

## REGULAR TOWN COMMISSION MEETING HELD AUGUST 1, 2011

Regular Town Commission Meeting of the Town of Ocean Ridge held on Tuesday, August 1, 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

Comm. Hennigan requested to discuss 2 items at the end of the meeting under the Town Commission Comments. Mayor Kaleel requested to add a comment regarding the beach and the Town of Manalapan at the end of the meeting also under the Town Commission Comments.

### CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of July 5, 2011
2. Minutes of Special Town Commission/Proposed Budget and Millage of July 20, 2011
3. Approval of Annual Floodplain Management Report for FY 2009/10

### ANNOUNCEMENTS AND PROCLAMATIONS

4. The Tentative Budget Adoption and Regular Town Commission Meeting will be held on Monday, September 12, 2011 at 5:01 PM and Regular Meeting Immediately to Follow
5. The Administrative Office will be Closed on Monday, Sept. 5, 2011 for the Official Holiday

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

Motion Carried – yea (5).

### PUBLIC COMMENT

Terry Brown, 23 Harbour Drive South, read a section from a Florida State Statute that prohibits the misuse of a public position for personal gain. That is to include elected positions and employees. He had received from the Police Department a notice regarding tree trimming. He spoke with 2 Code Enforcement Officers and explained that the trees were not his. The Town Manager was able to resolve the problem. Since then, he noticed that Betty Bingham also had trees in the power lines, and asked if she had received a similar letter, and asked the Town Manager to look into it. Mr. Brown asked if she was being granted a special privilege as she was still a board member. Tonight, Mr. Brown also noticed that a commissioner was parked in the handicap parking, and commissioner had informed him that it was a perk of the job. He asked the Police Department to enforce the handicap parking.

Betty Bingham, 1 E. Ocean Avenue, asked to reply to Mr. Brown's complaint. She had spoken with the Town Manager and a tree company was scheduled a company to come out Wednesday to trim the trees. She noted that problem was a result of Florida Power & Light replacing the pole into her right of way. It caused the wires to cross over her property.

Chief Yannuzzi requested to reply to Mr. Brown's comment. First he asked that the car be removed immediately from the Handicap Parking space, and the commissioner left to remove it. Next he noted that over 100 Ocean Ridge residents were given notices requesting that their trees be trimmed back from the power lines. His understanding of common law was that it was the resident;s responsibility to maintain the right of way in front of their property to the street edge.

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He knew that the Town Manager had taken care of the situation in regards to the trees on Mrs. Bingham's property, so he had not directly responded to Mr. Brown last week.

Mayor Kaleel asked that the Town Attorney review the Ordinance regarding the trimming of trees in the right-of way.

David Cazzoli, 8354 Morning Star Rd, Lake Worth, wished to address all the Commissioners, and requested to wait for the commissioner to return.

### REPORTS

#### 6. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage - Seven bids were received ranging from \$349,688 to \$571,065. The lowest bid was from Tenex Enterprise and the second lowest bid was \$419,951. Engenuity has reviewed the bids and confirmed the references. We have worked with FPL to change the electricity source and the cost to them will be less than \$5000. The revised cost for Tenex for electric modifications and pump changes is \$382,618, and will be presented later in the meeting. 2) Old Ocean Blvd Dune - The Garden Club Dune Committee has installed the wooden bench and the project is now complete. We thank them for the work they've done to improve the dunes. 3) Old Ocean Blvd. - Due the increased rains, we will start developing the cost of removing the scavoela and replanting the area with native vegetation. 4) Inlet Cay and Sabal Island Bridge Repairs - Bridge design is working on the plans to bid the repairs. 5) The Energy Grants - The State has finally approved the grant, and we were allocated \$116,500 to help homeowners retrofit for energy savings. We will work with FPL and provide rebates to the residents for energy savings improvements. The details for the rebates are being developed. EMC Engineers have completed an energy survey of the Town Hall and lighting on Ocean Avenue. We are awaiting their conclusions. 6) 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. FDOT now wants a traffic survey on the intersection. We have requested a report from Boynton since they policed the area for the last 3 years. 7) Capri Apts. - The plans to remove the present laundry discharge have been submitted to the Health Dept. Comments have been received and answered. The Health Dept has all the information they need and should issue the permit shortly. 8) Police Union Discussions - We are waiting for the PBA to give us some dates for our next meeting. We will address the nonmonetary issues but the monetary ones still depend on the final budget.

Manager Schenck also noted that in regards to the Bridge at Sabal & Inlet Cay, the engineers had only inspected the bridge, not the approaches. They found the condition of the pilings at the approaches to be in bad shape and needed to be addressed. Comm. Pugh asked if the condition of approaches for the other bridges had been inspected. Manager Schenck replied that there were no problem with the other approaches, but it had been 14 years since this bridge was constructed.

Comm. Hennigan asked if a pedestrian crosswalk could be done at A1A & Woolbright Blvd for the heavy foot traffic that comes over the bridge, and if a traffic survey would be needed from FDOT? Chief Yannuzzi stated that he had spoken with FDOT before and they were not interested. The area has poor lighting, there would be problems.

Comm. Allison noted that the Ocean Ridge Garden Club would be doing additional plantings at the dune. Some of the vegetation had died due to drought conditions. Comm. Allison also asked how the residents of Ocean Ridge would be notified of the Grant monies available. Manager Schenck replied that there are three towns involved, and the Town of Lantana was the head agency. Tallahassee would be providing us with guidelines.

Public Comment was reopened.

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David Cazzolli, 8354 Morning Star Rd, Lake Worth, stated that he was a former officer of the Ocean Ridge Police Department from 2000 to 2009, and felt that he had been wrongfully terminated. He had spoken with the Town Manager, and he now requested to speak to the Commission to clarify some issues. Comm. Allison disclosed that Mr. Cazzolli had contacted her individually as she was the only Commissioner with a dissenting vote for dismissing him. She in turn spoke with the Town Manager who was sought advice from our Town Attorney. Per their counsel, she sent Mr. Cazzolli an E-Mail refusing to speak with him and advised him that any discussions would have to be done at the Commission Meetings.

Mr. Cazzolli requested that minutes of the August 2010 be corrected. Manager Schenck stated that the minutes were adopted and could not be corrected. Mr. Cazzolli then read into the record a 3 Page Letter appealing the termination of his job and detailing the issues leading to his termination, and he requested that this be placed in his personnel file. He felt he was a victim of abuse of power, and hoped that those investigating him would be held accountable. All Police Departments have rejected his applications for employment.

Mayor Kaleel stated the Commission will not retry this matter, and a decision had been made to terminate his employment at that time.

Chief Yannuzzi requested to respond. He considered Mr. Cazzolli a disgruntled employee, and noted that Mr. Cazzolli could seek an appeal through civil court. He stated that Mr. Cazzolli had filed stating Chief Yannuzzi had performed a crime. The Chief then read a letter from the State Attorney's office clearing himself from any criminal activity. In regards to the FDLE, they must send it in and they called for a probable cause. It was not stalking, but considered as a crime against personal intellectual property when pulled up the driver's license information of his girlfriend. They had reduced it to a misdemeanor. Chief Yannuzzi read their letter.

At that time Mr. Cazzolli asked to address the commission again. Mayor Kaleel stopped both Mr. Cazzolli and Chief Yannuzzi, stating that this was not the proper forum for any debate. He suggested that Mr. Cazzolli proceed with whatever steps he felt necessary for appeal.

Mr. Cazzooli asked the Commission for their support for rehiring or future hiring.

7. Town Attorney  
Atty. Capko was absent with notice.

8. Police Chief  
Chief Yannuzzi presented his monthly report and the Boynton Beach Fire/EMS Activity Report.

9. Town Engineer  
Engineer Tropepe was absent with notice.

### ACTION ITEMS

10. Presentation of the Annual Audit by Nowlen, Holt & Miner, PA for Fiscal Year 2009/10

Ron Bennett, representative of Nowlen, Holt & Miner summarize the audit for Fiscal year 2009/2010. He presented a 5 year summary showing a 13% decline in Revenues. It did show that there was an increase in Building Permits however. He stated that Ocean Ridge had a reserve of 36%, and felt it was a good range. Because of hurricanes, municipalities need more than 60 days in reserve.

Comm. Brookes asked why the report was late. Mr. Bennett stated that by Florida Statue they have 12 months to complete the report. They would like it to be 9 months. He stated that 50% of all audits are completed in the months of July & August. They were assembling the information this year in preparation for a paperless audit that took longer this year. Hopefully in the

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succeeding years it should be shorter. Clerk Hancsak stated that a preliminary closing is done in December and presented to the Town Commission. There are a few adjustments that are made but their report is almost identical to that preliminary report that she prepares in December.

Comm. Allison motioned to approve the Annual Audit by Nowlen, Holt & Miner, PA for Fiscal year 2009/10. Seconded by Comm. Pugh.

Motion Carried – yea (5).

### 11. Award of 150KW Generator Bid in the Amount of \$62,625 from the Capital Projects Fund

Manager Schenck reported that we received 2 bids for a 150 KW Generator to supply backup power to the Tropical Drive drainage pump station. This will replace the one presently being used and will allow emergency use of a 100hp pump instead of a 40hp pump. The existing generator will be used at the Coconut Lane pump station for standby power.

Comm. Hennigan noted that the quote from ACF Standby Systems stated that offloading, and installing was not included in the bid. Mngr. Schenck confirmed that it was included in the price.

Comm. Pugh motioned to award the bid of the 150KW Generator to OK Generators in the amount of \$62,625.00 to be funded from the Capital Projects Fund. Seconded by Comm. Hennigan.

Motion Carried – yea (5).

### 12. Bid Award of Coconut Lane Drainage Improvements to Tenex Enterprises in the Amount of \$382,618 from the Capital Projects Fund

Manager Schenck reported that Tenex Enterprises was the lowest bidder for this project. They revised their bid to provide electricity to the pump and some pump modifications for \$32,930, which made their total bid \$382,618. FPL costs are expected to be less than \$5000, and the engineering costs are capped at \$36,600. This included grant compliance for FDEP, construction observation, staking, contract administration and record drawings.

Comm. Brookes motioned to award the bid of Coconut Lane Drainage Improvements to Tenex Enterprises in the amount of \$382,618 from the Capital Projects Fund, contingent upon review of the contract by the Town Attorney. Seconded by Comm. Allison.

Motion Carried – yea (5).

### 13. Approve Contract with Engenuity Group for Construction Services (Phase II) Related to the Coconut Lane Drainage Improvements (Previously Designed by Engenuity) in an Amount Not to Exceed \$36,600 from the Capital Projects Fund By: Kenneth Schenck, Town Manager

Comm. Pugh motioned to approve the contract with Engenuity Group for Construction Services (Phase II) related to the Coconut Lane Drainage Improvements in an amount not to exceed \$36,600 from the Capital Projects Funds. Seconded by Comm. Brookes.

Motion Carried – yea (5).

### 14. Approve Purchases in FY 2010/11 Budget of Advanced Authentication System (\$4,240), Two Security Cameras (\$1,742), Upgraded Security System Hard Drive (\$880) from the Law Enforcement Capital Outlay Account, One Police Vehicle (approximately \$28,000) Utilizing Excess Law Enforcement Overtime Funds, and also Purchasing of the USA CAD Software from the Capital Projects Fund Including One Year Maintenance (approximately \$72,000 +/-)

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Manager Schenck reported that it was discussed at the budget meeting regarding the purchase of a car, a cad system and some security equipment for the Police Dept. There was a consensus at the meeting to purchase these items. Chief Yannuzzi noted that the Support Group was contributing \$20,000 toward the Cad System. We were also going to utilize the \$9065 donation from Mr. Naar and Ms. Kelly towards the purchase of the Cad System. These 2 combined would reduce the cost of the Cad System down to \$72,000.

Comm. Pugh motioned to approve the purchase in FY 2010/11 Budget of Advanced Authentication System (\$4,240), Two Security Cameras (\$1,742), Upgraded Security System Hard Drive (\$880) from the Law Enforcement Capital Outlay Account, One Police Vehicle (approximately \$28,000) Utilizing Excess Law Enforcement Overtime Funds, and also Purchasing of the USA CAD Software from the Capital Projects Fund Including One Year Maintenance (approximately \$72,000 +/-). Seconded by Comm. Brookes.

Motion Carried – yea (5).

### 15. Renew Audit Contract with Nowlen Holt & Miner

Town Manager Schenck stated that the 5 year audit contract with Nowlen Holt & Miner is up for renewal. They have agreed to keep the price the same at \$27,000 for the 5 year term, and \$22,500 if we don't have to do a single audit. The single audit only required if we have more than \$500,000 in government grants in a given year or if we have FEMA reimbursement for hurricane damage of more than \$500,000. Staff recommended renewing with Nowlen Holt & Miner.

Comm. Allison motioned to renew audit contract with Nowlen Holt & Miner. Seconded by Comm. Pugh.

Motion Carried – yea (5).

## TOWN COMMISSION COMMENTS

### 16. Discuss Review of the Fire/EMS Contract

Comm. Allison stated that some residents had indicated that they were not happy with the high expense of Boynton Beach Fire & EMS to Ocean Ridge. She asked the commission to renegotiate the contract or come up with alternatives. She suggested surveying other towns and review their costs. Mayor Kaleel stated that our alternatives were very limited, as that neither Palm Beach County or Delray Beach will service this area. All the other communities feel the same, and maybe to combine with other intra-coastal towns to share the cost. A small town may not be sustainable anymore. He asked what the process would be for 4-5 municipalities to go to the next step, and stated that we would need legal advice from our Town Attorney.

Comm. Hennigan reported that on Saturday, the Sea Angels held a Beach Cleanup. She asked that the Town give them formal recognition. They gave her a poster for Town Hall. A consensus was made to present them with a proclamation at the September Commission Meeting.

Comm. Hennigan also asked if the audit could be published as an Annual Statement. She felt it was important to inform the community, and asked if it could be included with our annual Garbage & Trash billing, as our town only had 200+ on e-mail. Clerk Hancsak stated that when the Garbage & Trash billings went out in September, that the Annual Flood Insurance Information would also be included.

Mayor Kaleel reported that both Ocean Ridge and Manalapan were having problems on the beaches and intra-coastal. He asked Manalapan's Chief of Police to contact our Chief and Town Manager to discuss suggestions on reducing the criminal activities.

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Chief Yannuzzi stated they had met last Tuesday. The problem area is Bird Island or also known as Bear Can Island is at the Boynton Inlet. The Zipp Family had restored it as a natural preserve, but it has now become a hang-out area for boaters, and is a nuisance. They discussed a joint venture of a beach patrol.

Comm. Brookes stated that he knew that Ocean Ridge had in the past discussed the problem of shark fishing, and he asked what jurisdiction Ocean Ridge had out into the waterway. Chief Yannuzzi stated that the City of Manalapan had 3 miles out, as per their Charter. Our Charter however is only to the high water mark. Mayor Kaleel asked staff to contact our Town Attorney and the State of Florida to give us a reciprocal agreement that would extend our authority and jurisdiction.

Mayor Kaleel asked that Ocean Ridge look at other sources of revenues. He suggested changing Zoning in the south end to include commercial. Other towns that have commercial properties have a lower mileage. He asked that Planning & Zoning look into and coordinate with a consultant. Clerk Hancsak stated that this has been reviewed it in the past, and Planning & Zoning recommended keeping Ocean Ridge a residential community. The Commission does have the authority to oppose their recommendation at any time. Comm. Pugh suggested that the FAAR restricts the size of the home, and maybe it should be changed to attract new homeowners/contractors. A consensus was made for Planning & Zoning to look at alternative methods.

Meeting adjourned at 7:40pm.

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 Hennigan

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Commissioner Pugh