025 10:43 AM
To: Michelle Sentmanat; Patricia Strayer
Cc: Benjamin Alma; Chester Purves; Craig Hauschild; Debby Moody; Kirk Blouin; Martin Deloach; Paul Brazil; Wayne Bergman; Carla Marcote
Subject: RE: STOP WORK Warning Notice Construction Parking & Construction Site Management Citations –210 Eden Rd - B-23-98542

Good morning All,

The NOV citation was paid on January 17th. Per the NOV citation, payment of the fine waives the right to a hearing and admits to the charges. With that said, the PD will not rescind the citation, and Mr. Eccleston will need to go to Council being it's his third strike.

Nicholas Caristo
Chief of Police

Palm Beach Police Department
345 South County Road
Palm Beach, FL 33480
561-838-5454

From: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>
Sent: Monday, January 27, 2025 10:37 AM
To: Patricia Strayer <PStrayer@TownofPalmBeach.com>
Cc: Benjamin Alma <BALma@PalmBeachPolice.com>; Chester Purves <CPurves@TownofPalmBeach.com>; Craig Hauschild <chauschild@TownOfPalmBeach.com>; Debby Moody <DMoody@TownofPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Martin Deloach <MDeLoach@TownofPalmBeach.com>; Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; Carla Marcote <CMarcote@PalmBeachPolice.com>
Subject: RE: STOP WORK Warning Notice Construction Parking & Construction Site Management Citations –210 Eden Rd - B-23-98542

That is correct and I have conveyed that to him several times this morning.

Kind Regards,

Michelle Sentmanat

Business Services Supervisor

Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480
(561) 227-6413

From: Patricia Strayer <PStrayer@TownofPalmBeach.com>

Sent: Monday, January 27, 2025 10:36 AM

To: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>

Cc: Benjamin Alma <BAAlma@PalmBeachPolice.com>; Chester Purves <CPurves@TownofPalmBeach.com>; Craig Hauschild <chauschild@TownOfPalmBeach.com>; Debby Moody <DMoody@TownofPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Martin Deloach <MDeLoach@TownofPalmBeach.com>; Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; Carla Marcote <CMarcote@PalmBeachPolice.com>

Subject: RE: STOP WORK Warning Notice Construction Parking & Construction Site Management Citations –210 Eden Rd - B-23-98542

But it is a 3rd strike, so they have to go to TC to get it waived unless code wants to waive it?

Patricia

Patricia Strayer, PE
Town Engineer

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7056
(C) 561.339.7309

From: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>

Sent: Monday, January 27, 2025 10:35 AM

To: Patricia Strayer <PStrayer@TownofPalmBeach.com>

Cc: Benjamin Alma <BAAlma@PalmBeachPolice.com>; Chester Purves <CPurves@TownofPalmBeach.com>; Craig Hauschild <chauschild@TownOfPalmBeach.com>; Debby Moody <DMoody@TownofPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Martin Deloach <MDeLoach@TownofPalmBeach.com>; Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; Carla Marcote <CMarcote@PalmBeachPolice.com>

Subject: RE: STOP WORK Warning Notice Construction Parking & Construction Site Management Citations –210 Eden Rd - B-23-98542

This is not public work. The NOV was code and per Carla the contractor opted to pay the fine and not go to the code board.

Kind Regards,

Michelle Sentmanat

Business Services Supervisor

Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480
(561) 227-6413

From: Patricia Strayer <PStrayer@TownofPalmBeach.com>

Sent: Monday, January 27, 2025 10:34 AM

To: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>

Cc: Benjamin Alma <BAAlma@PalmBeachPolice.com>; Chester Purves <CPurves@TownofPalmBeach.com>; Craig Hauschild <chauschild@TownOfPalmBeach.com>; Debby Moody <DMoody@TownofPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Martin Deloach <MDeLoach@TownofPalmBeach.com>; Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>

Subject: RE: STOP WORK Warning Notice Construction Parking & Construction Site Management Citations –210 Eden Rd - B-23-98542

All,

I do not know who wrote the NOV-10989? Mr. Ecclestone is requesting a meeting with me, but this is not a PW citation.

Patricia

Patricia Strayer, PE
Town Engineer

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7056
(C) 561.339.7309

From: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>

Sent: Wednesday, January 22, 2025 12:17 PM

To: permits@eshomesfl.com

Cc: Benjamin Alma <BAAlma@PalmBeachPolice.com>; Chester Purves <CPurves@TownofPalmBeach.com>; Craig Hauschild <chauschild@TownOfPalmBeach.com>; Debby Moody <DMoody@TownofPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Martin Deloach <MDeLoach@TownofPalmBeach.com>; Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Patricia Strayer <PStrayer@TownofPalmBeach.com>; Paul Brazil <PBrazil@TownofPalmBeach.com>; Paul Burgoon <pburgoon@TownOfPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>

Subject: STOP WORK Warning Notice Construction Parking & Construction Site Management Citations –210 Eden Rd - B-23-98542

You are receiving this email because you are listed as a copy holder on the attached letter.

Kind Regards,

Michelle Sentmanat

Business Services Supervisor

Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480
(561) 227-6413

Michelle Sentmanat

From: Carla Marcote
Sent: Friday, January 24, 2025 10:16 AM
To: Michelle Sentmanat
Subject: RE: Paid NOV Citation

No problem, they paid prior to the hearing and chose not to go before the board.

Respectfully,

Carla Marcote

Carla Marcote
Office Manager
Palm Beach Police Department
561-227-6388



From: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>
Sent: Friday, January 24, 2025 10:14 AM
To: Carla Marcote <CMarcote@PalmBeachPolice.com>
Subject: RE: Paid NOV Citation

I apologize for that. 210 Eden Road NOW 10989.

Kind Regards,

Michelle Sentmanat

Business Services Supervisor

Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480
(561) 227-6413

From: Carla Marcote <CMarcote@PalmBeachPolice.com>
Sent: Friday, January 24, 2025 10:02 AM
To: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>
Subject: RE: Paid NOV Citation

Which one? There is no citation attached to the email, do you have a NOV #?

Respectfully,

Carla Marcote

Carla Marcote
Office Manager
Palm Beach Police Department
561-227-6388



From: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>

Sent: Friday, January 24, 2025 10:00 AM

To: Carla Marcote <CMarcote@PalmBeachPolice.com>

Subject: RE: Paid NOV Citation

Carla,

On this one did they pay the fine and admit guilt?

Kind Regards,

Michelle Sentmanat

Business Services Supervisor

Town of Palm Beach

360 S. County Rd.
Palm Beach, FL 33480
(561) 227-6413

From: Carla Marcote <CMarcote@PalmBeachPolice.com>

Sent: Friday, January 17, 2025 12:58 PM

To: Michelle Sentmanat <MSentmanat@TownofPalmBeach.com>

Subject: Paid NOV Citation

Respectfully,

Carla Marcote

Carla Marcote
Office Manager
Palm Beach Police Department
561-227-6388



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 22, 2025

Via email & mail: permits@eshomesfl.com

Four Points Construction LLC
% Edwin Ecclestone
1555 Palm Beach Lakes Blvd, Suite 1100
West Palm Beach, FL 33401

Re: **STOP WORK ORDER PENDING** - 3-Strike Rule Citations – 210 Eden Rd – B-23-98542

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 January 14, 2025 (NOV-10989 for obstruction of the right of way – vehicles blocking the alley)

Strike 2 December 13, 2024 (PW-0229 for construction parking without permit)

Strike 1 May 23, 2024 (PW-7045 for construction parking without permit)

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 four 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-25-00009571. Payments can now be made at www.townofpalmbeach.com . **NOTE: Invoice for strike 2 INV-24-00009044 is past due and must be paid immediately.**

At this time there is no citation that you can appeal. An appeal would occur within seven (7) days 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. 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, February 12, 2025. 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: Sean & Sarah Reynolds @ 210 Eden Road, 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

**INVOICE (INV-25-00009571)
FOR TOWN OF PALM BEACH**

BILLING CONTACT

LLwyd Ecclestone
1555 Palm Beach Blvd Suite 300 Suite 300
West Palm Beach, FL 33401



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-25-00009571	01/22/2025	01/23/2025	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
STRIKE-25-00204	Fine for strike 3	\$500.00
210 Eden Rd Palm Beach, FL 33480		SUBTOTAL \$500.00

REMITTANCE INFORMATION
Town of Palm Beach 360 S County Rd PO Box 2029 Palm Beach, FL 33480 561-838-5431

TOTAL **\$500.00**



PW- 7045

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Eccleston Signature DATE: 5.23.73JOB ADDRESS: 210 Eden 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 checked="" type="checkbox"/> Construction parking without permit*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X <u>1</u> = <u>150</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 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 _____ = _____ |

Tim Grabowski TruckTOTAL FINE: 150

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. J. B.

white/violator

yellow/PW

pink/issuer



PUBLIC WORKS DEPARTMENT
561-838-5440

PW -

0229

VIOLATION NOTICE

RIGHT-OF-WAY, PARKING & CONSTRUCTION SITE MANAGEMENT

NAME: Eccleston DATE: 12/13/24

JOB ADDRESS: 210 Eden Rd

The following violations shall be considered strikes based on the "3-Strike Rule" for construction projects.
The 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 checked="" type="checkbox"/> Construction parking without a permit* | x 1 = 150 |
| 1st Offence \$150 2nd Offence \$250 Thereafter \$500 | |
| Vehicle Tag(s): | |

- | | |
|--|----------------------|
| <input type="checkbox"/> Working in right-of-way without permit | \$150x _____ = _____ |
| <input type="checkbox"/> Failure to have permit on job | \$150x _____ = _____ |
| <input type="checkbox"/> Inadequate Maintenance of Traffic | \$150x _____ = _____ |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris | \$150x _____ = _____ |
| <input type="checkbox"/> Failure to maintain safe sidewalks | \$150x _____ = _____ |
| <input type="checkbox"/> Failure to carry-out permit terms and conditions | \$150x _____ = _____ |
| <input type="checkbox"/> Storage of materials in right-of-way | \$150x _____ = _____ |
| <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 _____

Should 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, PO 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.

No further permits will be issued until fine is paid.

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

**Fines 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.

ISSUER: M. H.

WHITE/VIOLATOR

YELLOW/ISSUER

PINK/PZB

TOWN OF PALM BEACH

10989



POLICE DEPARTMENT Code Enforcement Unit Notice of Violation



Jeremy
Respondent's Name

Eccleston Signature Homes
Name of Company/Resident/Business comp.

561-335-6699
Respondent's Address

Property/Business Address

YOU ARE NOTIFIED that on Tuesday, Jan 14, 2025 at 1111 hrs
(day) (date) (time)

a violation of Obstruction of the R.O.W (Vehicles blocking the alley)
(description of violation)

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

occurred at: 210 Eden Rd.
(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
OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, Feb 20, 2025 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

* Posted
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.

JOLIVARES / 0272 1/14/25 1134 hrs 2025-014-099
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