



TOWN OF HIGHLAND BEACH TOWN CODE ENFORCEMENT BOARD REGULAR MEETING MINUTES

**Town Hall / Commission Chambers
3614 South Ocean Boulevard
Highland Beach, Florida 33487**

**Date: November 16, 2022
Time: 1:00 PM**

1. CALL TO ORDER

Vice Chairperson Perlow called the meeting to order at 1:00 P.M.

2. ROLL CALL

Board Member Robert Lasorsa
Board Member Cherbini (virtual)
Board Member David Axelrod
Board Member Bryan Perilman
Vice Chairperson Jane Perlow
Town Attorney Leonard Rubin
Administrative Support Specialist Jaclyn DeHart

ABSENT

Chairperson Myles Schlam
Board Member James Murray

ADDITIONAL STAFF PRESENT

Code Compliance Officer Adam Osowsky

3. PLEDGE OF ALLEGIANCE

The Code Enforcement Board led the Pledge of Allegiance of the United States of America.

4. APPROVAL OF THE AGENDA

MOTION: Axelrod/Perilman - Moved to approve the agenda as presented, which passed unanimously 5 to 0.

5. SWEARING IN OF THE PUBLIC

Mrs. DeHart swore in those giving testimony.

6. PUBLIC COMMENT *(limited to three (3) minutes per speaker)*

Jack Halpburn gave his opinion as a private resident concerning the tesla charger that was installed on 45 Ocean property.

7. APPROVAL OF MINUTES

A. October 11, 2022

MOTION: Perilman/Axelrod- Moved for the approval of the minutes as presented. The motion passed unanimously 5 to 0.

8. UNFINISHED BUSINESS

A. CASE NO. CC2022-05-006

Jill Gilles

4023 S. Ocean Blvd.

PCN: 24-43-47-04-00-005-0080

Legal Description: 4-47-43, N 100 FT OF S 445 FT OF GOV LT 5 E OF SR 140
A/K/A CITY LOT NO 47

Code Sections: 30-122 (A) Building Permits Required.

Violations: Observed earth removal east of CCCL without permit.

Vice Chairperson Perlow read the title of Item 8.A. and asked the Board members if they had any Ex Parte communications to disclose in the matter? Hearing none, she opened the public hearing and called for Code Compliance Officer Osowsky to give testimony and recommendations regarding the violation.

Code Compliance Officer Adam Osowsky provided a brief timeline of the facts of the case. He entered submittals of evidence into the record that included proof of service, supporting documents, photos taken of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall.

Code Compliance Officer Osowsky mentioned that the violator is now in compliance. Therefore, the Town recommends that the Respondents be found in violation of the Town Code as alleged in the Notice of Violation and recommended waving the prosecution costs in the amount of \$250.00.

The public hearing was closed followed by a motion.

MOTION: Perilman/Lasorsa - Moved that the Respondents be found in violation of the Town Code as alleged in the Notice of Violation but is now in compliance and that a do not repeat order be issued. Based upon roll call, Member Lasorsa (Yes), Member Cherbini (Yes), Member

Axelrod (Yes), Member Perilman (Yes), and Vice Chairperson Perlow (Yes), which passed on a 5 to 0 vote.

B. CASE NO. CC20221-08-008

45 Ocean Condo Assoc. Inc.
4505 S. Ocean Blvd Cond
Highland Beach FL, 33487

Code Sections: 30-122 (A) Building Permit Required

Violations: Tesla charger installed without permit.

Vice Chairperson Perlow read the title of Item 8.B. and asked the Board members if they had any Ex Parte communications to disclose in the matter? Hearing none, she opened the public hearing and called for Code Compliance Officer Osowsky to give testimony and recommendations regarding the violation.

Code Compliance Officer Adam Osowsky provided a brief timeline of the facts of the case. He entered submittals of evidence into the record that included proof of service, supporting documents, photos taken of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall

Code Compliance Officer Osowsky mentioned that to date, no permit had been applied for and the violation remains. Therefore, the Town recommends that the Respondents be found in violation of the Town Code as alleged in the Notice of Violation, the violator be fined \$250.00 per day for each day the violation remains retroactively to August 15, 2022, and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance

Building Official Jeff Remas provided further information about the code violation. He explained that a condo owner hired their own contractors to install a tesla charger, with no permit obtained. The tesla charger is on 45 Ocean condo association property and not within the owner's property parcel. Therefore, the condo association is the respondent.

Peter C Mollengarden, Esquire, 45 Ocean Condo Association's lawyer, was present and provided testimony relevant to the case. He stated that there is a proposed agreement with the condo owner to resolve the issue.

The public hearing was closed followed by a motion.

MOTION: Lasorsa/Perilman Moved that Respondent be found in violation of the Town Code as alleged in the Notice of Violation and that they be ordered to comply within 45 days or be fined \$250.00 per day for each day the violation remains after the date set for compliance and

assess prosecution costs in the amount of \$250.00 payable by the date set for compliance. Based upon roll call, Member Lasorsa (Yes), Member Perilman (Yes), Member Cherbini (Yes), Member Axelrod (No), and Vice Chairperson Perlow (Yes). The motion passed on a 4 to 1 vote, with Member Axelrod dissenting.

9. NEW BUSINESS

A. CASE NO. CC2022-06-006

Braemar Isle Cond
4740 S Ocean Blvd.
Highland Beach, FL 33487

Code Sections: 30-122 (A) Building Permits Required

Violations: Observed damage drywall and elevated levels of moisture in Unit 116

Vice Chairperson Perlow read the title of Item 9.A. and asked the Board members if they had any Ex Parte communications to disclose in the matter? Hearing none, she opened the public hearing and called for Code Compliance Officer Osowsky to give testimony and recommendations regarding the violation.

Code Compliance Officer Adam Osowsky provided a brief timeline of the facts of the case. He entered submittals of evidence into the record that included proof of service, supporting documents, photos taken of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. He mentioned that the property manager has an engineer's report regarding the issue but has refused to share the report with the town.

Therefore, the Town recommends that the Respondents be found in violation of the Town Code as alleged in the Notice of Violation, the violator be fined \$250.00 per day for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance.

Rhonda Brama, owner of unit 116, provided comments about the violation on the property. She provided the Code Enforcement board with additional photos of the violation.

Anthony Lopez, property manager, provided comments about the violation and the property and the steps he has taken thus far in relation to the violation.

The public hearing was closed followed by a motion.

MOTION: Perilman/Cherbini - Moved that Respondent be found in violation of the Town Code as alleged in the Notice of Violation and that they be ordered to comply within 60 days or be fined \$250.00 per day for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance. Based upon a roll call, Member Perilman (Yes), Member Cherbini (Yes), Member Lasorsa (Yes), Member Axelrod (Yes), and Vice chairperson Perlow (Yes). The motion passed on a 5 to 0 vote.

B. CASE NO. CC2022-06-007

Albert J Brok Trust
3700 S Ocean Blvd 805
PCN: 24-43-47-04-51-001-0805
Legal Description: TOSCANA NORTH COND UNIT 805

Code Sections: 30-122 (A) Building Permits Required

Violations: Observed AC changeout without permit.

Vice Chairperson Perlow read the title of Item 9.B. and asked the Board members if they had any Ex Parte communications to disclose in the matter? Hearing none, she opened the public hearing and called for Code Compliance Officer Osowsky to give testimony and recommendations regarding the violation

Code Compliance Officer Osowsky read in the item and requested that the case be postponed so the owner could receive proper notification.

Town Attorney Rubin advised that no action was needed to postpone the case.

C. Case No. CC2022-08-017

Peggy I. Kaufman
3450 S Ocean Blvd. Apt. 705
Highland Beach, FL 33487
PCN: 24-43-46-33-32-000-7050
CASUARINA COND UNIT 705

Code Sections: 30-122 (A) Building Permits Required

Violations: Paperwork still needs to be submitted since the beginning of July PWH22-0705. Permit is not issued. PWH22-0084

Vice Chairperson Perlow read the title of Item 9.C. and asked the Board members if they had any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Compliance

Code Compliance Officer Adam Osowsky provided a brief timeline of the facts of the case. He entered submittals of evidence into the record that included proof of service, supporting documents, photos taken of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall

Code Compliance Officer Osowsky mentioned that the violator is now in compliance. Therefore, the Town recommends that the Respondents be found in violation of the Town Code as alleged in the Notice of Violation and recommended and to assess prosecution costs in the amount of \$250.00 payable within 30 days.

MOTION: Lasorsa/Perilman - Moved that Respondent be found in violation of the Town Code as alleged in the Notice of Violation and assess prosecution costs in the amount of \$250.00 payable within 30 days. The motion passed unanimously 5 to 0.

10. ANNOUNCEMENTS

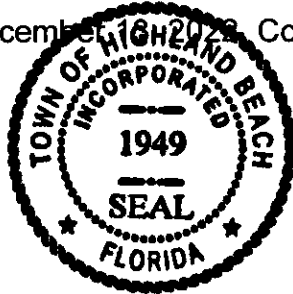
Vice Chairperson Perlow read the announcements as follows:

November 17, 2022 -	9:30 A.M. Planning Board Regular Meeting
November 22, 2022-	1:30 P.M. Town Commission Special Meeting
December 07, 2022 -	6:00 P.M. Public Meeting Accessory Marine Facility Regulations

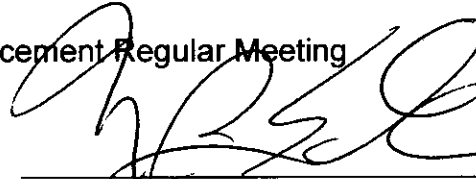
11. ADJOURNMENT

The meeting adjourned at 2:10 (2:08) P.M.

APPROVED December 13, 2022 Code Enforcement Regular Meeting



ATTEST:



Myles B. Schlam, Chairperson

Transcribed by: Jaclyn DeHart



Jaclyn DeHart
Administrative Support Specialist

December 13, 2022

Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the event of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com>