

REGULAR TOWN COMMISSION MEETING HELD OCTOBER 4, 2010

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, October 4, 2010, at 6:00PM in the Town Hall Meeting Chambers.

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

Commissioner Pugh	Commissioner Bingham
Commissioner Allison	Commissioner Brown
Mayor Kaleel	

Pledge of Allegiance

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Clerk Hancsak requested that the minutes be corrected on Page 1 to “Wednesday, September 8, 2010. Atty. Spillias requested to change the September 22nd minutes, 2nd Paragraph, to be “..the agreement would terminate only if Briny Breezes cease to exist prior to the expiration of the 3 year term.”

CONSENT AGENDA

1. Minutes of Public Hearing/Regular Town Commission Meeting of Sept. 8, 2010.
2. Final Budget Adoption/Special town Commission Meeting of September 22, 2010
3. Authorize Mayor and Town Clerk to Execute Outstanding Garbage/Trash and Alarm Monitoring Liens for FY 2009/10.

ANNOUNCEMENTS AND PROCLAMATIONS

4. The Administrative Offices will be closed on Monday, Oct.11,2010 for the official holiday.
5. Proclamation Endorsing the Let’s Move Campaign.
6. Proclamation Declaring Oct. 21, 2010 as “Lights on Afterschool Day”
7. Proclamation Declaring October as “Domestic Violence Awareness Month”

Comm. Bingham motioned to approve the agenda and consent agenda as amended. Seconded by Comm. Allison.

Motion Carried – yea (5).

Chief Yannuzzi announced that there was a committee to establish protocol in regards to Domestic Violence, and that he was a member of the committee.

PUBLIC COMMENT

There was none.

REPORTS

9. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage-This project is on hold due to the availability of funds. We are in line for a grant of \$119,000, with funds to be available next summer. A request to go out to bid would be addressed later in the meeting. 2) Island Drive Bridge – There should be substantial completion by the first week of October to allow two lane traffic. Finishing touches should be complete by mid October. 3) Old Ocean Blvd, The Garden Club Dune Committee has developed a plan to landscape this section and has completed 75% of the new plantings and should be done by early September. Once complete they propose to add a new bench. 4) Spanish River and Douglas Drainage Improvements – The contracts have been signed by the contractor and shop drawings have been submitted. A preconstruction meeting with the contractor will be scheduled prior to starting the project. 5) Energy Grants – We have received a notice to proceed from the County for \$50,000 for energy improvements on Town Hall

REGULAR TOWN COMMISSION MEETING HELD OCTOBER 4, 2010

and Ocean Ave. We have also received notification from the State that the grant was reduced from \$250,000 to \$171,965. The major reduction was in the residential rebates which were reduced from \$123,000 to \$38,465. This grant still includes funding for 2 hybrid vehicles; however the Dept of Energy is backing off of paying for hybrids and only wants to pay for the difference between a regular car and the hybrid. 6) Entrance Signs – The concrete bases are being constructed and should be installed by the end of October. 7) Town Landscaping – As approved by the Commission, Chris Wayne and Associates will continue to be our contractor. 9) No-seeum Spraying – a contract was signed with Clarke Environmental for the no-seeum spraying.

Comm. Brown asked the Town Manager to research if the south end sign could be placed further south. Certain residents in the South End of the Town had previously had a problem with the location of the Town Entrance Sign when it was first installed many years ago.

10. Town Attorney
Atty. Spillias had nothing to report

12. Town Engineer
Engineer Tropepe was absent with notice.

ACTION ITEMS

13. Confirm the Hiring of Police Officer, David Ralph Kurz
Manager Schenck recommended the hiring of David Kurz as a new police officer to fill the present vacancy. He had completed all of the exams and background evaluations for the position, and would be starting at Step 5B.

Comm. Brown motioned to approve David Ralph Kurz as a new police officer effective October 8, 2010. Seconded by Comm. Allison

Motion Carried – yea (5).

Mayor Kaleel welcomed Officer Kurz to Ocean Ridge and hoped he would enjoy working in our small community.

14. Ratify the Change of Insurance Carriers for Workers Comp, General and Auto Liability, Property by Preferred Government Insurers Trust through Milton Carpenters Insurance Effective Oct. 1, 2010

Manager Schenck stated that through the series of several phone calls to the League of Cities and Preferred Governmental Insurance Trust (PGIT), he was able to reduce the price for our Workers Comp, General and Auto Liability from \$125,287 down to \$91,500. PGIT came in with the lowest price, and for an additional \$900 criminal coverage could be included for a total cost of \$92,400. In addition PGIT has guaranteed the rate for 2 years. For a named storm, the wind and hail deductible is 5% but only \$1000 for damage from an unnamed storm which would also be a savings. Based on the premium and other benefits, he was recommending approval to change to PGIT for property and liability coverage.

Comm. Pugh motioned to ratify the change for the Town's Insurance Carrier for Workers Comp, General and Auto Liability and Criminal Coverage to Preferred Government Insurers Trust through Milton Carpenters Insurance effective October 1, 2010. Seconded by Comm. Bingham.

Motion Carried – yea (5).

15. Authorize Advertising for Bids for the Coconut Lane Drainage Improvements
Manager Schenck reported that the west end of Coconut Lane is the last major drainage problem in Ocean Ridge. The project is already designed and permitted. FDEP has confirmed that we have a grant for \$119,415. This is not only a flooding problem but also a problem for the staff

REGULAR TOWN COMMISSION MEETING HELD OCTOBER 4, 2010

and police department to maintain during heavy rain as they have to wade through the water to get to the discharge pump. A heavy flood can also inundate the neighboring drainfields. The Funding would be from the Capital Projects Fund, with the estimated construction cost of \$500,000 including professional services. We are hoping the bids will come in lower as they did on the Oceanview Drive project. Manager Schenck is requesting approval to advertise for bids to construct the improvements.

Comm. Bingham stated that the residents of Coconut Lane were not keeping their gutters clean and therefore escalating the problem. The Federal Government had been issuing tougher restraints and asked that Ocean Ridge prohibit lawn maintenance contractors from blowing debris into the gutters.

Comm. Pugh Motioned to Authorize the Advertising of Bids for Coconut Lane Drainage Improvements. Seconded by Comm. Bingham.

Comm. Brown asked what was included in the scope of work. Manager Schenck stated that there would be 2 catch basins with a pump at the end of the street. This was designed by Engenuity and FDEP approved.

Motion Carried – yea (5).

8. Brief Educational Program Presentation by Alan Johnson, Executive Director, Commission on Ethics.

Alan Johnson, Executive Director, Commission on Ethics stated that they were created as a result of a public scandal with elected officials. There were 3 independent entities: 1) Inspector General – an independent watch dog who looked for fraud and mismanagement or abuse. 2) Ethics Commission – handled ethics complaints, advisory opinions, training and outreach programs. 3) State Attorney – criminal prosecution. The Code of Ethics involves investigating the misuse of funds, financial gain, voting conflicts, it also prohibits contract relationships, or accepting travel expenses for vendors, contingency fees. The Code of Ethics will investigate any legally sufficient complaints regulating officials and employees within its jurisdictions. If probable cause is found it will go for a public hearing, and if found in violation it will issue a penalty. Any frivolous complaints may result in assessed costs and related attorney fees against the complainant. The Code of Ethics is non-political and independent, and takes no position on the referendum. The Code of Ethics are free to the municipalities as it is paid by Ad Valorem Taxes. The Inspector General however requires contributions of .25% of covered contracts, and the County Government absorbs any additional costs.

Comm. Bingham asked that since they were governed by the Ad Valorem can the County control their budget or reduce their funding. Mr. Johnson informed her that the ballot includes certain requirements and that the County has to fund it adequately. They also had 15 former public defenders and prosecutors who were providing their services for free. Manager Schenck asked if the fee of .25% came from existing contracts. Mr. Johnson stated that he believed it was from this point forward. Mayor Kaleel asked what contracts are involved. Ocean Ridge has a small staff, and most of the work is contracted out. Mr. Johnson was unsure of which contracts are excluded.

James Bonfiglio, 5616 N.Ocean Blvd stated that he was on the Town's Planning & Zoning Commission. If he asked the Code of Ethics for an advisory opinion, and as a result the Town or he was sued, he asked what safe harbor would be granted. Mr. Johnson stated that in general if he had presented to the Code of Ethics all facts involved, and in turn acted in good faith, it should be a good defense.

REGULAR TOWN COMMISSION MEETING HELD OCTOBER 4, 2010

Comm. Brown asked if opinions could be requested individually or if a majority of the Commission was necessary. Mr. Johnson stated that it was open to everyone, individually or as a group. There is also a published website available that has a list of their published opinions.

Mayor Kaleel asked who watched the “watchdog”. Mr. Johnson stated that the Inspector General and staff are Palm Beach County officials but do not report to the County Governments. If there were any problems that would be very apparent when/if they happen, they could be removed if just cause was found through the State Attorney or Public Defender’s Officer.

Mr. Johnson thanked the Commission for allowing him to make his presentation.

Mayor Kaleel announced that FAU was to be hosting “Incredible Journey” at the Press Theatre on November 9th, 2010. It is the journey of a sea turtle around the world, and was also partially filmed here in Palm Beach County.

Comm. Allison announced that the Sand Sifters had a tremendous turnout at the beach cleanup on October 2nd, 2010. There were hundreds of children and adults present, and she felt that Ocean Ridge was getting their money’s worth for the t-shirts donated to the Sand Sifters in the past.

Manager Schenck presented to the Commission a plaque donated by Zuccala’s Towing in remembrance of the plane crash into the new Townhall Building on July 22, 2008. They had taken a portion of the airplane’s propeller and attached it to the plaque. It would be kept in the Town’s Library.

Clerk Hancsak asked the Commission for a consensus to proceed with the decorations for holiday lighting, and that there were funds available in the budget. A consensus was made for Clerk Hancsak to proceed.

11. Police Chief

Chief Yannuzzi presented his monthly report and had included a breakdown showing the wear and tear on the fleet. He reported that last month’s bicycle accident it had taken Boynton Fire Department 9 minutes to respond. Chief Yannuzzi reported that he was sworn in as Town Marshall for Briny Breezes, and that everything was preceding fine with the change. Chief Yannuzzi reported that the new squad car was on the road and that the old car was used as a trade-in instead of being auctioned.

Meeting adjourned at 7:21pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Commissioner Pugh