

REGULAR TOWN COMMISSION MEETING HELD NOVEMBER 5, 2012

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

The meeting was called to order by Mayor Pugh. The roll call was answered by the following:

Commissioner Aaskov	Commissioner Allison
Commissioner Brookes	Commissioner Hennigan
Mayor Pugh	

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Comm. Hennigan requested to add Item #16 regarding Performance Evaluation. Mayor Pugh requested to delete Item #15 thereby making Comm Hennigan's item now #15. He also suggested that the PBSO/ORPD Analysis be discussed as the last item on the agenda. Town Clerk Hancsak mentioned a proposed change to the Sept. 25 minutes on page 1 5th paragraph last sentence to read "She stated that the assessed value has increased by an average of 2.14% so that a \$500,000 home is now assessed at \$510,000" and also a change of one word on Page 4 of the Oct. 1 minutes to read made instead of need. Town Manager Schenck advised that his item regarding beach crossovers in his report may need funding approved.

CONSENT AGENDA

1. Minutes of the Final Public Hearing of Sept. 25, 2012
2. Minutes of the Regular Town Commission Meeting of Oct. 1, 2012
3. Ocean Ridge Resolution No. 2012-15; Urging Local Retailers Selling Tobacco Products, to Refrain from Selling and Marketing Flavored Tobacco Products, Which Tend to Promote and Influence Underage and/or Youthful Consumption
4. Ocean Ridge Resolution No. 2012-16; Supporting PROTECT OUR BEACHES, INC., a Coalition to Finding a Permanent Ecologically Sound Solution to Protecting our Beaches and Dunes from Erosion

Comm. Brookes moved to approve the agenda/consent agenda as amended. Seconded by Comm. Allison.

Motion Carried – Yea (5).

ANNOUNCEMENTS AND PROCLAMATIONS

5. The Administrative Offices will be closed on Monday, Nov. 12, 2012 and Thursday, Nov. 22nd and Friday, Nov. 23rd, 2012 for the Official Holidays
6. The Annual "Light the Lights Celebration" will be held on Friday, Dec. 14, 2012 from 5:30 PM to 8:30 PM – Light Snacks and Beverages will be served and Children can expect a visit from Santa and some added fun

PUBLIC COMMENT

Charles Kitler, 38 Hersey Drive, commented that Gulfstream utilizes Delray Beach as their dispatch center and suggested that in the event we retain our own police department that we should possibly outsource dispatch in order to provide the police officers with a raise. He added that he was not in favor of raising taxes. Mayor Pugh commented that if the decision is to go with PBSO then they would provide dispatch, however; ours was state of the art and the Town actually gets reimbursed for some of the related costs.

Gary Kosinski, 6000 Old Ocean Blvd., commented he too was not in favor of raising taxes. He stated that the damage caused by Hurricane Sandy was significant and he felt it was imperative to form a task force to work with the authorities in order to expedite renourishment, crossover repairs, and overall maintenance of the beach. He offered that anyone interested should contact him. Mayor Pugh mentioned that the Commission just adopted Resolution No. 2012-16 which addresses this issue.

Stella Kolb, 204 Beachway Drive, commented that the Garden Club was meeting in 2 weeks and they would be discussing cleaning the dune and cutting back the bad seagrapes and clarified that the Town would pick up the debris if they placed it by Old Ocean Blvd.

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Betty Bingham, 1 Ocean Ave., stated that she has seen the dune this bad and it will eventually come back and felt the vegetation should be left in place in order to protect the sand. She added that she felt the seaweed should be pushed into the dune. She also commented that it may be difficult to get volunteers at the Light the Lights because a lot of residents will be gone by Dec. 14th.

REPORTS

7. Town Manager

Manager Schenck reported the following: 1) Coconut Lane Drainage – Construction is continuing on Coconut Lane and they have completed the final paving and the wire for power to the pump station has been installed. It is close to completion. 2) FDOT Discussions - FDOT has agreed to construct a proper pedestrian crossing at Woolbright Blvd and A1A and they started the surveys. FDOT is also cleaning out the ponds on Ocean Ave. this week. We are still working on the flap gate issue to reduce the flooding on Ocean Ave. during extreme high tides. FDOT has responded to our request for a pedestrian crosswalk at Town Hall, and sent their requirement for the crossing. There will be a cost to getting the information FDOT requires. We will have to hire someone to do the necessary traffic and pedestrian count for 3 days during a peak weekend. FDOT is currently making repairs on the seven dangerous tripping areas of sidewalks and is also doing additional repairs. 4) Bonito Drive Drainage – The contract has been signed with Anzco Inc. and the project has been started. A delay was caused by unmarked water lines and FPL underground power lines where the drain pipe is supposed to go. We are waiting for FPL to move the lines. 5) Inlet Cay Batter Pile Replacements – Admiral Boatlift has been authorized to replace the deteriorated pilings and are working on obtaining the necessary permit from the State. 6) PBSO Analysis – to be discussed later in the agenda. 7) Mosquito Spraying – A cost has been obtained of \$44 a mile with an 8 mile minimum. We previously had approximately 7 miles of road sprayed south of Inlet Cay. Several residents complained in the past that the spraying would be unhealthy and it was stopped. The cost would vary depending on the areas sprayed and the minimum is \$352 per treatment. 8) Attorney's Fees – We were informed that due to the Tallahassee office billing us at their rate for the PBA negotiations instead of the negotiated rate we were overbilled \$4,700 and will be credited in the new FY. 9) Inlet Cay Island – Numerous complaints from the residents have been received in regards to flooding. Most of the problem is on Bimini Cove Drive and several driveway areas. He authorized a survey of the roadway to determine how to solve the problem. A basic problem is that the soil on the island is subsiding at different rates around the island and part of the problem is in the roadways and part in the resident driveways. Areas have either been depressed or flattened out which makes proper drainage a problem. 10) Beach Walkways – Hurricane Sandy has damaged our beach crossovers. We had VPH Builders, Inc. assess the damage and they provided a quote of \$23,000 for all of the repairs. This price also includes \$4,000 to pour concrete on the western end of the Edith crossover. VPH previously built our decks for the trailers and also has repaired several crossovers in the past. 11) Ocean Ave. Flooding – Pictures were distributed reflecting the flooding that occurred recently during Hurricane Sandy. FDOT will look at the plans to see how to possibly rectify the problem. He also advised that DEP has authorized local authorities to expedite and approve local repair/replace permits provided the applications have proper plans, etc.

After discussion the consensus of the Commission was to obtain two additional quotes for the crossover repairs and Comm Allison then moved to authorize up to \$23,000 for the crossover repairs from the Contingency Account after two additional quotes are obtained. Comm Hennigan seconded the motion.

Motion carried – Yea (5).

Comm Hennigan asked if there has been an assessment completed on the FPL poles that are either obsolete or damaged. Manager Schenck advised there had not been and many workers are currently up north. She suggested that an assessment be completed and submitted to FPL for them to remove.

Town Manager Schenck commented on an item he wanted to clarify. He stated that at the last commission meeting Comm Hennigan had made a comment that kind of indicated that the Town Manager and Police Chief might be negotiating with the PBA for their own purposes and he wanted to assure the Commission that this was not the case and that everything that was done was with Commission approval. He stated this never entered their minds. Mayor Pugh thanked him and stated they have the Commissions' support. Chief Yannuzzi stated he would make no further comment, however; he would equally like a public apology for her comments. Comm Hennigan stated it was a question to which Chief Yannuzzi stated it was not. Comm Hennigan then stated that she was sorry if she offended them.

8. Town Attorney

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Atty. Baker commented that they were still waiting for a decision after oral arguments regarding the Inspector General Suit. She also stated that her firm was currently preparing an ordinance for the next meeting regarding FDEP requirements related to fertilizers.

9. Police Chief

Chief Yannuzzi announced that his reports were distributed and asked if there were any questions. He advised that he had implemented a dispatch log for walk-ins and there were 197 people for the month. Comm Brookes clarified that the total included walk-ins for everything, including directions, etc. citing that dispatch costs totaled over \$200,000.

Chief Yannuzzi also mentioned; a stolen firearm recovery, a stolen vehicle recovery, Dispatcher Marcia Martin sons' accident, the Dolphin Cycling along A1A this past weekend, and a meeting to take place between PBC Parks/Rec staff, PBSO, Ocean Ridge and Manalapan to discuss possibly blocking off the large parking lot at night or other possible solutions to the increased activity in the park areas. He added that 17 police applications and 9 dispatch applications had been received. A dispatch interview was conducted earlier today. He stated that the oral interview for the Sergeant will be held this week.

Chief Yannuzzi also mentioned that Manalapan is seeking a narrowed down Dispatch RFP from the one requested last year and it is due by the end of the month. He planned on submitting a proposal that could ultimately provide another source of income. Comm Hennigan stated she felt the PBSO issue needed to be resolved and suggested that maybe the Town should also put out a Dispatch Service RFP. Chief Yannuzzi commented that Delray had completed a study for a cooperative dispatch center but while they thought it would be a savings event it would actually cost 5 million more. He added that he has asked to be included in any of these meetings.

Comm Hennigan questioned how many of the 108 - 911 calls were true 911 calls for the police to respond to. Chief Yannuzzi advised that he would need to review each call. As an example she cited that there is a Briny Breezes test call daily. She also mentioned that essentially cell phones are outsourced because they do not come directly to the station. Chief Yannuzzi advised that it would still be considered our 911 call because the originating agency transfers it to the appropriate agency that would handle the call, whether it be Ocean Ridge, PBSO or somewhere else. Comm Brookes questioned the possibility of adding Gulfstream to our dispatch system. Mayor Pugh reminded everyone that the PBSO/ORPD would be discussed later in the meeting.

10. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

11. Authorize Budget Amendment to the FY 2011/12 Budget

Manager Schenck summarized the memorandum by stating that after a preliminary review of the year end for FY 2011/12 it appears that two departments will be over budget. The Inspection Department was approximately \$16,000 over budget. It was explained that the Town had also received almost \$106,000 additional revenue due to increased permits thereby also causing additional reviews or inspections with HyByrd Inc. Also, the Other Physical Environmental Account was approximately \$5,000 over budget due to additional noseem spraying and additional landscaping. Staff was requesting to transfer \$16,000 to the Inspections Professional Services Account and \$5,000 to the Other Physical Environment Account from the Contingency Account to reduce the overages. Clerk Hancsak also commented that because a couple of new single family permits were submitted and paid for in FY 2011/12 but the inspections will take place in FY 12/13 the final Inspection Budget may need to be amended again at FY 12/13 year end. Manager Schenck reiterated that the Legal Budget will not be over budget because the \$4,700 credit will be applied to FY 11/12.

Comm. Allison motioned to approve a Budget Amendment to transfer from the Contingency Account \$16,000 to the Inspection Professional Services Account and \$5,000 to the Other Physical Environment Account. Comm Aaskov seconded the motion.

Motion Carried – yea (5).

RESOLUTIONS

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13. Resolution No. 2012-14; Pertaining to Ocean Ridge Vacant Property Registration (related to Ordinance No. 600)

Manager Schenck explained that the purpose of this resolution was to enter into an agreement with Federal Property Registration Corporation for registration services for vacant, abandoned, and foreclosed properties. This is connected to Ordinance No. 600.

Comm Aaskov questioned whether this would also apply to homes that take 2 years to foreclose. Geoffrey Sluggett, representing FPRC, stated the firm should have the capability of discovering pending foreclosure once they are initially initiated.

Comm Aaskov moved to approve Resolution No. 2012-14, seconded by Comm Allison.

Motion carried – yea (5).

SECOND READING OF ORDINANCES

14. No. 600; Amending its Code of Ordinances, at Chapter Thirty by Creating a New Article IX Registration and Maintenance of Properties in Foreclosure; Providing for Severability; Providing for Repeal of Ordinances in conflict; Providing for Codification; and Providing for an Effective Date

Manager Schenck stated that adopting the ordinance would require banks to register the properties and then in turn FPRC monitors the banks to assure that they comply with the ordinance and pay the registration fee.

Comm Aaskov moved to approve Ordinance No. 600 on second reading. Comm Hennigan seconded the motion.

Motion carried – yea (5)

TOWN COMMISSION COMMENTS

15. Discuss Performance Evaluations by Comm Hennigan

Comm Hennigan commented that the Commission had completed the Town Manager Performance Evaluation in October of 2011 and they needed to schedule and prepare for the new evaluation. The consensus was to meet in January for this purpose. Town Clerk Hancsak will distribute the forms so that the Commission could begin work on it.

12. Presentation of PBSO/Ocean Ridge PD Analysis and Possible Decision

Mayor Pugh stated that any public comment should be made prior to the Commission discussion.

Dave Lundquist, 6277 N Ocean Blvd., stated that he read through the analysis and he felt there was no actual comparison and it did not make sense; citing the PBSO man hours vs ORPD man hours. He stated that the ORPD man hours included the full staffing of 3 per shift, however; the Town is not always fully staffed so comparing our budget to PBSO was not actual and not really a ½ million difference. He also questioned if we can get by with 11 officers with PBSAO why not have 11. He concluded by stating that the real difference is very small.

Betty Bingham, 1 Ocean Ave., stated she has yet to see a good analysis citing that monies that the police dept. recoups, such as 911 reimbursements and Briny Breezes, have not be reflected in several of them. She felt the matter needed to be put to rest because it was unfair and demoralizing to the police officers and dispatchers.

Stella Kolb, 204 Beachway Drive, stated she did not understand why the subject was still being discussed because she thought it was settled in May when the residents all stated they did not want PBSO. She stated that if this topic was put to a vote in March it would not pass. She added that will all due respect that the Commissioners did not go on a platform for this when they were elected and the residents have spoken.

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Fred Schuster, 7 Sabal Island Drive, stated he was in favor of keeping the ORPD. He commented that the direct alarm connection to the station was an intangible. He stated that he would welcome a way to reduce the budget but the intangibles far out weight that and he concluded by stating that if PBSO were to take over at a later date it should be contingent on providing an alarm monitoring system similar to what ORPD has now.

Merrilee Lundquist, 6277 N Ocean Blvd., commented that she had conducted her own survey last spring of several communities. She stated that Gulfstream advised that they will maintain their own police department at all cost, they are not totally happy with the dispatch services, and they were open to fire consolidation, maybe police at some point. Manalapan had ten officers who recently contracted with a union and they pay 1 million for fire/ems services. South Palm Beach is also unionized and they are not interested in contracting with PBSO. Hypoluxo was originally with PBSO but it became too expensive and now contract with Lantana and Boynton Beach provides their fire/ems service. Lake Worth contracts with PBSO and saw a decrease in crime when they initially contracted with them. They re-negotiated their contract in 2011 because they were double the cost of other towns and they are happy with them. Because of pension issues they have had to lay off 70 people. Ocean Ridge now has Briny Breezes back after a short period with Boynton Beach.

Bob Merkel, 118 Marlin Drive, felt the Commission received an excellent report. He reiterated his history with working with many law enforcement agencies. He felt the alarm monitoring was a very important issue. He also said that while PBSO does a great job they are not designed for what we have. They also charge for false alarms. He complimented the friendliness of both our officers and dispatchers and said the Town should sell itself on the security it provides. He questioned why the Town would want to contract with somebody where you can't walk into a door and speak with a person. He felt the time allotted to code enforcement should be more not less, citing 2 homes with blight conditions on Bonito Drive. He felt the Town should keep the dispatch service. He felt the Town should pay the officers what they deserve and possibly tie their benefits to match that of PBSO.

Cindy Martel, 46 Harbour Drive South, stated she has resided in Ocean Ridge for 16 years and she loved the ORPD and was in favor of helping the officers. She added that she felt more residents would have attended if they knew this was on the agenda and they would be appalled for considering this change.

Bob Marantz, 6285 N Ocean Blvd., stated that the history of the Town was that it decided to separate from the mainland to be distinctively different and he does not want to be cookie cutter with PBSO. He added that he felt at the last PBSO related meeting it was clearly stated what the residents wanted even though it would cost more.

Tim Atteberry, 3 Sabal Island Drive, commented "don't drop a diamond to pick up a rock" and added that if there is a change then the Town will end up with new people.

Ella Smith, 5505 Osprey Drive, stated she moved into Ocean Ridge two months ago and after looking at other towns and speaking with her neighbors she felt Ocean Ridge is its own entity and if it takes extra taxes then so be it.

Charles Kitler, 38 Hersey Drive, stated everyone was looking for a resolution on this matter and questioned when was the last time that the officers had an actual raise – not a bonus. He added that he had no problem though with PBSO.

Kristine de Haseth, 29 Sabal Island Drive, clarified that the PBA negotiations were not completed. She stated that she felt the analysis should extend further than 2 years and while some parts were good others were skinny. She stated she did not feel the Town needed 24/7 dispatch coverage. She felt that some duties may have been shifted to dispatch – such as pet tags and public records requests. She questioned if having our own dispatch was cost effective, citing that we went from 2 people to 5 people and that the calls are the same no matter where they come from. She felt the Town was not communicating enough highlights to the residents. Regarding the Florida Coalition, she stated that she applauded the ideas such as combining dispatch and that working with other agencies keeps the dialog going.

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Jim Bonfiglio, 5616 N Ocean Blvd., stated he strongly supported ORPD and he had previously presented facts/figures regarding comparisons of costs per employee for both agencies. He agreed with Bob Merkel's comments. He felt PBSO was providing a teaser with a 2 year projection because; later on the costs per employee will increase, we will be giving up our equipment (\$268,000), code enforcement will diminish because 2/3 of the cases are discovered on weekends or evenings with the associated revenue generated by same, and also we may have problems later with being associated with our contractors, possibly in a negative light.

Nancy Hogan, 37 Hibiscus Way, commented that she had not seen the analysis (she was advised that it was attached to agenda that was placed on the website on Wednesday) but she wanted a total package of happy employees and citizens. She mentioned her concern with EMS services and response times.

All of the Commission thanked the public for their comments.

Comm Allison moved to retain the services of the ORPD and not contract with PBSO. Comm Aaskov seconded the motion.

Comm Brookes commented that he did not run for office to get rid of the police department. He stated that the officers were not happy and therefore unionized and at the time the then Mayor suggested getting a proposal from PBSO to provide the Commission with costs associated with police services. He stated it would be a disservice not to investigate it. However; he stated the unionizing issues and concerns are still present. He stated that 11 officers are more than we have today and PBSO advised that they would provide the same service as we currently have but the Town or PBSO would still need to cover vacation/sick time. He stated that the budgets were close for both but PBSO was not open ended because they had a 7% maximum. He also stated that we would be giving PBSO \$268,000 worth of depreciating equipment but if we kept ORPD we will have to replace the equipment. He concluded by stating that we will probably keep the police and he was fine with that.

Comm Hennigan stated that as Commissioners they had a fiduciary responsibility to the Town. She felt the analysis was a start but they needed a more comprehensive analysis before making a decision. She stated that she did not realize there were some offsetting revenues from expenditures and the PBA negotiations were still taking place as they were still seeking \$150,000 more in benefits. They stated that these costs would continually increase. She then summarized 3 graphs she submitted outlining the projected costs based on annual increases of 5% for ORPD and 7% for PBSO for the costs per year, savings per year and total savings per year over a 10 year period, citing that over a five year period the Town could save close to 3 million. These funds could be utilized to; keep taxes flat and pay off town hall and/or other debts, keep taxes flat and build up a comfortable reserve, reduce taxes as much as .85 mills, or any combination of the above to identify the need for mid/long range planning. Comm Hennigan also stated that the Town should look out of the box at a coastal view with other towns but we need to take baby steps. Metro policing or dispatching, which PBSO is also interested in, could customize our needs. She added that the Town will not be able to support itself at this pace. She asked if anyone had researched other alarm monitoring alternatives to keep the residents satisfied. Comm Hennigan concluded by stating that the Commission needed to be fiscally responsible to the taxpayers.

Mayor Pugh thanked the staff for a job well done on the analysis and reports. He started by stating when the PBSO idea was first discussed he was not in favor of it but he also realized that to best serve the community this option needed to be investigated, discussed, and shared with the residents. He stated he felt it was good for the community because it created a lot of interaction. He commented that he felt the level of service with 11 total officers would be nowhere near what the Town has now and a huge organization will be run as a huge organization. He also stated that when vacation/sick time is used PBSO will take a deputy from somewhere else to cover the Town and those individuals will not be familiar with the Town. He added that when the Town disbanded the fire department because of an unfunded mandate he felt that a piece of Ocean Ridge left and contracting out the police would take another piece of the personality. His final comment included that he didn't want to be just like other communities and if the millage must be raised for this reason the Town needed to do it. Comm Hennigan commented that although it was a difficult decision when we lost the fire department she did not feel there was a loss of

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individuality. She also stated that the Town should look at consolidation and alternatives so as not to lose its identity.

Motion carried – yea (4)
Nay (Hennigan)

Meeting adjourned at 8:00pm.

Mayor Pugh

Commissioner Allison

Commissioner Brookes

Commissioner Hennigan

Commissioner Aaskov

Attest By:

Town Clerk