

REGULAR TOWN COMMISSION MEETING HELD MARCH 5, 2012

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, March 5, 2012, at 6:00PM in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Kaleel. 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 stated a Commissioner had requested a change of the February minutes on Page 5 under Comm. Allison's statement to read the following. "She also commented that she supported the need to have a cost presented to the Commission regarding the PBA contract." Comm. Allison stated that she didn't recall making that comment. Clerk Hancsak stated that she would listen to the tape of the February meeting and research the exact statement that was made. Clerk Hancsak also requested to add Item #2A ratification of Joyce Bruck as a poll work in lieu of Christine Francois. Manager Schenck requested to change Item #11 to #12b. Comm. Allison requested to add Item #12c, funding for staff. Atty. Spillias requested to add Item #4A direction from the Commission concerning an agreement with the Inspector General.

Clerk Hancsak announced that the certification results of the election would not be received until late Friday, March 16th, 2012 or Monday March 19th, 2012. She suggested the certification be done at the April 2nd, 2012 meeting. She added that the new Commissioners could be formally sworn in on March 16th, and ceremonially at the April meeting. There was a consensus.

CONSENT AGENDA

1. Minutes of Regular Town Commission Meeting of Feb. 6, 2012
2. Ratification of Joyce Bruck as a poll worker in lieu of Christine Francois.

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

Motion Carried – yea (5).

ANNOUNCEMENTS AND PROCLAMATIONS

2. 2012 Municipal election/Elección Municipal 2012
 - a. Two Commission Seats Open for a Three Year Term/Comision dos puesto para tres anos cada.

PUBLIC COMMENT

Betty Bingham, 1 E Ocean Avenue, asked about the price to install sewers in Ocean Ridge. Manager Schenck stated that our last pricing could be as high as \$30 million and that it would be dependent upon being served by the Boynton Beach treatment center. Mrs. Bingham stated that to install the sewers could result in a significant increase in taxes and a \$10,000 assessment fee. Ocean Ridge would have to borrow about \$30 mil. It was commented that to get a \$20-\$30 million loan would be difficult considering our current debt, and the price would not include individual house connections.

Stella Kolb, 204 Beachway, thanked Mayor Kaleel for his years of service to Ocean Ridge

Kristine Dehaseth, 29 Sabal Island Drive, presented flowers to Mayor Kaleel and thanked him on behalf of the Florida Coalition for his service as a community leader in Palm Beach County.

REPORTS

3. Town Manager

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Manager Schenck reported the following: 1) Coconut Lane Drainage – Construction has begun on Coconut Lane. FPL is scheduled to install the necessary power pole, and the project is scheduled for completion in May. The generator contractor has installed the new emergency generator at Turtle Beach. The generator that was at Turtle Beach will be installed at Coconut Lane and the startup test is expected to be next. 2) Old Ocean Blvd – Due to 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. Now that we've been getting rain, we can finalize the landscape plan. 3) Inlet Cay and Sabal Island Bridge Repairs – We received 3 bids on February 9th at 2pm ranging from \$45,777 to \$122,760. Anzco Inc. was the low bidder, and this will be discussed later in the meeting. 4) Entrance Signs – The final sign has been installed at the south end of Town. We are talking to Briny Breezes about tying into their electricity to light the sign. 5) Energy Grants – The contract for the Town Hall energy improvements is on the agenda for approval. It will be discussed in more detail later in the agenda. The 3 municipalities in the State residential rebate program are Ocean Ridge, Atlantis and Haverhill. Lantana is overseeing the whole grant. EcoSmart PR has begun advertising for participants. We were awarded \$112,000 to use for rebates on energy savings improvements for the residents, however; a budget adjustment will be necessary to front the funding prior to reimbursement. It will not have an overall impact on the budget. As of this time, Ocean Ridge has had 16 applicants approved for a total of \$21,000. 6) Capri Apts. – The Health Dept. finally issued a permit to construct a drainfield for the washing machine. Their Board is scheduled to meet in February to select a contractor. 7) Police Union Discussions – The officers have approved the contract and it will be presented to the Commission for their approval later in the meeting. 8) FDOT Discussions - FDOT has approved our request to construct a pedestrian crossing at Woolbright Blvd and A1A. They are also still reviewing our request to look at the retention ponds on Ocean Avenue regarding the tidal influence and flooding. 9) Employee Evaluation – We have reviewed the forms used by several other communities, and although each are a little different, the content is basically still the same. We propose to continue using our form for employee evaluations, and they will be done on the employee's anniversary. 10) Street Inspections – We will be evaluating the streets this month and ranking them as to their need for repaving.

Manager Schenck presented to the Commission a monthly summary and year to date annual cost report over the last 4 years. He also included an assessment of the streets throughout Town.

Comm. Allison stated that FDOT had done a poor job of repairing sidewalks along A1A. Comm. Hennigan stated that the utility companies park their trucks on sidewalks causing the damage and asked if the police could stop them. She had discovered 131 sections along A1A that were in need of repairs. Chief Yannuzzi stated that there have been no tickets issued to the utility workers, and that the sidewalks are part of the utility easement in the right of way. He would ask the officers to monitor it.

4. Town Attorney

Atty. Spillias gave an update of the Inspector General's lawsuit involving the 15 municipalities. West Palm Beach developed a proposed ordinance that would provide funding for the Inspector General similar to the original thought of collecting a percentage of contract fees and then they would be forwarded to the County. This would also provide less funding to the Inspector General. A new meeting is scheduled for March 20th, 2012 to decide if the communities will be willing to pay all/part without the contractor paying for this year only. Only Ocean Ridge has paid an invoice and that amount is being held by the County until a decision can be finalized. He asked the Commission to decide: 1) to take part in the settlement with Ocean Ridge paying a portion of this year out of the General Fund. 2) If Yes, then how much? Manager Schenck stated that in reviewing our current contracts the .25% would be \$800/\$900, which is approximately \$3000 less than the current method.

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Comm. Brookes motioned for Palm Beach County to keep the \$800 payment already made by Ocean Ridge for the Inspector General. Seconded by Comm. Pugh.

Mayor Kaleel cautioned the public to be careful of voting for ideas without a full understanding as this was a perfect example.

Motion Carried – yea (5).

Atty. Spillias stated that it has been a pleasure to work with Mayor Kaleel throughout the last 14 years.

5. Police Chief

Chief Yannuzzi announced that Turtle Season has begun. He presented his January report and stated that the number of incidents were higher because of the way the new CAD system reports them. Crime itself is not higher in Ocean Ridge. He also acknowledged that Sgt. Eubanks and Officer Roy received a thank you letter from a resident. Chief Yannuzzi reported that in January we lost our emergency phone line for 30 hours. AT&T took our phone line back and because it was a weekend we had to wait until Monday to get service back. He has filed a complaint against AT&T with the FCC. Chief Yannuzzi also announced that A1A in Manalapan will be closed for tunnel repairs, and on March 18th the Lantana Bridge will be closed for 2 years.

6. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

7. Approval of Town Hall Energy Savings Bid with HyPower Inc. in the Amount of \$45,124 to be Totally Reimbursed Through a County Grant and also Approval of the Professional Services by Hiller Engineering in an Amount Not to Exceed \$2,500 (Both are from budgeted Funds) By: Kenneth Schenck, Town Manager (CONTINUED FROM FEB. 6, 2012)

Manager Schenck stated that Eaton Inc recommendation included changing the interior light bulbs, changing the lights in the garage, changing the light fixtures in the parking lot and changing the fixtures on Ocean Avenue. The fixture cost for Ocean Ave exceeded our grant, and is not being recommended. We received a bid from Hypower Inc for the other 3 items at a cost of \$45,124 which exceeds the County Grant. However the State has agreed to allow us to use part of the State grant to finish the project. We also requested a price to install a solar pump for the Koi Pond but it would not be strong enough for our purpose, so it is not being recommended.

Comm. Pugh motioned the approval of Town Hall Energy Savings Bid with HyPower Inc. in the Amount of \$45,124 to be Totally Reimbursed Through a County Grant and also Approval of the Professional Services by Hiller Engineering in an Amount Not to Exceed \$2,500. Seconded by Comm. Brookes.

Motion Carried – yea (5).

8. Authorize Approval of Bonito Drive Road/Drainage Repair Design in an Amount of \$8,500 to Engenuity Group and Authorize the Bidding of the Project

Manager Schenck reported that the Bonito Drive cul-de-sac has caved in because of the dry muck under the asphalt was compacting thereby causing the asphalt to crack. Through core boring and surveys it was also discovered that there were no drainage lines in the area. The area needs to be repaved and drainage installed and there are funds in the Capital Funds Project. Manager Schenck also supplied the Commission with a status report of the Capital Projects and Reserves. The Capital Projects Fund balance would need approximately \$122,000 after FY11/12 budgeted items to complete Items #8-#10 on the agenda. We also have \$119,000 grant that we will be reimbursed.

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Comm. Brookes motioned to approve the Bonito Drive Road/Drainage Repair Design in an Amount of \$8500 to Engenuity Group and Authorize the Bidding of the Project to be funded from the Capital Projects Account. Seconded by Comm. Allison.

Motion Carried – yea (5)

Mayor Kaleel requested that they review the other cul-de-sacs for any needed repairs.

9. Award Contract to Anzco Inc. in an Amount Not to Exceed \$56,777 and Also the Inspection Contract with Bridge Design in an Amount Not To Exceed \$2,500 for the Inlet Cay and Sabal Island Bridge Repairs to be Funded Through a Transfer of \$60,000 from General Fund Reserves to the Capital Projects Fund

Manager Schenck reported that 3 bids were received with Anzco Inc being the lowest bid. Their references were checked and staff recommends awarding the contract to Anzco Inc. We also recommend approval of an inspection contract with Bridge Design for an hourly contract with a cap of \$2500.

Comm Hennigan motioned to award the Contract to Anzco Inc. in an Amount Not to Exceed \$56,777 and Also the Inspection Contract with Bridge Design in an Amount Not To Exceed \$2,500 for the Inlet Cay and Sabal Island Bridge Repairs to be Funded Through a Transfer of \$60,000 from General Fund Reserves to the Capital Projects Fund. Seconded by Comm Brookes.

Motion Carried – yea (5).

10. Authorize Seeking Proposals for Piling Repairs to Inlet Cay Drive (east of the bridge)
Manager Schenck reported that while inspecting the Inlet Cay Bridge to design the repairs, Bridge Design Assoc. also looked at the pilings on the eastern side of the Inlet Cay Drive bridge. He presented to the Commission pictures of the deteriorated pilings and seawall condition. An estimate for the repairs is less than \$50,000 and the work required to design the repairs and advertise for bids is about \$35,000. Because the design is almost as much as the repairs, it would be more cost effective to request bids from several companies that do this type of work and then contract with the low bidder. Bridge Design would then review the bids and the proposed work techniques to make sure they doing the repairs properly at a cost not to exceed \$3000. Some vegetation along the pile caps would need to be replaced, and will be discussed with the contractor.

Comm. Pugh commented that this seemed similar to the other piling/seawall repair that was done last year. There was a consensus from the Commission for staff to request bids for the design and repair of the pilings and seawall to the Inlet Cay Drive (east of the bridge).

RESOLUTIONS

12. Resolution No. 2012-03; Approval of the Agreement Between the Town and the Palm Beach County Police Benevolent Association, Inc. (PBA)

Manager Schenck reported that this resolution was to approve the proposed PBA contract between the Town and the Police Officers represented by the PBA Union. The agreement is for one year and expires September 30, 2012; it was also approved by the Town's representatives subsequent to negotiations with the PBA. He again presented to the Commission his December 30, 2012 memo outlining the cost of the deductibles and the \$1000 salary adjustment for a total of \$12,928. This contract will not adversely impact the budget and the budget will not have to be increased because of the \$49,725 not being used in the health insurance account.

Comm. Hennigan thanked the Police Department for making Ocean Ridge a wonderful safe town. She felt that Ocean Ridge was generous with their benefits, and was concerned about increasing the amounts that Ocean Ridge paid towards the deductibles. She was not going to reject it but asked that the officers bring a friendly atmosphere back to Ocean Ridge.

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Comm. Pugh motioned to approve Resolution No. 2012-03; Approval of the Agreement Between the Town and the Palm Beach County Police Benevolent Association, Inc. (PBA). Seconded by Comm. Allison.

Chief Yannuzzi acknowledged and thanked Sgt Wohlfiel and Officer Galluscio for their cooperation and professionalism during negotiations. He was glad to have a foundation for the future. In regards to the public opinion, Chief Yannuzzi announced that as Director of the Support Group their donations were up. Even though the Support Group is a separate organization from the Police Department, they do use the donated funds from the residents to pay for equipment and expenses not budgeted by the Town. He felt that the increased funds showed a true feeling of the majority of the public who appreciate the police staff.

Comm. Allison stated that as this was her first experience of the Union process, she felt both sides had compromised. She was comfortable with the additional \$800 for the deductible and the \$1000, as she felt that Ocean Ridge had always provided the deductible for the staff. She felt that we had an outstanding Police Department.

Mayor Kaleel thanked Chief Yannuzzi, Manager Schenck and the PBA representatives. He knew it was a very difficult task, and that both sides were professional and came to a resolution. He felt there was a hard balance for the police to always be friendly but also remain professional. He understood that the police have a job to do and that they can't always be nice; there needs to be a mutual respect. He asked that we move on from this point.

Motion Carried –yea (5).

12c. Funding for Staff

Comm. Allison stated her concern about the Town Staff that are not part of the PBA Contract, and asked the Commission to consider carrying forth additional funding for them as they had not received a raise.

Comm. Hennigan moved to wait until next budget cycle to consider the rest of the staff. Seconded by Comm. Brookes.

Comm. Brookes stated that he felt that this was a separate issue from the PBA Police Contract and should be discussed during the budget process and felt that budgetary discipline was needed. Comm. Hennigan agreed and did not want to spend extra funds outside of the budget. She did not want to use the "\$49,000 savings" from the budgeted insurance of the employees not on the health plan, as those employees could always opt to get back on the insurance plan. She also felt that the staff already had an excellent compensation package.

Comm. Pugh asked for a parody for all employees of Ocean Ridge, and to create a feeling of all employees being on the same team. He reminded the Commission that at the last budget season, the Commission froze the cost of living, the step plan and no bonuses were distributed for the employees. Maybe next budget season it is time to thaw out. Comm. Allison agreed that there should be a parody and she did feel appreciation for staff as well as the police. She felt that there should be someone who should negotiate for the rest of the staff.

Atty. Spillias cautioned the Commission to not discuss comments made during private sessions.

Mayor Kaleel noted that Ocean Ridge was 6 months into the budget, and usually a good portion of the budgeted insurance is not used by year end. He also stated that historically the staff has received \$500 at year end, except for this past year, so not all decisions are made during budget discussions. He would like to agree for extra funding, but did not feel it was wise for him at this time, and should be a decision for the future commission.

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Motion defeated – Comm. Hennigan yae, Comm. Brookes yae, Comm. Pugh nae, Comm. Allison nae, Mayor Kaleel nae.

Mayor Kaleel suggested that the actual cost of additional funds for the staff be calculated for the April meeting if the new Commission wishes to rediscuss.

12. b Update on Law Enforcement Services

Chief Yannuzzi stated that the bid from PBSO Major Dan Smith is pending. Once received, it will be distributed to the Commission and a decision can be made as to the best course of action. On Tuesday, February 28, 2012 PBSO made a bid presentation to the Manalapan Town Commission. The meeting was well attended and many of their residents were not in favor of using the PBSO for their police department. An April workshop in Manalapan will be scheduled to allow further discussions from the public.

Comm. Hennigan requested that the Commission be informed of upcoming meetings. She also asked for a budget breakdown separating the Police Dispatch from the rest of the Department. Atty. Spillias stated that as a point of information that when Chief Yannuzzi meets with the other officials, they may not be open meetings for Commissioners to attend.

Chief Yannuzzi continued his report stating that over the last 2 years, meetings have been held between the representatives of 5 local law enforcement entities in discussing consolidating of services and/or entire Police Department. Several members of the group have withdrawn from further discussion, primarily because under State law all entities must be contiguous. Since South Palm doesn't touch Manalapan and Gulfstream doesn't touch Ocean Ridge their participation has been curtailed. Manalapan and Ocean Ridge have continued to discuss various options, and further meetings are anticipated especially in regards to Dispatch services.

Chief Yannuzzi also brought to the Commission's attention his need for an additional officer on the road. He stated that the due to Vacations, Comp Time, Sick Time and Training it is rare when 3 people per shift are actually on duty. This impacts overtime costs and causes fatigue of the officers who sometime have to work 18 hrs to cover missing personnel. Some of the increased overtime cost has also been from an unfilled dispatcher position (Anita Calhoun) in January. Even though it was in the middle of the budget year, he felt compelled to bring this request to them and encourage discussion regarding adding 1 if not 2 police officers. He did not expect a decision to be made at this time however.

Comm. Hennigan requested a comprehensive long term staffing plan and backup strategy for resources. She also suggested having a temporary part-time officer to fill the shifts when needed. Chief Yannuzzi replied that applicants for police officers are looking for full time work, and felt it would be a nightmare to schedule temporary (if permitted at all) or part-time staff. We do have 7 reserve officers, but he felt that a back-up officer needed to be full-time personnel and familiar with Ocean Ridge and their procedures.

Comm. Pugh stated that as long as he was on the Commission he would not be in favor of contracting with the PBSO for our Police Department. He felt that our Police Department was part of the quality for living in Ocean Ridge. He also stated that this need of a new officer was not mentioned during the budget process, only the request for an investigator. He was also concerned that if we hired out to PBSO the annual cost increases would rise and he felt we would lose control of our budget. He noted the City of Lake Worth has had stressed budget issues and budget increases since they went with PBSO.

Mayor Kaleel noted that several years ago it was the decision of the Commission to have 3 officers per shift. He suggested that if we trust Chief Yannuzzi's opinion they should consider hiring an officer at this time.

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Comm. Pugh moved to instruct Chief Yannuzzi to look into hiring a Police Officer. Seconded by Comm. Allison.

Comm Hennigan questioned alternative ways to staff while an officer is out on short term disability and the open dispatcher position. She asked that the employees use their Vacation Time in lieu of Vacation Payout to avoid fatigue.

Motion Carried – yea (4); Comm. Hennigan nae.

FIRST READING OF ORDINANCES

13. Ordinance 596; Amending Chapter 67, Article III, Section 67-31(a) Adopting the Florida Building Code to Add Provisions Regarding Wind Speed Lines and Risk Categories of buildings and Other Structures; Providing for Codification; Providing for Severability; Providing for Repeal of All Ordinances in Conflict; and Providing for an Effective Date on First Reading.

Comm. Pugh motioned to approve Ordinance 596; Amending Chapter 67, Article III, Section 67-31(a) Adopting the Florida Building Code to Add Provisions Regarding Wind Speed Lines and Risk Categories of buildings and Other Structures; Providing for Codification; Providing for Severability; Providing for Repeal of All Ordinances in Conflict; and Providing for an Effective Date. Seconded by Comm. Brookes.

Motion Carried – yea (5)

Comm. Allison thanked Ken Kaleel and stated that it was an honor and privilege to have him as a Mayor. Comm. Brookes stated how disappointed he was of Mayor Kaleel stepping down. Mayor Kaleel was a big reason for why he ran for office, so he could learn from him. Comm. Hennigan also thanked Mayor Kaleel and appreciated his years of service. Comm. Pugh stated that he would not have run for Commission without the guidance of Mayor Kaleel. Mayor Kaleel had been his mentor, friend and confidant. He had helped Ocean Ridge move into a new phase and been a faithful steward. He would be greatly missed and hard to replace.

Berndt Schult, 8 Osprey Court, thanked Mayor Kaleel for his service, and stated that now he could be part of the audience.

Mayor Kaleel stated that it was a bittersweet moment, and stated that over the years he had only missed 1-2 commission meetings. He felt blessed to be of service to a great town during a time of excitement and a lot of needs. He thanked the residents who had supported him and he thanked his wife and family. He stated that his wife had inspired him to run and show him that he could make a difference and impact in the community. He felt it was time for others to lead; he did plan to stay active in issues. He asked the Commissioners to listen to all the residents, and to listen to their heart to make good decisions. He asked them to do the best job they could.

Mayor Kaleel received applause and standing ovation from the public, Commission and Staff.

Meeting Adjourned at 7:48pm.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Brookes

Commissioner Hennigan

Commissioner Pugh