

## REGULAR TOWN COMMISSION MEETING HELD MAY 2, 2011

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, May 2, 2011, 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 Allison  
Commissioner Brookes  
Commissioner Hennigan  
Commissioner Pugh  
Mayor Kaleel

Pledge of Allegiance

### ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

#### CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of April 4, 2011

#### ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Monday, May 30, 2011 for the Official Holiday
3. Proclamation Declaring May 25, 2011 as “National Missing Children’s Day”
4. Proclamation Declaring the Week of May 15-21, 2011 as National Police Week and May 15, 2011 as Peace Officers Memorial Day and Encourage all Residents to Fly Their Flags at Half-Mast on That Day
5. Proclamation Declaring May as “Sand Sifters Appreciation Month”
6. Proclamation Declaring May 15-21, 2011 as “National Public Works Week”

There were no additions or modifications to the agenda.

Comm. Allison motioned to approve the agenda and consent agenda. Seconded by Comm. Pugh.

Motion Carried – yea (5).

#### PUBLIC COMMENT

Don Magruder, 9 Ridge Blvd, requested that for safety reasons a chain-link fence should be installed across from the Ocean Inlet Park between the crosswalk and guard rail on the east side of the road. Mayor Kaleel responded that this was a Palm Beach County Park and under FDOT regulations. This had been previously discussed at the SLWIA Meetings, but was not approved. Chain-link fences are not allowed to be seen from the road; however thorny vegetation or bushes may be an alternative solution for that area.

Terry Brown, 23 Harbour Drive South, congratulated the 2 new commissioners. He also wished to make a correction concerning a previous meeting where a resident accused him of going through her garbage and checking her recycle bin. He denied such a claim. In April, Valentine Fodor had contacted him regarding the entrance signs for Ocean Ridge. He stated that his wife, Lucy Brown created the turtle design that was used on the new entrance signs. Mr. Brown also presented an article from Florida Wildlife Magazine regarding the no-seeums. Their conclusion was that you cannot eliminate them, and that they are not a mosquito but a fly. He did not agree with using a chemical biomit spray on them, and that it is prohibited to spray into a mangrove area.

Barbara Cook, 6062 N. Ocean Blvd stated that the Florida Federal Organization of Garden Clubs had never given an award to the Ocean Ridge Garden Club, until last month when the Beautification Committee had completed the project of native Florida plantings in front of Townhall. The Delray Garden Center had donated their service, and the Garden Club had paid for the plantings. She presented a poster made by Comm. Hennigan reflecting the stages of the

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project. Mrs. Cook presented an award to the Beautification Committee: John Wootton, Rita Ginsky and Julia Walker for their design and planting of Florida native plants in front of Town Hall and a job well done. Congratulations and applause from the audience.

James Bonfiglio, 5616 N. Ocean Blvd, stated his concern of the impact of foreclosures to Ocean Ridge. He stated that other areas have instituted a mortgage foreclosure fee that it charged as a lien to each property for each foreclosure. He encouraged the Commission to develop a similar ordinance. Mayor Kaleel responded that we had passed an ordinance creating a Special Assessment District that allows us to maintain the properties and then add such costs to their property taxes.

Lisa Joy, 62 Harbour Drive North requested a status of her dock and boat lift permit for her property. Mayor Kaleel stated that it would be discussed as part of the Town Manager Report.

### REPORTS

#### 7. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage-Seven bids were received ranging from \$389,688 to \$676,282. Engenuity Group was reviewing the bids and confirming references. At the next meeting he would give them the results. 2) Old Ocean Blvd Dune - The Garden Club Dune Committee has completed their plantings on the dune, pending their bench. They've done an excellent job of improving the dune. 3) Old Ocean Blvd. - He met with the residents on Old Ocean Blvd. and is developing a plan to remove the scavoela and replant the area with native vegetation, and still maintain their privacy. They've all agreed to wait until there is more rain, as there is no irrigation for any plantings, however the approximate cost to move the scavola is \$12,000 and the privacy planting they are considering is approximately \$20,000. 4) The Energy Grants - We have received a notice to proceed from the County for \$50,000 for energy improvements on Town Hall and Ocean Ave. The energy survey was approved by the Commission for \$6519 but should have been for \$6915. I request Commission approval of this change, as it is 100% reimbursable by the grant. The State has finally approved the grant, and we have been allocated \$116,500 to help homeowners retrofit for energy savings. We will work with FPL and will provide rebates to the residents for energy saving improvements. The details for the rebates are being developed. 5) Entrance Signs - Three of the signs have been installed. A variance application to FDOT for the southern sign on A1A has been submitted but not approved yet. 6) Capri Apts. - The plans to remove the present laundry discharge have been submitted to the Health Dept, and they may require the Capri Apts. to complete a unity of title. Once they get final approval from the Health Dept, they can start the construction. 7) Ethics Commission - A committee made up of representatives of the County and the League of Cities is presently developing the ordinances and needed documents to implement the Ethics Commission voted on by the residents in the last election. All of the municipalities passed the referendum. The Inspector General's office was supposed to be funded by a ¼% of the municipal and county contracts. The contracts that would be subject to this fee were not defined. There are discussions however to change the funding to be based on a community's budget rather than the contract percentage. Preliminary costs for the Town appear to be about \$3,750. Mandatory training will be given to all Commission, Board members and staff and we have received a request to set the date for the training. It will be about 60-90 minutes, and there is also a video.

Town Manager stated that on May 27, 2011, Palm Beach County League of Cities will be hosting their Annual Gala, and will be installing Lisa Tropepe as their new President. He asked if the Commission wished to purchase a table of 10 at a cost of \$500. There was a consensus from the Commission to purchase a table not to exceed \$500 and to be funded from the Town Commission Travel & Per Diem Account.

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Manager Schenck also stated that in May FDOT was to begin repairs of the sidewalks. He had also received information on the proposed property taxes, and according to the county report, our revenues should only have a maximum 3% decline.

Terry Brown, 23Harbour Drive South, disagreed with the Town Manager report, and stated that he had been informed that Palm Beach Co. Health Department had given the Capri Apts. notice and shut down the laundry operation. The Capri Apts. were now using an outside laundry mat.

### 8. Town Attorney

#### a. Discuss Dock at End of Harbour Drive North

Atty. Spillias reported that the owners of 62 Harbour Drive North had discovered some issues with their Home Owner Insurance. Their dock was not allowed to be insured, as most of it was over the Thompson Street ROW. He noted that Ocean Ridge had given the prior owner permission to repair the docks. As the dock goes over town owned land, Ocean Ridge could issue a lease to the homeowners for 5 years, with necessary language to hold the Town harmless. The dock would belong to the homeowners. The existing dock is non-conforming as it is 32ft long, and the proposed boat lift would be on the side and not increasing the non-conformity. He asked the Commission for direction to draft and prepare the lease. Lisa Joy, 62 Harbour Drive North, stated that if the boatlift permit was approved she would agree to the lease and move forward. Atty. Spillias stated she had not submitted any dimensions or schematics regarding the boatlift. This would be needed along with FDEP approval before a building permit could be approved.

Comm. Allison motioned to approve the lease agreement based on the language drafted by the Town Attorney and based on FDEP permit approval. Seconded by Comm. Pugh.

Motion Carried – yea (5).

Atty. Spillias reported that regarding the Cory Heith litigation, there was a joint motion to dismiss it in 60 days. He was also informed that they were now requesting another 60 day extension. He was recommending that the Commission object to the extension, as this lawsuit has been drawn out for years now. There was a consensus from the Commission to object to the extension.

### 7. Police Chief

Chief Yannuzzi presented his monthly report and the Boynton Beach Fire/EMS Activity Report. As May 15-21<sup>st</sup>, 2011 was National Police Week and May 15, 2011 as Peace Officers Memorial Day, he read a portion of an article from the Maryland Police Department stating that 65 law enforcement officers had died this year. He asked the residents to fly their flags at half-mast on May 15<sup>th</sup>, in remembrance of their service and loss of life. The idea of having a Citizen Observe Patrol had been presented to him and he was looking into it, and the policies of other towns.

Comm. Allison noted the high number of open garage doors. Chief Yannuzzi stated that it was probably affected from the nicer weather. The Police will call homes at any time of the night if they find your garage door open for the safety of the residents. Comm. Brookes thanked him for his report, and asked if there could be a way to designate any anomalies from month to month.

### 8. Town Engineer

Engineer Tropepe was absent with notice.

## ACTION ITEMS

11. Appoint Open Positions to the Board of Adjustment and Planning & Zoning Commission  
By: Karen Hancsak, Town Clerk (Deferred from April 4, 2011)

Clerk Hancsak reported that the regular members of the Board of Adjustment whose appointments were up were: Gail Aaskov, Mark Hanna and Bruce Gimmy, with the alternate members being Jeff Lee and John Wootton. Mark Hanna had asked to step down, and she had

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received one new resume since the last meeting from Betty Bingham applying for either a position on the Board of Adjustment or Planning & Zoning Boards. John Wootton advised that although he would like to be considered for the regular member, he would gladly endorse Betty to serve as a regular member if the Commission so desired.

Comm. Allison moved to appoint Betty Bingham as the new member of Board of Adjustment. Seconded by Comm. Pugh.

Motion Carried – yea (5)

Comm. Pugh motioned to retain the members for the Board of Adjustment of Bruce Gimmy and Gail Aaskov and also retain the alternate members of John Wootton and Jeff Lee. Seconded by Comm. Allison

Motion Carried – yea (5)

Clerk Hancsak reported that the regular members of the Planning & Zoning Commission were James Bonfiglio, Mark Marsh, and Gerald Goray. The alternate members are currently Dr. Richard Bajakian and Penny Kosinski, who both indicated they would like to serve again as alternates. Dr. Bajakian has expressed that he would be willing to serve as an alternate or regular member.

Comm. Allison motioned to keep all members as stated for the Planning & Zoning Commission. Seconded by Comm. Pugh.

Motion Carried – yea (5).

12. Authorize Extending the No-Seeum Spraying for 3 Additional Months (Total 12) at an Additional Cost of \$8,941.65 from Budgeted Funds

Manager Schenck stated that we originally received a bid for only 9 months, but as the bid was low there were budgeted funds still available. It was discussed that last year within a short period of time there was a great improvement, however with this new company, the quality of the workers and their spraying had decreased. It was discussed that with the new budget, Ocean Ridge would go out to bid again, and a change could be made then.

Comm. Pugh motioned to extend the no-seeum spraying for 3 additional months at an additional cost of \$8941.65 from budgeted funds. Seconded by Comm. Hennigan.

Motion Carried – yea (5).

13. Report on P & Z Commission's Recommendation Regarding Section 64-44; Fence/Wall Height Requirements and the Possibility of Prohibiting Bicycles on the Beaches

Clerk Hancsak summarized the March 28<sup>th</sup>, 2011 minutes of Planning & Zoning where they reviewed the fence/wall heights and the possibility of prohibiting bicycles on the beaches to see if any changes were warranted. Their recommendation was that no changes be made. There was no motion to change the code and the P&Z report was accepted.

14. Authorize Tuesday, July 5, 2011 as the July Regular Meeting Date and Discuss Remaining July (Budget and Proposed Millage) Meeting Date and also the Two September Budget Meeting Dates

The consensus was to schedule the Proposed Budget/Proposed Millage Meeting either Tuesday or Wednesday the week of July 18<sup>th</sup>, 2011.

It was also discussed that the tentative budget adoption/regular meeting be September 12<sup>th</sup>, 2011 at 5:01pm with a final budget review of September 19<sup>th</sup>, 2011 at 8:30am.

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Comm. Pugh voted to approve Tuesday, July 5, 2011 as the Regular Meeting Date. Seconded by Comm. Hennigan.

Motion Carried – yea (5)

15. Schedule Attorney/Client Special Meeting to Discuss PBA Negotiations  
Manager Schenck stated that there was a public PBA negotiations meeting scheduled for May 11<sup>th</sup>, 2011 with the Town Attorney, Chief Yannuzzi and himself. He requested the Commissioners set a meeting to discuss the issues prior to that meeting.

A consensus was made for an Collective Bargaining Meeting to Discuss PBA Negotiations to be held on Tuesday, May 10<sup>th</sup>, 2011 at 8:15. This would be a closed meeting to the public.

16. Authorize Increase from Approved Amount of \$6,673 to \$6,915 for the Energy Audit Survey to be Funded from Budgeted Funds

Manager Schenck stated that the Commission had approved up to \$6673 for the energy audit as part of the County Energy Grant. One of the contractors, Easton Corporation had a cost of \$6519 which should have been \$6915.

Comm. Pugh motioned to approve the increase from the approved amount of \$6673 to \$6915 for the Energy Audit Survey to be funded from budgeted funds. Seconded by Comm. Brookes.

Motion Carried – yea (5)

17. Discuss and Possibly Authorize Retirement Bonus for Dispatcher Jeanne Zuidema

Manager Schenck reported that Dispatcher Jeanne Zuidema would be retiring at the end of May. She had been a good employee and served Ocean Ridge for 28 years. In the past the Commission had approved a retirement bonus of \$100/year for long time employees. There would be sufficient funds in the dispatch budget to cover this expense as her replacement would have a lower salary. He requested the Commission consider an exiting bonus of up to \$2800.

Comm. Hennigan stated that with current hard economic times, a retirement bonus was a great tradition in the past, but with the upcoming budget and future contract negotiations, she did not feel it was justified. She felt that the word “bonus” should also be taken out of the vocabulary, and that the Commission should start to tighten the belts. She suggested a nice gift instead of a bonus, as Ms. Zuidema would still receive a regular retirement from FRS. She suggested a gift like a watch to remember Ocean Ridge but not to exceed \$1000.

Comm. Brookes stated that Ms. Zuidema had served Ocean Ridge for such a long time; however, the longevity of an employee is purely subjective. He did feel though that there needs to be a clearer definition of a long term employee and a program designed for bonuses/gifts and then budgeted accordingly.

Mayor Kaleel stated that he did not disagree with Comm Hennigan and added that the monies should be considered as a parting gift instead of bonus. He did not feel that it had to be locked into \$100/year. Depending on the employee’s quality of service it could be higher or lower. He did feel that she deserved some recognition for her dedication and maybe a compromise could be reached. He also stated that he did not recall why it was originally called a retirement bonus to which Atty Spillias stated that if the Commission recalled there is a criteria that must be met to provide a bonus. Comm Hennigan again reiterated her comment that the word “bonus” needed to be eliminated. Town Manager Schenck stated that the word “bonus” had been used in the past.

Comm. Pugh stated that as a small town everyone knows everyone, so it did seem personal. She has served Ocean Ridge for 28 years, and he considered cash as the best gift, then the employee could choose an item or trip to remember her service to the Town.

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Comm Brookes agreed that the memorandum may have been worded incorrectly but he felt the Town should not penalize this particular employee at this time. He added that he agreed a change must be made for the future but felt a gift would possibly send a proper message.

Comm. Allison stated that she is struggling with the issue of making this employee an example, who has served for so many years. She asked to change the word from “bonus” to a “gift” and also that a policy of years of service and an appropriate gift be discussed in the future. Comm Hennigan mentioned that contract negotiations will be taking place soon. Atty. Spillias suggested that the Commission’s decision not be made in context with the fact that collective bargaining is going on. Their decision should be made completely independent and separate from the bargaining and whatever they decide at this point should involve this employee.

Chief Yannuzzi agreed with Atty. Spillias that she is not part of the collective bargaining agreement. Jeanne Zuidema has dedicated almost ½ of her life to Ocean Ridge. Chief Yannuzzi mentioned that staff was possibly in error of using the word “bonus” and they will be guided accordingly in the future. He felt that a gift was in order and that any changes should be done during the budget process. Mayor Kaleel agreed with the attorney that it should or does not matter if there is collective bargaining going on but also stated that he did not feel parting gifts should be part of the budget.

Comm. Allison motioned to approve a retirement gift to Jeanne Zuidema of \$2800 for 28 years of service to Ocean Ridge. Seconded by Comm. Pugh.

James Bonfiglio, 5616 N. Ocean Blvd, stated that Ms. Zuidema had served here for 28 years through various police chiefs, commissioners and hurricane storms, which shows dedication. He noted that the Commission has just approved \$8900 for no-seeum spraying, but would not approve a retirement gift. He felt she needed a token of appreciation for her years of service.

Atty. Spillias reminded the Commission that they were going back to a conversation that has taken place on more than one occasion about the issue of bonuses and gifts. He stated that to have a policy that every employee that has been with the Town for “x” number of years should get a bonus of “x” number of dollars runs the danger of running afoul of the State Statutes because as was discussed before, a bonus cannot be given purely for the sake of giving a bonus but has to be personal and identify that the particular individual has already performed their work more than what was normally expected. He stated that under case law that is the only criteria you can provide a bonus or after the fact payment. He added that the Commission should not be thinking of establishing a retirement policy that involved the number of years of service and that they should focus on this instance with this employee at this time.

Don Magruder, 9 Ridge Blvd, noted that any bonuses are added to an employee’s salary, and would be taxed at a minimum of 25%, so her take home portion would be less than that.

Betty Bingham, 1 E. Ocean Avenue, stated that Ms. Zuidema was a hard worker and deserved consideration for her many years of service.

Mayor Kaleel asked if an unanimous consensus could be met before the roll call, as he did not want this to be a split vote.

Comm. Brookes stated that he was not stating that Ms. Zuidema was not a deserving employee but he did feel that in these economic times a gift is more appropriate, but also added that he would support the motion so as not to require the Mayor to break the tie.

Motion Carried – yea (4); nay – (1) Comm. Hennigan.

Mayor Kaleel asked that in the future it should be considered as a retirement gift, and a policy should be discussed during the budget review.

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Mayor Kaleel stated that he has tentatively invited some other local mayors to lunch in May citing that with new mayors appointed from the recent elections, it will be a chance for everyone to meet.

Comm. Allison commented that Penny Kosinski, a member of the Friends of Coalition, gave her an update status on the Briny Breezes situation, and welcomed other Commissioners to contact her also.

Mayor Kaleel thanked Susan Master, 7 Hudson Avenue, for donating some home-made artwork, with statements reflecting her feelings of Ocean Ridge. The quotes were charming and from her heart.

Meeting adjourned at 7:30pm.

Attest By:

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Town Clerk

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Mayor Kaleel

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Commissioner Allison

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Commissioner Brookes

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Commissioner Pugh

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Commissioner Hennigan