

REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 7, 2011

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, November 7, 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

Clerk Hancsak requested to change the minutes of the October 18th, 2011 Special Town Commission meeting to say... "all reviewed separately". Comm. Hennigan also requested a change the same minutes, 2nd Page, 2nd to last Paragraph to say that she requested that the Town Manager meet with each Commissioner personally. Atty. Spillias requested to pull Item#11 from the Agenda and to defer it to the December meeting to allow him a chance to review it more thoroughly.

CONSENT AGENDA

1. Minutes of Final Budget Adoption Meeting of Sept. 30, 2011
2. Minutes of Regular Commission Meeting of Oct. 3, 2011
3. Minutes of Special Meeting of Oct. 18, 2011

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

Motion Carried – yea (5).

ANNOUNCEMENTS AND PROCLAMATIONS

4. The Administrative Offices will be closed on Friday, Nov. 11, 2011 and Thursday, Nov. 24th and Friday, Nov. 25th, 2011 for the official holidays
5. The Annual "Light the Lights Celebration" will be held on Friday, Dec. 2, 2011 from 5:30 PM to 7:30 PM – Light Snacks and Beverages will be served and Children can expect a visit from Santa and some added fun

PUBLIC COMMENT

Betty Bingham, 1 E. Ocean Avenue, reported that last week Ocean Ridge received 9" of rain that caused heavy floodings at Ocean Avenue & A1A. The water was 1ft in her yard. She asked that Palm Beach County be notified that the detention areas just east of the bridge were not working properly, and were more like tidal ponds and something needs to be done to correct it.

Tim Atteberry, 3 Sabal Island Drive, stated he was speaking for the owner at 6 Sabal Island Drive. Ocean Ridge had \$45,000 in fines levied against 6 Sabal Island Drive for lot violations of excess grass and green water in pool and unpaid garbage and trash services. There is a prospective buyer and he was requesting for a fine removal or reduction, so they could close December 1st, 2011. He noted that there were other liens on the property also that were not from Ocean Ridge. He also advised that rebar covering has been installed over the pool.

Mayor Kaleel questioned why this was not part of the agenda. Clerk Hancsak stated that in order for something to be included in the agenda, a week's notice is required. We did not receive proper notification, and also we had requested proper authorization for Mr. Atteberry to speak for Wilson Wengert, the homeowner. Just this afternoon we received a copy of an authorization letter dated December 2010. The letter was almost a year old and it was not notarized. She also advised the Commission that one lot violation was still not in compliance and that actually both Code Enforcement Liens were accruing daily fines.

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Atty. Spillias clarified that the Agenda had already been approved, and that someone from the audience could have left without having the chance to speak on this matter. Mayor Kaleel notified Mr. Atteberry, that there are proper procedures for Public Laws that had to be followed, and it could not be added as an Action Item this evening. Atty. Spillias requested that Mr. Atteberry provide Ocean Ridge with current authorization that he could speak for the homeowner. He reminded the Commission that last year someone had provided false information concerning another property stating that they were representatives for the homeowner. He requested time to review the matter.

Gary Iscoe, 34 Anna Street, asked if Ocean Ridge had a limit on boat size or if a boat had to be the property of the resident. He did not feel it proper for his neighbor to allow their friend, a non-resident to dock a 50ft sailboat for several months at a time. He provided the Commission with photos.

Manager Schenck stated that as long as the boat was maintained within the resident's property lines, there were no code violations. Clerk Hancsak stated that the City of Manalapan's Code does limit the size of boats in their town. Ocean Ridge does not have Zoning requirements regarding boat size. She was waiting on some of the board members to return for the season so that she could schedule a Planning & Zoning Meeting regarding the use of Commercial Properties in Ocean Ridge and possibly regulating boat size, however, she was waiting to hear from the attorney whether this could legally be enforced.

Clerk Hancsak advised the Commission that included in their package this month was a memo regarding the possibility of changing our Building Permits to the Palm Beach County Permit Application. She noted that their application was 2 pages and was not as concise as our application. Staff recommended not changing to the new Palm Beach County Permit Application and keeping our own Building Permit Application. There was a consensus from the Commission not to change our application to Palm Beach County's.

REPORTS

6. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – The contract has been signed by Tenex. The generator contractor is fabricating the fuel tank prior to its installation. The factory is constructing the generator and there have been a few delays for the parts. 2) Old Ocean Blvd – Due the increased rains, we will start developing the cost of removing the scavoela and replanting the area with native vegetation. They were still resolving the replanting - one resident wants just grass, and the others want to address the privacy issue. 3) Inlet Cay and Sabal Island Bridge Repairs – Bridge Design has completed the plans to repair the two bridges. We will be going out to bid in December. 4) Entrance Signs – FDOT has finally approved the variance for the sign at the south end of Town, and we have submitted the construction permit to FDOT for approval. We are responding to some FDOT questions. 5) Energy Grants – The 3 municipalities in the State residential rebate program are Ocean Ridge Atlantis and Haverhill. Lantana is overseeing the whole grant. We selected EcoSmart PR to develop and operate the rebate program. They are presently developing the guidelines for the program. We hope to have a presentation at the December meeting regarding how it will work. We have \$116,000 to use for rebates on energy savings improvements for the residents. 6) Capri Apts. – The plans to remove the present laundry discharge has been submitted to the Health Dept. The Health Dept. continues to come up with questions and the engineer is working on them. 7) Police Union Discussions – We're in the process of scheduling the next meeting and discussing all aspects of the contract. The adopted budget will be our guide. 8) Woolbright Rd Pedestrian Crossing – We've requested FDOT to look at constructing proper pedestrian crossing at Woolbright Blvd and US1. They are still evaluating our request, and he would keep the Commission updated.

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Mayor Kaleel stated that he has discussed with Mayor Rodriguez, Boynton Beach the subject of relocating Fire Station #1 to Ocean Ridge. They asked for a formal written request from Ocean Ridge. There was a consensus to approve the concept in theory and for staff to prepare a letter requesting to study the feasibility of the relocation of Fire Station #1 to Ocean Ridge.

7. Town Attorney

Atty. Spillias stated that he had a wonderful 4 month sabbatical and had returned refreshed. In regards to the Inspector General, over 15 cities had agreed to join in the lawsuit against the Palm Beach County Inspector General and Ethics Board. Currently their funding was based on annual expenses of the municipalities. Some of the Town Attorneys have made a strong argument that it is not permissible and violates State Law. They will be filing a lawsuit this week to allow other towns to join. There was a consensus from the Commission to join in the lawsuit.

8. Police Chief

Chief Yannuzzi presented his monthly report and the Boynton Beach Fire/EMS Activity Report. He reported that October had been a very busy month: - 8 Cubans had been found in Ocean Ridge after being 1 week at sea. - There was a pursuit off shore was narcotics related. - The filming of the Jennifer Lopez movie "Parker" in Ocean Ridge. Sgt Eubanks and Officer Kurz received commendations for arresting an attempted battery suspect. Chief Yannuzzi announced that on November 9, there would be the first test of the Nationwide Emergency System. He also thanked the Coastal Star for their report and photos regarding Officer "Doc" Darville's retirement.

Chief Yannuzzi also requested to reply to an article in the Coastal Star, Page 4. A resident of Ocean Ridge had complained that while jogging on the road of A1A, an Ocean Ridge Officer had, over the loud speaker, directed that he jog on the sidewalk instead of the road. Chief Yannuzzi contacted the resident and was advised that this incident had taken place several months earlier in the summer of 2010. Chief Yannuzzi stated that the officers were looking out for the safety of the resident and that it was a Florida Statute that jogging must be done on a sidewalk instead of the roadway, if a sidewalk was available, and that Manalapan and Gulfstream do not have sidewalks.

Chief Yannuzzi reminded the residents that the Boynton Beach Parade was on December 3rd, 2011 and parts of Federal Highway would be blocked off and to coordinate their travel plans accordingly. He dis state that vehicles can get over the bridge by traveling east of Boynton Beach Blvd to come around by the Two Georges & Banana Boat. He also reminded them that the bridges would be closed during the Boat Parade on December 9th, 2011. Comm. Hennigan reminded him that last year some of the residents felt that they had not been properly advised of the parades and were caught unaware of the road or bridge closures. Chief Yannuzzi stated that they were in the Town's Newsletter and that an E-Mail Blast would be sent out. The parades are also advertised in the local papers.

9. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

10. Authorize Budget Amendment to the FY 2010/11 Budget

Clerk Hancsak summarized that this was to amend last year's budget. The overage in sections was due to additional permitting revenue. The overage in the legal department was mostly due to the PBA negotiations that were not anticipated at the beginning of the year. There was sufficient budget overage in the Law Enforcement Life & Health Insurance Acct, and the request is to approve to transfer \$9500 to the Legal Special Account and \$21,500 to the Inspections Professional Services Acct. These transfers will not adversely affect the budget and will provide a cleaner budget review for the audit. We're requesting \$200 more on each transfer than necessary in case there's come rounding off or an unknown budget adjustment.

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Comm. Pugh motioned to authorize the Budget Amendment to the FY 2010/11 Budget. Seconded by Comm. Allison.

Comm. Hennigan asked about the Summary of the Fiscal Year 2011/12. She was advised that this amendment was for the FY 2010/11.

Motion Carried – yea (5)

12. Authorize Approval of Coconut Lane Drainage Improvement Contract with Tenex Enterprises (Bid Amount of \$382,618 Approved Aug 1, 2011)

Manager Schenck stated that the generator for Tropical Drive was being used for Coconut Lane and a larger generator would then be installed at Tropical.

Comm. Brookes motioned to approve the Coconut Lane Drainage Improvement Contract with Tenex Enterprises in the amount of \$382,618 from the Capital Projects Fund. Seconded by Comm. Pugh.

Comm. Pugh questioned why their low price, as he was not in favor of Change Orders. Manager Schenck stated that he confirmed their price and references and the Town would be reimbursed \$119,000 from the Grant money.

Motion Carried – yea (5).

13. Formalize Goal and Objective Plan Submitted by the Town Manager

Manager Schenck stated that he had e-mailed to the Commission his Goals and Objective Plan and that he had met with some of the Commissioners already.

Comm. Hennigan stated that as Manager Schenck was the CEO of Ocean Ridge, she felt he should be more proactive, and did not feel his report was adequate. She asked him to revise it and give a clear outline of his goals and objectives. His report did not mention strategic issues of unionization or possible revenue increases for the budget. To facilitate a smoother budget process she requested revising the format of the budget. She also requested that he include an annual infrastructure of our town and street conditions. Comm Hennigan added that the Town Manager had not contacted her.

Comm. Pugh stated that he had received a call from Manager Schenck and reviewed his report over the phone. He stated that it was a complete list of all items that were addressed at the last meeting. He stated that the Town Manager had been given a short amount of time to address their concerns and he felt this report was a good first step toward those objectives.

Comm. Allison felt that this report did have format and substance. At the last meeting there was a discussion of a 3 month period, and she stated some items could have more measureable goals with possibly a weekly chart.

Mayor Kaleel stated that some things cannot be measured. If the Commission did not have enough faith that things could be changed, then a decision needed to be made. There are some things that the Town Manager cannot control, and the Commission need to trust that the job is being accomplished or make a change. Mayor Kaleel stated that they would be able to tell by performance if things are being done, and hopefully an increase in morale.

Comm. Brookes stated that he had spoken with the Town Manager. Some of the items cannot be measured, but he felt that the report should be more definitive not “we will try...”. He did feel that the report addressed all the items concerned. He was not in favor of micro-managing, and asked that we move forward.

Comm. Hennigan motioned to reject the Manager’s Schenck Goal and Objective Plan. There was no second and the motion died.

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It was discussed if the Town Manager should revise his report to an action plan that met a criteria that could be judged. It was also discussed that it was not necessary for the Town Manager to rewrite his job description, and that what was needed was a plan in action not just on paper. As we are a small town there is a trust factor, but an improvement was needed. They all agreed that he should also meet with Comm. Hennigan.

RESOLUTIONS

14. Resolution No. 2011-19; Designating the Supervisor of Elections and the Town Clerk as the Canvassing Board, to be in Attendance for the Testing of the Computer Electronic Systems Tabulating Equipment to be Used for the General Election Scheduled for March 13, 2012 and to Canvass Returns of Such Election Including the Absentee Ballots; Assigning the Supervisor of Elections to Handle the Absentee Ballots

Clerk Hanscak clarified that the Resolution clarified that the Town Clerk is a member of the canvass board.

Comm. Pugh motioned to approve Resolution No. 2011-19; Designating the Supervisor of Elections and the Town Clerk as the Canvassing Board, to be in Attendance for the Testing of the Computer Electronic Systems Tabulating Equipment to be Used for the General Election Scheduled for March 13, 2012 and to Canvass Returns of Such Election Including the Absentee Ballots; Assigning the Supervisor of Elections to Handle the Absentee Ballots. Seconded by Comm Allison

Motion Carried – yea (5).

Atty. Spillias clarified that he represents the Supervisor of Election but did not work on this agreement.

15. Resolution No. 2011-20; Authorizing the Mayor and Town clerk to Execute the Agreement for Vote Processing Equipment Use and Election services by and Between the Palm Beach County Supervisor of Elections and the Town of Ocean Ridge.

Comm. Allison motioned to approve Resolution No. 2011-20; Authorizing the Mayor and Town clerk to Execute the Agreement for Vote Processing Equipment Use and Election services by and Between the Palm Beach County Supervisor of Elections and the Town of Ocean Ridge. Seconded by Comm. Brookes.

Motion Carried – yea (5).

Atty. Spillias clarified that he represents the Supervisor of Election, but did not work on this agreement.

SECOND READING AND ADOPTION OF ORDINANCES

16. Ordinance No. 595; Amending Its Code of Ordinances to Comply with Chapter 2011-109, Laws of Florida, Which Confers Exclusive Authority to Regulate the Field of Firearms and Ammunition on the State Legislature

Comm. Pugh motioned to approve the Second Reading of Ordinance No. 595; Amending Its Code of Ordinances to Comply with Chapter 2011-109, Laws of Florida, Which Confers Exclusive Authority to Regulate the Field of Firearms and Ammunition on the State Legislature Seconded by Comm. Allison.

Charles Kittler, 38 Hersey Drive, questioned the Ordinance and who sponsored it. Chief Yannuzzi stated that it was governed by the State, and that NRA did back the regulation.

Motion Carried – yea (5).

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17. Policy for Employee Bonuses.

Mayor Kaleel suggested that a retirement bonus be established for those employees who had been here over 20 years in the amount of \$100/year. Comm. Hennigan suggested that a symbolic non-monetary item be given to the employee to recognize their achievements.

Comm. Hennigan motioned to approve the purchase of a symbolic non-monetary item for employees who had been employed over 20 years in an amount not to exceed \$500. Seconded by Comm. Brookes.

Comm. Allison stated that she was not in favor of this, and felt that the employees would rather have the money of \$100/year. Comm. Brookes was not in favor of the monetary and suggested maybe renaming a street after an employee.

Atty. Spillias stated that his associate Atty Capko had sent him a memo regarding a Senate Bill for Bonuses to Employees. He felt that the term "gift" could be more problematic, a "plaque" would fall into the proper guidelines, but the purchase of a "watch" would be considered a "grey area". Bonuses should be categorized by length of employment, end of year, and work performance based. The Statute does not say what criteria is required for length of service. All employees should be notified first, and then included as a written policy in the Employee Handbook and all employees should be considered for it. It should also be dependent upon if there is funding available at the time of the bonus decision. The proposed policy should include end of year bonus and Heroic Service such as Hurricane or Emergency Services. If so directed, he could prepare a proposed policy for the December Meeting.

Mayor Kaleel stated that a policy should be created to award our employees for loyalty and award longevity of 20 years or more. He suggested a bonus pool concept, based on service to the Town. Atty. Spillias stated that this should be discussed at budget time.

Motion Denied – (2) yeas & (3) naes.

The (3) naes were Comm. Pugh, Comm. Allison and Mayor Kaleel.

A consensus was made for the Town Attorney to prepare for the December meeting a proposed Ocean Ridge policy regarding bonuses at year-end, retirement/longevity and extra-ordinary service and then be presented at the December Meeting. He was also to report back the possibility of providing retro bonuses for the 2 retired employees.

Atty. Spillias stated that he would have to check about the eligibility of retired employees receiving bonuses after they have left employment. Clerk Hancsak stated that the Commission had requested that this policy reviewed in June, but as Atty. Spillias was on hiatus it was not prepared, so discussions were already taking place.

Comm. Allison asked why we were awarding only those employees with 20 years of service. She suggested that a bonus also be awarded for those employees in service 10-15 years. As an employer she would welcome her employees to dedicate 10+ years to her business. There was no further discussion regarding her suggestion.

Meeting adjourned at 7:45pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Brookes

Commissioner Hennigan

