

REGULAR TOWN COMMISSION MEETING MINUTES  
JUNE 6, 2016

Minutes of the Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, June 6, 2016, at 6:00 PM in the Town Hall Commission Chambers.

The meeting was called to order by Mayor Pugh at 6:00 p.m.

Town Clerk Stevens led the roll call, which was answered by the following:

Commissioner Aaskov	Commissioner Bonfiglio
Commissioner Coz	Commissioner Lucibella
Mayor Pugh	

Mayor Pugh led the Pledge of Allegiance.

**ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA**

**APPROVAL OF CONSENT AGENDA**

1. **Minutes of the Regular Town Commission Meeting of May 2, 2016.**

Commissioner Lucibella moved to approve the minutes as presented; seconded by Commissioner Aaskov. Motion Carried 5-0.

**ANNOUNCEMENTS AND PROCLAMATIONS**

Mayor Pugh read the announcements for the public:

2. **Town Administrative Offices will be Closed on Monday, July 4, 2016 in Observance of the Independence Day Holiday**
3. **The July Regular Town Commission Meeting Date Has Been Moved to Monday, July 11, 2016 Due to the Independence Day Holiday**

**PUBLIC COMMENT**

Betty Bingham, 1 Ocean Ave, asked the Commission if they know of any Town that has rules or regulations regarding the communications companies taking out their wires when a contract ends. She would like information brought back at the next meeting. She stated she would also like the Town to come up with firm restrictions regarding dogs running loose on the beach and people not picking up dog waste.

Dr. Wegee, 19 Sabal Island Drive, thanked everyone who has made donations for the koi pond over the past six years and noted that Commissioners have helped substantially. He mentioned that Southern Pond is doing a great job with the maintenance of the pond. He submitted a bill for last month to the Town, and turned over \$71.72 in funds that were in the account so that he may close the account. The Commission thanked Dr. Wegee for taking care of the pond over the past several years.

Lynn Allison, 6260 N. Ocean Blvd, spoke to the Commission on behalf of the Ocean Ridge Garden Club. Ms. Allison is the Chair of the 50<sup>th</sup> Anniversary Celebration Committee, and the committee met with Town Manager Titcomb last week to discuss anniversary activities for the week of February 13<sup>th</sup>. They will be holding events for the entire week, beginning with a reception, and enhancing the four entrance stones to the Town. There will be daily activities at Town Hall such as plant sales and a horticulturist who will talk to residents, and Town Hall will be decorated with memorabilia.

Kimberlee Duke Marshall, 5905 North Ocean Blvd, President of the Ocean Ridge Garden Club, asked that everyone pull together and celebrate the new season.

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### **PUBLIC HEARINGS**

None Scheduled.

### **REGULAR AGENDA**

#### **REPORTS**

##### **4. Town Manager**

Town Manager Titcomb advised that his written report was included in the meeting package which included topics such as the status of the Midlane Closure, Ocean Avenue Tree Assessment Plan, Survey of the Woolbright Detention Area, PBA Contract Re-Opener, Meeting with Congressional Delegation in Washington, D.C., and Town Manager's Vacation Notice. Commissioner Bonfiglio asked if we need a vote to re-open Midlane Road as the six-month trial period has ended and the project is coming up for review today. Mayor Pugh stated the promise was that we would go through a six-month trial period and then remove the barriers when the trial period ended, so that is what we did. Commissioner Lucibella asked if we would receive a report on it with a sense of resident opinion, as we were going to evaluate it after the six-month period. Mayor Pugh stated he would like to give it a month or two to gather resident response on conveniences or inconveniences and then bring it back up in September or October.

##### **5. Town Attorney**

No report.

##### **6. Police Chief**

Chief Hutchins advised that his monthly report was included in the meeting package, and highlighted that three Officer commendations were included. There were no questions from the Commission.

##### **7. Town Engineer**

Town Engineer Tropepe presented a status update report on drainage improvements in the Town, which summarized the history of drainage improvements, current facts, ongoing projects, and ideas for moving forward. The full report was included in the Commission packages for review by the public.

Commissioner Coz noted that this topic began due to standing water in the detention area, and asked which event is causing the standing water (the sinking channel, normal maintenance, or the growing hammock). Ms. Tropepe stated by design, the area near the pump needs to be deeper so the pump will operate properly. She stated there is now a slight channel from the South to the North, which is not significant, but something we could look into. Commissioner Lucibella asked if the detention area is always wet because of the channel, and Ms. Tropepe responded no.

Commissioner Bonfiglio explained why he asked for the study. He stated he lives near the area and he and his neighbors noticed that palms began dying, pumps are running almost 24 hours per day now when they did not before, fresh water is building up and creating algae ponds, and water is higher and takes longer to drain, and they would like to know what would cause all of these things to happen. He stated the only things he could think of that may do all of these things would be either lack of maintenance, or significant salt-water intrusion. He asked if we need to increase the Town's capacity to handle over-flow fresh water from rain events because we cannot control salt-water intrusion. Ms. Tropepe stated she recommends working with a wetland specialist in respect to vegetation. She also stated that we have ten mechanical pumps that are submerged, and the system does not work sometimes. We found that the transducer was not working properly, and needed to be fixed and then properly maintained. She stated that the pumps are now working properly.

Commissioner Coz stated that if the detention pond is a symptom of sea level rise, then we will have much bigger problems. He stated that hopefully fixing the transducer problem will end the detention pond

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problem. He stated that the channel issue is something to be seen, but as far as flooding in other areas of the Town, he has not really noticed that, and has not seen water standing for more than an hour after a rain event.

Ms. Tropepe stated she suggests the Town look at vegetation at the detention area first to see if there is an imbalance. We already fixed the pumps on a maintenance standpoint, so that should be working better. She also suggested that we check with agencies to see if they will allow us to grade the channel so the water does not short circuit itself quickly from one side to the other.

Mayor Pugh stated there is more water in the detention pond now than there was before because of the supposed sea level rise, so we need to fix the channel and fix the algae bloom problem. He also stated that Town Manager Titcomb needs to get on board with the maintenance issues because it was poorly maintained in the past. Commissioner Lucibella stated if we are monitoring the pumps and getting an alert, our maintenance crew should be taking care of the issues. Mayor Pugh stated the monitoring and maintenance has been poorly done in the past. Town Manager Titcomb responded that he has already enhanced direction on this matter.

There was Commission consensus for Ms. Tropepe and the Town Manager to get together with ERM and move forward to fix the channel and any other problems with the detention area.

Mayor Pugh also addressed other parts of the Town such as the 36" pipe that leads to the Intercoastal on Old Ocean that needs to have a valve. He asked if Town Manager Titcomb could get together with DOT and other agencies to help us fix our drainage problems on Ocean Avenue and in between Adams and Ana. We should also establish a maintenance schedule with LineTec to check the red valves quarterly. Town Manager Titcomb acknowledged all of the comments and stated staff is already working on it. Mayor Pugh asked about the status of the pump and Town Manager Titcomb responded that it is currently at the shop being fixed.

Don McGruder, 9 Ridge Blvd, displayed pictures to show the public how the detention area works during different times during the day with the low and high tides, and what the algae blooms look like at this time. He noted that the algae blooms breed mosquitos and opined that it is not healthy.

### **ACTION ITEMS**

8. **Annual Financial Statements Audit Presentation** By: Jamie Titcomb, Town Manager & Ron Bennett of Nolan, Holt & Miner, PA

Town Auditor Ron Bennett of Nolan, Holt & Miner, PA presented the Annual Financial Statements Audit for FY14/15 to the Town Commission, with no findings. He mentioned that this is the first year that Towns had to report on the Florida Retirement System (FRS) pension plans according to GASB 68, which added \$1.4 million in liabilities to the financial statements. Mr. Bennett submitted a report "Financial Highlights for the Year Ended September 30, 2015" to the Town Commission and reviewed it for the public. He emphasized that the Town is in good financial standing, as we have roughly six months of unassigned fund balance to use in case of an emergency.

Commissioner Lucibella asked about the \$498,750 surplus, and noted that during the budget process last year, the Commission was considering a rise in the millage rate because the budget showed a \$460,000 shortfall. He emphasized that the budget should be closer during the next budget cycle.

Commissioner Bonfiglio moved to accept the audit report; seconded by Commissioner Lucibella. Motion carried 5-0.

9. **Request for Consideration to Move Forward with License Plate Recognition (ALPR) Project**  
By: Hal Hutchins, Police Chief

Chief Hutchins explained that we have determined that we cannot place the ALPR cameras on the A1A right of ways, so until the Governor and the FDOT determine that we can, the alternative would be to consider placing the camera nodes on private property along A1A with the permission of the property owners. If the Commission would like to move forward with this project, the estimated cost of having all of the entrances and exits to the Town covered at the North and South ends and at the bridges would be approximately \$199-225,000 with today's technology. If the Commission would like to move forward, Chief Hutchins would like permission to negotiate with two or three property owners for permission to install poles, with the assistance of the Town Attorney to help with contracts.

Commissioner Lucibella asked what the operating costs would be each year, and Chief Hutchins responded that the cost is estimated at approximately \$9-11,000 per year for the service and maintenance.

Commissioner Lucibella asked if the intent would be to maintain data in house, which would not be shared with other agencies except on a need to know basis, and will be scrubbed after a relatively short period of time. Chief Hutchins responded that the state statutes require that we have a public records policy in place and there is a maximum retention of several years and a minimum retention of an hour. He stated he anticipates that our retention period based on the amount of data we can hold, and how much data we need to keep would be around 30 days for historical purposes, which is the national norm for crime solution of the data, and he cannot find any reason to hold it any further. If we discover that we need data for a criminal investigation, that data will be pulled and maintained separately according to other guidelines we need to adhere to, and we would share with other law enforcement agencies on a case-by-case basis.

Commissioner Lucibella stated he has concerns about the project, but he would be supportive. However, when the time comes, he stated he would ask the Commission to consider an ordinance to bind the hands of its successors regarding maintenance of the data for privacy protection.

Mayor Pugh asked if the Commission would be discussing this as part of the budget process, and Chief Hutchins responded that the Commission will need to decide how they would like to fund the project if it decides to move forward with it.

Chief Hutchins stated he would need permission to work with either two or three private property owners on placement of the poles if the Commission decides to move forward, as the Town does not have any Town right of ways close enough to A1A on the North or South end of Town. We may or may not be able to leverage some infrastructure on Ocean Avenue. We have been given verbal authorization from the County for the placement of cameras on Woolbright Road.

Commissioner Bonfiglio asked if the view from the cameras is good or better than the original placements, or would the view be obstructed in any way, and Chief Hutchins responded that we are looking at a minimum of a 92% accuracy read from 130 feet which is based upon the angle and any obstruction. He stated that when the program originally came forward, it was to place the optical readers (cameras) almost exactly on the edge of the road, diminishing the angle. The technology has now been developed more to allow a larger angle on a further distance. Chief Hutchins also indicated that testing has been conducted in Delray Beach on similar locations similar to the line of sight testing we have conducted here to see that there is no obstruction, and he believes we would have a 92% accuracy read.

Commissioner Bonfiglio asked how many posts would be on County owned land, and Chief Hutchins responded that we would only have one post on County owned land with two cameras that can read both directions. Commissioner Bonfiglio asked if the estimated costs include costs for doing a survey to get the

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legal description for the posts, and recording and easement for the Town to get the use, and Chief Hutchins responded that the estimate does not include those costs. Attorney Torcivia stated those costs would equal around \$5-10,000 for two to three properties if the land is donated.

Commissioner Bonfiglio stated that we are not sure if the alternate locations will give us the view that we need in order to actually capture the licenses, and Chief Hutchins responded that we have been advised by multiple vendors that those are the best locations and the equipment will work in those locations. Commissioner Bonfiglio countered that the people who are trying to sell us the equipment are telling us that it will work in the locations where we plan to put it.

Commissioner Aaskov moved to authorize Chief Hutchins to move forward with the ALPR project; seconded by Commissioner Coz. Motion carried 5-0.

### 10. **Discuss the Annual Briny Breezes Police Services Proposal** By: Jamie Titcomb, Town Manager & Hal Hutchins, Police Chief

Town Manager Titcomb mentioned that the three-year Briny Breezes Police Services agreement is ending this year. Officials from Briny Breezes contacted us to inquire about continuing the agreement, and staff recommends going forward with negotiations for the same contract with a 3-4% increase in the price to cover increases in Police Department costs to provide coverage.

Commissioner Bonfiglio stated that Section 2 of the interlocal agreement as well as Section 15 (h) could be construed to mean we have to provide ALPR services to Briny Breezes. Commissioner Coz noted that Briny Breezes is within the boundaries of where the cameras will be located. Commissioner Lucibella stated that the four camera points don't necessarily bottle up Ocean Ridge because you can get to Old Ocean Blvd without ever having to go through one of the cameras, so it seems that within the scope of the agreement, it may make sense to approve the agreement but stipulate that we may be putting in license plate recognition cameras and if we do, the South end of Briny Breezes will be our South point and they will need to work that out for us. Chief Hutchins stated the intention is to contain the Briny Breezes area and part of the County pocket because of the natural choke points and he will be working with the landowners to make that happen. Commissioner Lucibella suggested that instead of working with the landowners, we work with Briny Breezes since they own the land there, and Chief Hutchins explained that the choke point is just South of Briny Breezes so Briny Breezes would be covered. Commissioner Bonfiglio suggested putting an exception in the contract for license plate recognition technology. Town Attorney Torcivia asked if Commissioner Bonfiglio's intent is to have Briny Breezes pay for license plate recognition technology if we place cameras in Briny Breezes. Commissioner Coz stated he believes Briny Breezes is paying for a portion of the service through the contract because it is no different than a citizen having the service of the cameras helping them. The cameras surround Briny Breezes so they will have the benefit of the cameras. Commissioner Bonfiglio countered that we currently do not have license plate recognition cameras, so Briny Breezes is not currently paying for that service. Mayor Pugh stated that the profit margin that we get from charging Briny Breezes for police services is a significant number and raising the cost by 3-4% would cover the cost for the cameras, and he does not want to lose the contract. Commissioner Lucibella agreed and stated we would still be looking at license plate recognition cameras without the Briny Breezes contract. Commissioner Lucibella asked how much our law enforcement budget expenses have gone up year on year, because that should be our benchmark for the increase in the contract price. Chief Hutchins responded that he believes there has been a 3.5-4% increase consistently, but that does fluctuate due to certain circumstances.

Commissioner Bonfiglio moved to negotiate the interlocal agreement for law enforcement services with Briny Breezes pursuant to the terms in Exhibit A of Item #10 on the agenda, with a separate clause to

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negotiate ALPR technology separately from the contract, and a 4% increase in price per year in the contract. The motion died for lack of a second.

Commissioner Lucibella moved to authorize staff to negotiate the interlocal agreement with Briny Breezes per their recommendation but to negotiate and bring back an agreement to the Commission that reflects an increase commensurate with recent budget year increases in our own law enforcement expenses; seconded by Commissioner Coz. Motion carried 4-1 (Commissioner Bonfiglio in dissent).

### 11. **Approve the Florida Department of Revenue Communications Service Tax Confidentiality Agreement** By: Jamie Titcomb, Town Manager

Town Manager Titcomb noted that this is ministerial and protects us from liability in handling sensitive information in relation to the exchange of information with the State on Communications Service Tax confidentiality.

Commissioner Bonfiglio moved to adopt the Communications Service Tax Confidentiality Agreement as set forth in agenda memo Item #11; seconded by Commissioner Lucibella. Motion carried 5-0.

### 12. **Discuss the Interlocal Agreement Pertaining to the Shared Distribution and Use of the One Cent Local Government Infrastructure Surtax** By: Jamie Titcomb, Town Manager

Town Manager Titcomb noted that staff has made no recommendation on the proposal from the County Commission in conjunction with the School Board to send to referendum in November a penny sales tax for backlog infrastructure projects. The Economic Development Fund that was proposed by the Economic Council and the projects that were proposed by the Cultural Council were removed from the agreement. Currently, the agreement is between Palm Beach County Commissioners, the School Board and the Municipalities and if it reaches 50% plus one approval rating, we will share in 20% of the proceeds in a pro rata portion towards eligible infrastructure projects. The impact in receipts for the Town on an annual basis begins at \$107,000 based on 10-year projections and over the life span of 10 years is \$1.2 million. If the referendum passes in November, we would receive revenues via a sales tax mechanism on top of millage. The Commission can choose to affirmatively support it or not as the County threshold is 50% plus one.

Commissioner Bonfiglio asked if we need to adopt this in order to have our own committee to direct use of the funds. Town Attorney Torcivia responded that it is his understanding that the Town does not need to adopt this (or it can), and then if it goes forward to an election in November, there would probably be a separate time to get together with the County to appoint people to the oversight committees, either our own or as part of the County's or the League of Cities.

There was no motion offered for this item.

### 13. **Discuss the FY16/17 Budget Meeting Schedule** By: Jamie Titcomb, Town Manager

Town Manager Titcomb noted that the Commission needs to set an initial budget meeting in July to review the proposed budget and set the maximum millage rate. The meeting needs to be held sometime between July 13-26 to meet the reporting requirements for the Department of Revenue. A budget workshop should be held in August to discuss the budget as well.

There was consensus of the Commission to hold a budget meeting on July 13, 2016 at 6:00 p.m. to set the maximum millage rate for the FY16/17 Budget.

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14. **Authorize the Town Manager to Expend up to \$12,000 from the Contingency Account for the Replacement of the Daytank for the Town Hall Emergency Generator Unit Which Has Deteriorated Due to the Marine Environment** By: Jamie Titcomb, Town Manager

Town Manager Titcomb explained that the generator unit has a custom-made diesel tank which is past its life span. Due to the marine environment, the tank now has significant corrosion and rust on it. We have received quotes from companies that produce the custom fabricated tanks, and \$11,500 is the cheapest option for a standard steel tank replacement with its equipment. The stainless steel option quoted from the same company would be \$24,250, and the only other quote for the standard steel tank was \$17,400. Town Manager Titcomb recommends expending up to \$12,000 for the standard steel tank.

Commissioner Lucibella asked what makes the diesel tank custom-made. Commissioner Coz noted that the tank needs to be custom made to fit the current generator.

Mayor Pugh asked how long the current tank has lasted, and Chief Hutchins stated the tank was installed in 2008 and is around 10 years old. Mayor Pugh noted that the tank may have lasted longer if it had been maintained better.

Commissioner Lucibella moved to authorize the Town Manager to spend up to \$12,000 for a new day fuel tank replacement as quoted; seconded by Commissioner Aaskov. Motion carried 5-0.

**RESOLUTIONS**

None Scheduled.

**FIRST READING OF ORDINANCES**

None Scheduled.

**SECOND READING AND ADOPTION OF ORDINANCES**

None Scheduled.

**TOWN COMMISSION ITEMS**

None Scheduled.

Meeting Adjourned at 7:48 p.m.

Minutes prepared by Town Clerk Stevens, and adopted by the Town Commission on July 11, 2016.

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Mayor Pugh

ATTEST:

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Tracey L. Stevens, CMC, Town Clerk