

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, August 6, 2001 at 6:30 P.M. in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Kaleel and roll call was answered by the following:

Commissioner Aaskov  
Commissioner Bingham  
Mayor Kaleel  
Commissioner Bridges  
Commissioner Willens

Pledge of Allegiance

Additions, Deletions, Modifications and Approval of Agenda

Comm Bridges requested to add a brief update on the schematic for the new building as Item #13.

Mayor Kaleel requested a general discussion on rights-of-way obstructions as Item #4a.

Consent Agenda

1. Minutes of Town Commission Meeting of July 2, 2001
2. Minutes of Special Town Commission Meeting of July 12, 2001

Comm Willens moved to approve the consent agenda, seconded by Comm Bingham.

Announcements and Proclamations

3. The Administrative Office will be closed Monday, Sept. 3, 2001 for the official holiday. The Tentative Adoption of the Budget and Regular Meeting will be held Tuesday, Sept. 4, 2001 commencing at 5:30 P.M.

Public Comment

Jerry MaGruder, 9 Ridge Blvd., questioned if the coconuts were going to be removed from the trees on the Ridge Blvd. median since it is now hurricane season. Mr. Dunham advised that he would have the nuts removed from the Ridge Blvd. median. Town Manager Dunham also advised that an ordinance was considered and rejected last year regarding the removal of coconuts, however.

Action and Reports

4. Request for Two Unity of Titles (Lot 6 and North ½ of Lot 7, Block 9, Amended Plat of Boynton Subdivision and Lot 8 and South ½ of Lot 7, Block 9, Amended Plat of Boynton Subdivision) By: Joe Pike, EnviroDesign Assoc., Inc., Representing W. Duffey, property owner.

REGULAR MEETING OF TOWN COMMISSION ON AUGUST 6, 2001

Joe Pike advised that he represented the new property owner of the three lots located between Old Ocean Blvd. and SR A1A. He stated that the three lots are currently non-conforming grandfathered lots (approximately 50'x185') within the Residential Estate District. He advised that his client would like to join the lots by Unity of Title to create two larger lots for two homes than the three smaller lots with 3 smaller homes. He added that the Health Dept. has also been receptive to this idea.

Comm Bridges stated that this request would improve the area and moved to approve the request for Two Unities of Titles as submitted, seconded by Comm Aaskov.

Motion Carried – Yea (5).

- 4a. Discuss Obstructions in Rights-of-Way (ROW) on Edith Street By: Mayor Kaleel

Mayor Kaleel commented that before any decision could be made on any of the requests on this agenda the Commission needed to discuss several items. He stated that the Commission must decide whether to grant any access to the ROW. He added that if one is granted then everyone on that side must be given a license because the town could not gain access for mowing the ROW should one middle property owner not want it. He also stated that the Commission must then consider what each individual license request is for such as a fence, building, etc.

At this point Comm Willens advised that he had a conflict with this issue and item #7 and he would remove himself from the dais.

Comm Bingham reiterated her feeling that the ROW would be needed if not now then in the future and she was not in favor of blocking an access to the waterway.

Comm Aaskov questioned if the flooded standing water on Hudson Ave. could be transferred to this ROW for better drainage to which Lisa Tropepe, Town Engineer, commented that this would create a double cost for the drainage design. Ms. Tropepe added that there are no plans to utilize the ROW because improving the front should solve the drainage problems.

Comm Bingham stated that she felt that with the presence of the Pelican Cove wall and the raising of land the runoff does not have a natural flow to the ICWW. Ms. Tropepe advised that the raising land should be addressed when a building plan is submitted with the required engineer drawings.

Mayor Kaleel questioned if the town could retain a utility easement if the ROW was abandoned to which Atty Capko advised that the abandonment could either be exclusive or non-exclusive.

REGULAR MEETING OF TOWN COMMISSION ON AUGUST 6, 2001

Town Clerk Hancsak commented that when the west side of Porter Street was abandoned the town retained a permanent easement and a temporary construction easement, which has since lapsed. She added that one attorney represented all the property owners.

Comm Bridges commented that he has discovered that, according to the deeds for the property owners of Hudson Ave., their garages should actually be set back 70' from Hudson Ave. He commented that evidently the original intent was for the garages to be located in the rear of the residence and access gained through the ROW. He added that he felt this ROW was useless to the town and the property should be maintained by the residents with ½ to the Hudson Ave. owners and ½ to Pelican Cove. He added that this would present a problem if any of the residents wanted to locate their garage in the rear of the residence. He suggested that all the affected residents present a request to abandon the ROW on the west side of SR A1A. In regards to ROW's generally he stated that he felt some of the property was needed by the town and some was not and that is why they needed to be studied and addressed individually.

Mayor Kaleel stated that he was in favor of abandoning the west side of Edith Street if it has been determined that there is no need for it other than a utility easement.

Comm Bridges moved that the staff study the ramifications of abandoning the west side of Edith St. and that no action be taken until the residents located on the south side of Hudson Ave. present a request to abandon the ROW, seconded by Comm Aaskov.

Comm Bingham stated that the east side of Edith St. would then also have to be abandoned to which she was advised that it did not. Town Clerk Hancsak advised that only the west side of Porter St. was abandoned.

Richard Levenstein, attorney representing the Willens' and Mr. Heith, and Mr. Januschewski, representing his parents, advised that some of their concerns have been addressed and they understood the reasoning for the joint approach.

Cory Heith, 7 Hudson Ave., questioned the time frame for the submittal to which he was advised as soon as it can be presented.

Kim Willens, 9 Hudson Ave., submitted two photographs to be attached to their request and stated that the ROW does work as a swale area for water drainage.

Motion carried – Yea (Aaskov, Bridges, Kaleel)

Nay (Bingham)

Abstain (Willens signed the Conflict of Interest form)

5. Request to Permit Landscape Obstruction in Edith Street Rights-of-Way  
By: Mr. and Mrs. Klaus Januschewski, 5 Hudson Ave.
6. Request to Permit Fence Obstruction in Edith Street Rights-of-Way By:  
Cory Heith, 7 Hudson Ave.

REGULAR MEETING OF TOWN COMMISSION ON AUGUST 6, 2001

7. Request to Permit Fence Obstruction in Edith Street Rights-of-Way By: Mr. and Mrs. Jeffrey Willens, 9 Hudson Ave.
8. Request to Permit Fence Obstruction in Edith Street Rights-of-Way By: Richard Neverett, 11 Hudson Ave.

Item #'s 5-8 were withdrawn based on the discussion held in Item 4a.

9. Award of the Landscape Maintenance Bid By: Gregory L. Dunham, Town Manager

Town Manager Dunham summarized his memorandum by stating that of the six bids received Vila & Son Landscaping Corporation of Loxahatchee was the lowest bidder at \$37,021. He advised that he has interviewed the company a couple of times and has received only positive comments from several references. He added that the company currently services areas in Boynton Beach, City Place, Palm Beach County, and Palm Beach Gardens and they have offices in Dade, Palm Beach County and Orlando. Mr. Dunham stated that the town attorney has reviewed the bids and discovered that there were several deficiencies with all bidders but we reserved the right to waive them and there were only minor deficiencies with Vila & Son.

Mayor Kaleel questioned whether the bid was proportionate to the quality that the town will demand. Mr. Dunham stated that the bidder understands and has reviewed the areas several times to assure that they can adequately service the town.

Tom Stribling, Superintendent for Vila & Son, advised that they look forward to working in the town. Comm Aaskov questioned how long the company has been maintaining Federal Highway in Boynton Beach and also whether they had their own irrigation department. Mr. Stribling advised that they have been maintaining Federal Hwy. for approximately 1 year and yes they did have their own irrigation department and their response time for a broken sprinkler head would be the next day.

Comm Bingham questioned whether their maintenance would include the two detention areas to which she was advised they would. It was also questioned whether Old Ocean Blvd. and SR A1A were included in the bid. Town Manager Dunham stated they were not and that the town maintenance department currently mows these rights-of-ways because DOT and the County would not respond as often as necessary to accommodate the town. He added that the specifications were very specific and clear.

Comm Bingham moved to award the bid for landscaping maintenance services to Vila & Son Landscaping Corporation of Loxahatchee in the amount of \$37,021 annually, seconded by Comm Willens.

Comm Willens suggested that the Town Manager contact DOT regarding maintaining their ROW.

REGULAR MEETING OF TOWN COMMISSION ON AUGUST 6, 2001

Richard Lucibella, 5 Beachway North, clarified that SR A1A and Old Ocean Blvd. were not included in the contract and maintained by the town. He stated that he felt the town was one of the worst maintained communities in the area. Town Manager Dunham disagreed, as did Comm Bridges. Mr. Lucibella commented that the town maintenance staff should edge on Old Ocean Blvd.

Mr. Gimmy, 12 Ocean Ave., questioned if the Ocean Ave. project has been accepted. Mr. Dunham advised that the town has accepted that the plants were planted according to the specifications of the contract and that the bonding company now must replace any plantings for the next two years. Mayor Kaleel then inquired if the project was accepted as a whole and he was advised that the project has been accepted and now any problems with the landscaping should be addressed with the bonding company. Mr. Gimmy stated that there were approximately 8 palm trees that have died.

Motion carried – Yea (5)

Resolutions

10. Resolution No. 2001-11; Approving and Authorizing the Mayor and Town Clerk to Execute Contract for Storm Water Management Design with Shalloway, Foy, Rayman and Newell, Inc. By: Gregory L. Dunham, Town Manager

Mayor Kaleel read Resolution No. 2001-11 by title only.

Comm Willens moved to adopt Resolution No. 2001-11 thereby authorizing the execution of the contract with Shalloway, Foy, Rayman and Newell, Inc.

First Reading of Ordinances

None

Second Reading of Ordinances

None

Town Commission Comments

11. Discuss Adelphia Cable Service By: Comm Aaskov

Comm Aaskov stated that she has attended two different condominium meetings at which time the poor service provided by Adelphia was discussed. Town Manager Dunham advised that the new budget has money allocated for a study and review of the current agreement and implementing our own service.

REGULAR MEETING OF TOWN COMMISSION ON AUGUST 6, 2001

Mayor Kaleel mentioned a letter he had observed up north regarding Adelpia installing new cable and when it was not completed in a timely manner they imposed liquidated damages on the company.

Comm Willens stated that the town should review if there has been a breach of contract to which Town Manager Dunham stated that the contract will be reviewed in the upcoming fiscal year.

12. Discuss 50' of Town Beachfront Property By: Comm Bingham

Comm Bingham stated that she was concerned that the town owned 50' of beachfront now has picnic tables, tree obstructions and roadway area for the beach vehicles. She advised that the Town Clerk has located minutes whereby the renovation was discussed but she did not feel it included access to the beach by beach vehicles.

Mayor Kaleel suggested that the Town Manager contact the City Manager of Boynton Beach to discuss the matter.

13. Update on New Town Building By: Comm Bridges

Comm Bridges just wanted to advise the Commission that he has begun working on a schematic of the new building.

Relating to an earlier discussed item, Town Manager Dunham stated that according the DOT agreement the landscaping would be maintained by them for 90 days, however the bond was for two years when they originally wanted one year.

Adjournment

The meeting was adjourned at approximately 7:45 P.M.

ATTEST:

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Town Clerk

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Mayor Kenneth Kaleel

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Vice Mayor Bridges

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Comm Aaskov

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Comm Bingham

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Comm Willens