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TOWN OF HAVERHILL
MINUTES
SPECIAL MAGISTRATE
HEARING
APRIL 11, 2023

TOWN OF HAVERHILL

Present: Special Magistrate William P. Doney, Code Enforcement Officer Joseph Petrick,
Town Attorney John Foster and Deputy Town Clerk Jean Wible.

I. CALL TO ORDER:

The meeting was called to order at 9:00 A.M. by Special Magistrate William P. Doney.

II. APPROVAL OF MINUTES:

Special Magistrate Doney approved the minutes of February 1, 2023, and March 1, 2023.

III. SWEARING IN OF WITNESSES:

Special Magistrate, William P. Doney, administered Oath to Code Enforcement Officer Joseph Petrick and Respondent Mohammad Ali, Respondent Sandra Krueger, and Isabel Benedico on behalf of her parents, Respondents Pedro Benedico and Ivonne Cordoves.

CODE ENFORCEMENT FINE ASSESSMENT HEARINGS :

CASE NO. 22-00042:

E&J MANAGEMENT CO LLC

JOSEPH MACARI

1001 N. MILITARY TRAIL

HAVERHILL, FL 33417

PCN: 22-42-43-25-01-000-0200

LEGAL DESCRIPTION: BELVEDERE ESTATES LTS 20 THRU 22 (LESS SLY 3.50 FT
& TRGLR PAR BELVEDERE RD & ELY 21.50 FT SR 809 R/WS)

NATURE OF VIOLATION: Chapter 58 Article IX Division 14 Section 58-584 Maintenance and appearance standards for all real property.

Code Enforcement Officer (CEO) Joseph Petrick testified this Fine Assessment hearing was in reference to the 7-Eleven (commercial property) being found in violation of Town Code Section 58-584 at the March 1, 2023, Special Magistrate hearing for trash, debris, and shopping carts on the property. The Special Magistrate order from March 1, 2023, required compliance by March 13, 2023. On March 2, 2023, the order was sent via certified mail to the address listed with the

Property Appraiser office, Sunbiz records, posted on the Code Enforcement board at Town Hall and hand delivered to the store manager/franchise owner Mr. Ali who was present at today's hearing. CEO Petrick testified that while hand delivering to Mr. Ali, they discussed ways to bring the property into compliance to include regularly picking up trash, debris and removing shopping carts from the property. Discussion ensued.

Code Enforcement Officer Petrick testified that on March 14, 2023, he re-inspected the property and found some progress had been made. However, there was still trash on the property along with at least one (1) shopping cart.

Code Enforcement Officer Petrick presented an Affidavit of Non-Compliance and current photographs of the property to Special Magistrate Doney.

Code Enforcement Officer Petrick stated that as of today, the property was not in compliance. The Town was asking for a fine of \$50.00 per day beginning March 14, 2023, as indicated on the order, total reimbursement of administrative costs to bring this case before the Special Magistrate of \$256.90 (March 1, 2023, order cost of \$133.45 and April 11, 2023, cost of \$123.45) and to be placed on the Order Assessing Fine, should the Special Magistrate issue one.

Respondent Mohammed Ali testified that he tries to remove shopping carts on a daily basis but customers from Walmart (across the street) continue to leave them on his property. Mr. Ali stated he has spoken with Walmart several times and also called the Palm Beach County Sheriff's Office, but nothing gets resolved. Mr. Ali testified that he has the parking lot cleared of trash twice a day (approx. 7:00am and 3:00pm). Discussion ensued.

Special Magistrate Doney asked Mr. Ali if given five (5) days, could he have the property cleaned up. Mr. Ali responded, yes.

Special Magistrate Doney stated that in case #22-00042, he will extend the date of compliance until April 17, 2023. In the event of non-compliance, a fine not to exceed \$50.00 per day may be imposed. A Fine Assessment hearing will be scheduled for May 3, 2023, at 9:00 a.m. Costs in the amount of \$123.45 are assessed against Respondent for administrative fees and are in addition to the cost of \$133.45 awarded in the March 1, 2023, Order Finding Violation and Notice of Hearing.

CASE NO. 22-00031:

BENEDICO, PEDRO M. & CORDOVES, IVONNE
4950 LUWAL DRIVE
HAVERHILL, FL 33415
PCN: 22-42-43-36-00-000-3064
LEGAL DESCRIPTION: 36-43-42, E 95 FT OF W 310 FT OF N½ OF N½ OF NW ¼ OF
SW ¼ OF NW ¼ (LESS N 10 FT)

NATURE OF VIOLATION: Chapter 38 Section 38-9 Parking of vehicles and boats in residential districts. Chapter 58 Article IX Division 14 Section 58-584 Maintenance and appearance standards for all real property.

Code Enforcement Officer (CEO) Joseph Petrick testified this Fine Assessment hearing was in reference to the property owner being found in violation of Town Code Section 58-584 and Section 38-9 at the February 1, 2023, Special Magistrate hearing for lawn in disrepair and parking excessive and overweight commercial vehicles on the property. The Special Magistrate order from February 1, 2023, required compliance by March 3, 2023. The order was sent via certified mail to the address listed with the Property Appraiser office, posted at the property, and posted on the Code Enforcement board at Town Hall.

Code Enforcement Officer Petrick testified that he met with the Respondent, Pedro Benedico on March 6, 2023, to discuss the violations and it was agreed upon at that time that if the Respondent obtained a building permit for a driveway, he would be considered in compliance of Section 58-584. The building permit was obtained and approved by the Town Building Official on March 7, 2023. However, violation of Section 58-584 was four (4) days past the required compliance date of March 3, 2023, per the Special Magistrate order.

Code Enforcement Officer Petrick testified that on March 6, 2023, he also discussed the commercial vehicle violations of Section 38-9 with the Respondent. After this meeting, CEO Petrick went to the property and observed the commercial vehicles still on the property. An inspection on March 22, 2023, revealed the same.

On April 10, 2023, CEO Petrick went to the property to take photographs for today's Special Magistrate hearing and found the property was in compliance of Section 38-9 as the commercial vehicles had been removed. However, violation of Section 38-9 was thirty-eight (38) days past the required compliance date of March 3, 2023, per the Special Magistrate order.

Code Enforcement Officer Petrick stated the Special Magistrate orders indicated a \$100.00 day fine may be imposed. The Town was requesting reimbursement of administrative costs to bring this case before the Special Magistrate of \$238.80 and to be placed on the Order Assessing Fine.

Respondent Pedro Benedico's daughter Isabel Benedico, who resided at the property, testified on behalf of the property owners due to a language barrier. Ms. Benedico testified that the Respondent was not aware that he could not have a commercial vehicle, specifically a dump truck, on his property. Ms. Benedico apologized as it took a while to find a storage place but confirmed that it had been removed from the property. Ms. Benedico testified they are in contact with PBC Water Utilities who need to replace a water meter before the new driveway can be installed.

Special Magistrate Doney asked if the Town was looking for the whole fine to be levied. CEO Petrick stated that decision would be left to the Special Magistrate.

Town Attorney John Foster stated that at the least, the Town would be seeking to recover total reimbursement of the administrative costs of \$238.80.

Special Magistrate Doney found in case #22-00031 the property owner failed to comply with the February 2, 2023, order and did not achieve full compliance until April 10, 2023. Special Magistrate Doney imposed a fine in the total amount of \$500.00 plus today's administrative cost of \$113.90. Special Magistrate Doney explained that the additional administrative cost of \$124.90 was already in the first order but he would recite both in the new Order Assessing Fine.

CASE NO. 22-00045: COMPLIED BEFORE HEARING

PARIS, ALEXANDER J. & PARIS, MELISSA L.
930 RUTHERFORD LANE
HAVERHILL, FL 33415
PCN: 22-42-43-35-04-000-0080
LEGAL DESCRIPTION: HAVERHILL GARDENS LOT 8

NATURE OF VIOLATION: Chapter 58 Division 14 Section 58/584 Maintenance and appearance standards for all real property. Chapter 58 Division 6 Section 58-417 Installation, maintenance, irrigation, and replacement. Chapter 38 Section 38-9 Parking of vehicles and boats in residential districts.

CASE NO. 22-00029:

KRUEGER SANDRA
5119 PALO VERDE PLACE
HAVERHILL FL 33415
PCN: 22-42-43-35-19-004-0100
LEGAL DESCRIPTION: WOODLAND TERRACE PL 3 LT 10 BLK 4

NATURE OF VIOLATION: Chapter 38 Section 38-9 Parking of vehicles and boats in residential districts Chapter 58 Article IX, Division 14, Section 58-584 Maintenance, and appearance standards for all real property.

Code Enforcement Officer (CEO) Joseph Petrick testified this Fine Assessment hearing was in reference to a damaged fence and garage door in violation of Town Code Section 58-584 and an inoperable/unregistered camper parked on the grass in the front yard, and two (2) inoperable and/or unregistered vehicles with tags that expired last year (2022) parked in the driveway in violation of Town Code Section 38-9.

Code Enforcement Officer Petrick testified that a Courtesy Notice was issued on November 14, 2022, to the property owner. CEO Petrick testified that he had spoken with Ms. Krueger, who was present at today's hearing, after the Courtesy Notice was issued and was informed that she was dealing with medical issues. At that time, CEO Petrick and Ms. Krueger agreed upon a 90-day compliance. CEO Petrick testified that on February 21, 2023, he re-inspected the property and found it remained in violation and issued a Notice of Violation (NOV). The Notice of Violation required compliance within 30 days. The NOV was sent via certified mail to the property, posted at the property, and also posted on the Code Enforcement board at Town Hall.

Code Enforcement Officer Petrick testified that after the Notice of Violation was issued, he and Ms. Krueger had spoken on a few occasions. CEO Petrick testified that as of today, the property remained non-compliant for both Town Code Section 58-584 and Section 38-9.

Code Enforcement Officer Petrick stated the Town was requesting compliance within 60 days or a \$50.00 per day fine be assessed and total reimbursement of the administrative cost of \$139.97 to bring this case before the Special Magistrate.

CEO Petrick stated that in order for Ms. Krueger to come into compliance, she would have to repair, replace, or remove the damaged fence; replace or repair the garage door; remove the campers from the grass by storing per Town Code Section 38-9 requirements, and remove, repair, and properly register the inoperable/unregistered vehicles.

Special Magistrate Doney stated he would admit the Town's file into evidence.

Respondent Sandra Krueger testified that she recently had triple bypass surgery, has cataracts and other medical conditions. Ms. Krueger testified that she had not paid her property taxes and was planning on paying them next month so she could use her next check to install a new fence on the west side of the property and also register the vehicles. Ms. Krueger stated that she only had a sister-in-law locally, but she was unable to help her as she was too busy babysitting her grandchildren. Discussion ensued.

Town Attorney Foster asked Ms. Krueger if she was a member of a church, Synagogue, or organization that could possibly help her with some of the items. Ms. Krueger replied, no.


Special Magistrate Doney asked Ms. Krueger if the unregistered vehicles were insured, and Ms. Krueger replied, yes.

Special Magistrate Doney stated that in case #2200029, he found a violation of Town Code Section 38-9 and Section 58-584. Special Magistrate Doney gave the property owner until June 5, 2023, to comply. Failure to comply may result in a fine of \$50.00 per day. A Status Conference was scheduled for May 3, 2023, at 9:00 a.m. A Fine Assessment Hearing, if necessary, will be held on June 7, 2023, at 9:00 a.m.


ADJOURNMENT

The hearing was adjourned at 9:42 A.M.

Minutes prepared by Deputy Town Clerk Wible and adopted by Special Magistrate Doney on May 3, 2023.



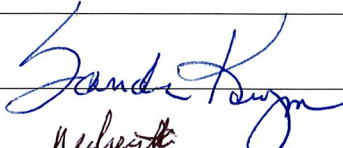
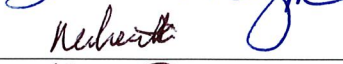

Jean F. Wible, Deputy Town Clerk



Special Magistrate, William P. Doney

SIGN IN SHEET

TOWN OF HAVERHILL
SPECIAL MAGISTRATE HEARING
Tuesday, April 11, 2023

Name	E-Mail Address	Signature
SANDRA KRUEGER	L02LUT0@GMAIL.COM	
MOHAMMED ALI 7-Elm	ali 33418@Yahoo.COM	
Isabel Benedico	Isabellbig@icloud.co	
Wm Doney		
John Foster		
Joseph Petrick		
Sean F. White		