

REGULAR TOWN COMMISSION MEETING HELD DECEMBER 5, 2011

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, December 6 2011, at 6:12PM in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Kaleel. Mayor Kaleel apologized for a late start, as the Commissioners had been in a closed session. The 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 advised the Commission of one change in the November minutes to read “ The Town Manager did not meet with Comm. Hennigan”, instead of “Commissioner Hennigan did not meet with the Town Manager.”

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Nov. 7, 2011

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

Motion Carried – yea (5).

ANNOUNCEMENTS AND PROCLAMATIONS

2. The Administrative Offices will be closed on Monday, Dec. 26, 2011 and Monday, Jan. 2, 2011 for the official holidays

PUBLIC COMMENT

Bob Ganger, resident of Gulfstream, stated that Gulfstream has a Community Holiday Fund through a Civic Association. This is divided between all Police Officers and Town staff (17 with 1 part-time). Once it reaches a certain goal, it is distributed to the employees. He stated that it is a way for the people in the community to thank the staff. He feels that is most ethical and the funds are donated anonymously. At Thanksgiving, they send a letter to all residents, requesting a donation, and a return envelope is provided. A third party deposits the checks and then it is distributed evenly among the employees. This keeps both the employees and the givers happy. He would be willing to help Ocean Ridge start one if requested.

Bob Merkel, 118 Marlin Drive, stated that the website of the Palm Beach County Inspector General and Ethics Board has posted 3 new opinions regarding Holiday Gifts to employees. Mr. Merkel stated that as a defense attorney for various municipalities and for the PBA, he feels there is a problem with the PBA Union as they have no real authority. Those on the union can't strike, however; it is useful in case of a shooting, as they will represent the officers. He also felt there was a tension with the officers, and asked Ocean Ridge in lieu of a raise to give \$1000/employee bonus or adjustment to help relieve the tension. He understands that there have been no raises and an increase in insurance deductibles. He asked that the reserves be used to help out the Town's employees, as most businesses do set aside reserves for hard times. He felt this was a hard time. He advised he would be willing to work with Mr. Ganger on setting up a Civic Association to raise funds to help the employees if the Town was not.

Tina Gray, 29 Harbour Drive North, commented on the Coastal Star's "Letter to the Editor". In the article Chief Yannuzzi stated that Ocean Ridge was a kinder and gentler community, and asked that if the residents had a problem, "to take it up to the boss". Mrs. Gray asked the Commission to whom she would see if she had a problem with Chief Yannuzzi, and she did not

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feel comfortable going to the Town Manager at this time either. She stated she did feel the community has changed in the last 3 years, and she felt she was now being policed by the Police Department. She did not feel safe anymore. Mayor Kaleel commented that she or anyone is always welcome to speak with any of the Commissioners.

REPORTS

3. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – There had been a pre-construction meeting with Tenex, and construction will start in January. The generator contractor is fabricating the fuel tank prior to its installation, and the factory is constructing the generator. 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 January. 4) Entrance Signs – we have the construction permit from FDOT for the sign at the south end of Town. It should be installed in December. 5) Energy Grants – The 3 municipalities in the State residential rebate program are Ocean Ridge Atlantis and Haverhill. Lantana is overseeing the whole grant. Sandra Robinson, Vice President of EcoSmart PR will give a short presentation tonight regarding the guidelines for the program. We have \$112,000 to use for rebates on energy savings improvements for the residents. 6) Capri Apts. – The Health Dept. continues to come up with questions and the engineer is working on them. 7) Police Union Discussions – We've met with them and have a general agreement on 26 of the 31 articles. The remaining 5 involve the budget and were just discussed with the Commission prior to this meeting. 8) Woolbright Rd Pedestrian Crossing – We've requested FDOT to look at constructing a pedestrian crossing at Woolbright Blvd and A1A. They are still evaluating our request, and he would keep the Commission updated. We also requested that they look at the retention ponds on Ocean Avenue regarding the tidal influence and flooding. They are reviewing our request.

In regards to relocation Fire Station #1, last week the Boynton Beach's Interim City Manager and Interim Fire Chief came to review Ocean Ridge's Town Hall and garage facilities. During the Boat Parade, they will be bringing a fire truck to house in our garage. If Police Station #2 is sold, they may not need additional space for their officers at their Main Station, and the Fire Station #1 would not have to be relocated.

Comm. Allison asked if they would also be servicing Briny Breezes if the Fire Station relocated to Ocean Ridge. Mayor Kaleel stated that they would service Briny Breezes because Briny Breezes does currently contract with BBFD. There is a potential to expand with municipalities if it was relocated also.

4. Town Attorney

Atty. Spillias stated that per the Commission's approval, Ocean Ridge joined in the lawsuit against the Palm Beach County Inspector General. There was a motion made by Sharon Bock, Palm Beach County Clerk of Comptroller regarding the collection utilization. As we had paid our share prior to this case our monies would be held in escrow until the lawsuit was settled. A stipulation will be entered to abate the lawsuit while being processed, and it may be resolved before litigation. Next month he will report back with an update.

Atty. Spillias stated that there was a question of a potential conflict of interest, as he works for us and his associate in Tallahassee is now working for Palm Beach County PalmTran regarding their pension issues. After speaking with the attorney for Palm Beach County he has prepared drafts of 2 letters waiving any conflict of interest to be forwarded to them for their files. One letter is to be signed by Ocean Ridge and one by his firm.

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Comm. Pugh motioned to approve both letters waiving any conflict of interest. Seconded by Comm. Allison.

Motion Carried – yea (5).

5. Police Chief

Chief Yannuzzi presented his monthly report and the Boynton Beach Fire/EMS Activity Report. He announced 2 letters of commendation for Officer Massimino assisting a Delray resident and Officer Kurz assisting Mr. Wurtster in regards to a smoke detector. Chief Yannuzzi announced that he would be meeting with Lantana regarding their bridge closing in March 2012. The Lantana Bridge will be closed for 2 years, and will result in heavy traffic for our Ocean Avenue Bridge. Mayor Kaleel asked Chief Yannuzzi to coordinate the traffic signals to avoid delays like when the Woolbright Bridge was closed a few years ago.

Chief Yannuzzi stated that there were no reported issues with the Boynton Parade last week. He reminded the residents that the Boat Parade was scheduled on December 9th, 2011.

6. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

7. Presentation of Residential Rebate Program By: Sandra Anderson, ECOSMART PR
Manager Schenck stated that Ecosmart PR had been selected to develop the residential rebate program for Ocean Ridge, and introduced Sandra Anderson, Vice President of Ecosmart PR.

Sandra Robinson stated that they were coordinating the rebate program for the City of Atlantis, Haverhill and Ocean Ridge. This rebate program relates to conserving energy. Their website is “Energytosave.net”, and residents apply online. Their other media sources are by newsletters, emails, 1-888-283-7720, and social media fliers. This rebate program is only thru May 2012, and their goal is for 200 homes. It will launch Monday December 12th, and will be announced December 8th on Radio Green Earth. Their rebate amounts mimic Florida Power & Light, and include the following items: air conditioning units, ducts, reflective roof coating, ceiling insulation, solar water heaters, and programmable thermostats. Only one rebate per home is allowed. They will work with the contractors or homeowners regarding permits and work to be done. The minimum criteria is: it must be owner occupied homes (not a rental); they must apply and be approved of the rebate first; they must follow all local restrictions, and they must be FPL customers.

Clerk Hancsak asked for clarification of only one per household? Some of the rebate items do not require a building permit – such as roof insulation, reflective roof coating and programmable thermostats. She also stated that Ocean Ridge does not send out monthly utility bills, and asked how they were going to notify our residents within the time restrictions.

Ms. Robinson stated that it was only 1 per household, but depending on the funds available it could possibly change where they would be allowed 2, such as one item and a programmable thermostat. If an item does not require a permit, they may still request to see the improvement that was done. Ms. Robinson may contact FPL or City of Boynton Water Utilities to see if an insert could be included in their billings, or mail out postcards. Mayor Kaleel suggested advertising in the Coastal Star as it reaches all the Ocean Ridge residents also.

8. Request for Lien Reductions/Removals for 6 Sabal Island Drive By: Tim Atteberry, representing owner Wilson Wengert

Atty. Spillias stated that at the last meeting he had requested Mr. Atteberry to provide Ocean Ridge with current authorization that he could speak for the homeowner. He had spoken to him a few times and had still not received the proper information. He was told that the mortgage

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company was now looking for more money. It was the choice of the Commission to defer this item.

Chief Yannuzzi stated that since the last meeting, there has been another lot violation added to the property, and the property will be going for Code Enforcement on Tuesday.

There was no further discussion and no motion was given.

9. Approval of Revised Agreement for Dock Lease with Ken/Elizabeth Joy, 62 Harbour Drive North Partially Located in the Thompson St. Right-of-Way (Deferred until Dec. 5, 2011)

Manager Schenck stated that on the Revised Draft Release, Page 2, Paragraph 10, he recommended that it be stricken, and requested that a redline version be given to the Town Clerk. On Paragraph 11 the Insurance requirements are blank and there is a blank address also. Manager Schenck stated that the homeowner's policy for \$1mil was sufficient for anything that may occur. Mayor Kaleel stated that the lease fee be \$10, and asked if the leasing took anything away from Ocean Ridge. The Town Attorney stated only the insurance coverage.

Comm. Pugh motioned to approve accept the Draft Lease with Ken/Elizabeth Joy, 26 Harbour Drive North Partially Located in the Thompson St. Right-of-Way with changes as presented by the Town Attorney. Seconded by Comm. Allison.

Motion Carried – yea (5)

RESOLUTIONS

10. Resolution No. 2011-21; Receiving and Accepting Town of Briny Breezes, Florida, Ordinance No. 2-2011 Approving the Correction of a Scrivener's Error in the Interlocal Agreement with the Town for the Provision of Law Enforcement Services to the Town of Briny Breezes; Correcting the Scrivener's Error in the Interlocal Agreement by Restating the Statutory Authority Therefore as Sections 163.01 and 166.0495, Florida Statutes; Providing for the Corrections and restatements to be Entered on the Face of the Interlocal Agreement and the Corrections Initialed by the Mayors of Both Municipalities; Approving and Providing for the Filing with the Clerk of the Circuit Court of Palm Beach County this Resolution No. 2011-21, Town of Briny Breezes Ordinance No. 2-2011 and the Interlocal Agreement, as Corrected; Providing for Severability and an Effective Date

Mayor Kaleel read Resolution No. 2011-21

Comm. Allison motioned to accept Resolution No. 2011-21. Seconded by Comm. Pugh.

Motion Carried – yea (5)

11. Resolution No. 2011-22; Establishing Employee Bonus Policies Pursuant to Section 215.425, Florida Statutes, as Amended by the 2011 Legislature; Establishing Eligibility Requirements and Qualifications; Providing for Repeal of Prior Resolutions in Conflict; and Providing for an Effective Date

Manager Schenck recommended the Resolution be adopted and stated that this was a good framework to start with. He requested one change – that the policy also include part/time employees who work a regular annual schedule. The bonus here could be at a reduced rate. He explained that we currently have one part-time maintenance employee who would play an important role during hurricane season in preparation and restoration after a storm.

Atty. Spillias presented a bonus policy to include 3 options: 1) Annual Employee Year-End Bonus 2) Exceptional performance for Emergencies. 3) Retirement Bonus. He explained that

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under the new Florida Statute, the policy must be in writing and all employees must be eligible. It is subject to determination and at the discretion of the Commission if funding is available. It required a supervisor evaluate if criteria has been met. In regards to exceptional performance for emergencies, it requires for performance above the call of duty. A minimum of 20 years be required for a retirement bonus, and it's been customary of \$100/year. The employee is to be evaluated by the supervisor to determine if his/her performance qualifies for a bonus. He asked the Commission if they wished to cap the bonus amount. All members of the collective bargaining unit must be eligible for the bonuses and cannot be discriminated against. In regards to the 2 retired employees, because this decision was delayed/postponed until the policy was in effect, a retirement bonus would be appropriate if approved.

Comm. Hennigan stated that with her Human Resources background, she asked that the evaluation process be consistent with all employees and that a new defined evaluation method be drafted. Through the internet, she had attended an ethics meeting, and questioned bonuses to employees as being ethical. She stated that the City of Atlantis was going to utilize the method of "pooling" for their bonuses.

Atty. Spillias clarified that although the bonus policy requires an evaluation, the evaluation method is separate, and can be changed or altered after the policy is approved. In regards to ethics it was regarding monetary gifts from citizens or lobbyists, not from "employer to employees". In the past holiday contributions given to the Town became public funds, and there was no guarantee that those funds would go to Town employees. A Civic Association was a private association and protected. The monies were collected anonymously, and no one could get enhanced services.

Mayor Kaleel commented that Gulfstream was a smaller town with only 100+ homes, however; he was not opposed to Civic Association. He felt that we should establish a bonus policy to reflect the employee's service to Ocean Ridge and benefit the employees.

Comm. Allison stated that we have on the table 2 pending retirement bonuses. She also felt that year-end bonuses should be decided in November with the understanding that it may not be available every year. Comm. Allison stated that it was the roll of the Commission to set the Policy, and that it was the role of management to do the evaluation. Mayor Kaleel stated that historically the commission has approved employee bonuses for Year End, Emergency Services, and Retirements.

Comm. Brookes stated that he felt this policy was moving in the right direction. He suggested that it be tabled until the Collective Bargaining Unit closed. Atty. Spillias stated that there could be an unfair labor claim if not across the board for all employees or if it was implemented or not.

Comm. Allison motioned to approve Resolution No.2011-22. Seconded by Comm. Pugh.

Atty. Spillias stated that this written bonus policy needed to be approved before any bonuses could be distributed. A more detailed evaluation could be supplemented at a later time. He noted that it has been customary to award a retirement bonus, and to avoid unfair labor claims it may cause problems to change the custom for the 2 retired employees.

Comm. Brookes noted that there were no budgeted funds for bonuses. If it was the Commission's desire to give bonuses it should have been done during the budget process.

Comm. Hennigan stated her concern of the retirement bonus being monetary, as the employee was already receiving contributions toward Florida State Retirement that amounted to thousands per year. She was in favor of non-monetary item or plaque. Comm. Brookes was in agreement with Comm. Hennigan stating that most do not walk out with a check at retirement. Comm. Hennigan and Comm. Brookes requested that Part 3 of the Resolution be removed.

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Bob Merkel, 118 Marlin Drive, stated that he would be willing to prepare guidelines for a Civic Association.

Motion Carried, yea (4), Comm. Hennigan (1) nae.

Comm. Allison motioned to approve a retirement bonus for retired Sergeant Daniel Tinfina and Officer Wavelle Darvelle, in the amount of \$100/year for time served in Ocean Ridge. Seconded by Comm. Pugh.

Comm. Brookes questioned if this should be done during collective bargaining. Atty. Spillias reiterated that during collective bargaining the commission cannot take action that appears to treat them different than has been customary, and it would avoid a possible unfair labor claim.

Mayor Kaleel stated that he was in favor of it, but felt it should be capped at 20 years. Atty Spillias advised this could be amended at a later date.

Motion Carried yea (4), Comm. Hennigan (1) nae.

Comm. Hennigan complimented the Coastal Star for their coverage of the community and adjoining areas. She was concerned however of not being informed of certain issues by the Town Manager or the Mayor, until she read it in the Coastal Star, specifically, the article from the Coastal Star regarding a \$70,000 consulting fee concerning consolidation. She had met with Manager Schenck who was not aware of it either. The article quoted Mayor Kaleel. Mayor Kaleel was also unaware of the article. He then read the article and declared to the Coastal Star representatives who were present that it was not his quote. Mayor Kaleel advised that this article was strictly about Gulfstream pursuing their fire services. Comm. Hennigan asked that the Mayor either to keep the Town Manager informed, who in turn could keep the Commissioners up to date or add a monthly standard agenda item regarding any updates the Mayor may need to provide.

Mayor Kaleel stated that there was nothing new, but there was talk of consolidating the Police Department with other towns. Boynton Beach was the most likely candidate to service for Fire.

Chief Yannuzzi reported that he was meeting with Chief Walker from Manalapan on Thursday. He reported that Chief Walker would be retiring in January, and was thankful for his assistance and added that he would be greatly missed.

Meeting Adjourned at 8:05pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Brookes

Commissioner Hennigan

Commissioner Pugh