

**TOWN OF PALM BEACH SHORES**  
**REGULAR TOWN COMMISSION MEETING**  
November 21, 2011

**John M. Workman, Mayor**  
**Lisa A. Tropepe, Vice Mayor**

**Commissioner Roby DeReuil**  
**Commissioner Alan D. Fiers**  
**Commissioner Scott McCranels**

**Town Attorney Keith Davis**  
**Town Clerk Carolyn Gangwer**  
**Town Manager Cindy Lindskoog**

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1. **CALL TO ORDER**
    - a. Pledge of Allegiance
    - b. Roll Call
  2. **APPROVAL OF MINUTES:**
    - a. October 5, 2011 Final Budget hearing
    - b. October 5, 2011 Special meeting
    - c. October 17, 2011 regular meeting
  3. **AGENDA APPROVAL:**

Additions, substitutions, deletions
  4. **DEPARTMENT REPORTS:**
    - a. Financial report for October 2011
    - b. Planning and Zoning Board report
      - 1) Board recommendation for Town Commission consideration
    - c. Staff reports:
      - 1) Police department
      - 2) Fire department
      - 3) Town Manager
      - 4) Town Clerk
      - 5) Town Attorney
  5. **MAYOR, COMMISSIONER REPORTS:**
    - a. *Commissioners' Priority Items*
  6. **PUBLIC COMMENTS:**
  7. **MISCELLANEOUS BUSINESS:**
    - a. *Approval: new pump – Lake Drive lift station*
    - b. *Approval: Services Agreement with Supervisor of Elections*
  8. **ORDINANCES AND RESOLUTIONS:**
    - a. ***First reading of Ordinance O-6-11***

Amending Chapter 1 "General Provisions" in order to add definitions for compliance with the Palm Beach County Inspector General Ordinance and evaluation of Palm Beach County Inspector General Reports.
    - b. ***First reading of Ordinance O-7-11***

Amending Chapter 18 "Businesses, Occupations and Professions" in order to bring Section 18-20 (b) into conformance with State Statutes.
    - c. ***First reading of Ordinance O-9-11***

Amending Chapter 2 "Administration" in order to include all paid firefighters in the town's retirement income plan with the Florida Retirement System.

**d. Resolution No. R-13-11**

Appointing the Palm Beach Shores Canvassing Board; requesting that the Supervisor of Elections conduct the Municipal Election, canvass the Municipal Election along with all absentee ballots, and conduct the Logic and Accuracy Testing for all election machinery.

**e. Resolution No. R-14-11**

Amending the FY 2010-2011 budget.

**f. Resolution No. R-15-11**

Amending the FY 2011-2012 budget.

**9. ADJOURNMENT.**

## MINUTES

The regular monthly meeting was called to order at 7:05 pm, prevailing time. Mayor John Workman led the assembled in the pledge to the flag. Town Clerk Gangwer called the roll, with the Mayor and all members present. Also present were Town Attorney Keith Davis, Town Manager Cindy Lindskoog, Police Lt. Steve Langevin, Fire Chief Marty DeLoach and Town Clerk Carolyn Gangwer. Assistant Town Attorney Abigail Jorandby was in the audience.

**APPROVAL OF MINUTES:** Minutes of the October 5, 2011 Final Budget Hearing, October 5, 2011 special meeting and October 17, 2011 regular meeting were approved on a motion by Roby DeReuil and second by Scott McCranel.

**AGENDA APPROVAL:** Vice Mayor Lisa Tropepe moved for approval of the agenda as published. After a second by Commissioner DeReuil, the motion carried unanimously.

### DEPARTMENT REPORTS:

**a. Financial report for October 2011.**

Commissioner DeReuil moved to accept the October financial report as presented. Vice Mayor Tropepe offered the second. Town Manager Cindy Lindskoog reviewed the numbers as of October 31 2011: revenues: \$44,597.00, expenditures: \$319,841.00. Expenditures through the end of October are 7% of the budget. The vote was unanimous.

Capital Deletions 9/30/11:

Commissioner DeReuil moved to approve the capital deletions as listed on the document provided. After a second by Vice Mayor Tropepe, the motion carried unanimously.

Ms. Lindskoog proceeded to review a document entitled "Town of Palm Beach Shores Budget Analysis and Projections" which was included in her monthly report. The highlights include:

- Revenues: Original 2010-2011 budget - \$3,655,523; Pro Forma budget - \$4,020,367 (this includes Fleming foundation money, Community Center carry over, energy grant funding, etc.); Projected Final - \$3,982,722; Projected budget variance at 9/30/11 - (\$37,645)
- Expenditures: Original 2010-2011 budget - \$3,915,801; Pro Forma budget - \$4,506,122; Projected Final - \$3,944,581; Projected budget variance at 9/30/11 - \$561,541.

- Ms. Lindskoog explained that the true “net dollar to dollar” net positive variance in expenditures was actually \$256,837.
- When the true “net” revenue of \$190,000 and “net” expenditure of \$56,000 is used, you arrive at \$447,191 “to the good” for the end of FY 2010-2011.

Ms. Lindskoog opined that it is very difficult to truly digest this due to all of the carry forwards such as grant monies, community center funds, etc.

Mayor Workman explained that it’s not as if the town trims the budget, and just didn’t spend \$500,000 of operating expenses. As the Town Manager explained, this is money that was specified for certain things such as the energy grant, money set aside for the community center, administration expenditures, 9-1-1 grant money, etc. In actuality, (we) had originally anticipated spending \$260,278.00 out of the fund balance to help balance the budget. At the end of the fiscal year, the projected final numbers show revenue at \$3,982,000, expenditures at \$3,965,000 which results in a positive added to the fund balance of \$17,626. This \$17,262 number is the “true” number, opined the Mayor.

Commissioner Fiers restated the previous comments: the town’s reserve is now \$277,904 better than it would have been if the actual budgeted amounts had been spent.

Vice Mayor Tropepe opined that it’s good to be \$17,000 to the good in these tough times.

Gil Trower asked if there are any expenses that the town is carrying forward that will not be spent? Commissioner Fiers responded that adequate revenues are brought forward to cover any planned expenses that are pushed into the new budget year.

In conclusion, Mayor Workman thanked the Town Manager for an informative report. He noted that he’ll put this information into a simpler format for a future Property Owners meeting.

**b. Planning and Zoning Board report.**

The draft October minutes were filed. After brief discussion, the Commission approved the Planning and Zoning Board’s request that they be allowed to move forward with minor changes to Town Code. This includes the requirement that any fence or wall located on a corner lot that is higher than three feet must be substantially landscaped.

**c. Staff reports.**

**1) Police department**

In the absence of Chief Steve Kniffin, Lt. Steve Langevin presented the monthly report. He reviewed the types of arrests, and read over the other items on the report for the assembled.

Commissioner DeReuil asked if the department’s new computer system would allow for any statistical reporting. Trend patterns could be deduced from the raw data presented tonight. Lt. Langevin explained that the current reporting system is a CAD system built by the department’s IT consultant, John D’Andrea. The resulting reports are somewhat ‘basic’, opined Lt. Langevin. Commissioner DeReuil suggested looking into software that makes the department’s data more useful. Lt. Langevin agreed that this would be a big help to the officers. Commissioner DeReuil asked if the new server has a backup system. The answer was yes.

**2) Fire department**

Chief Marty DeLoach reported:

- Chief DeLoach attended 6 meetings.
- Two special drills took place at the West Palm Beach City Hall. A real eye opener on being physically fit, going up and down the stairwell in full gear.
- During last month's drills, nozzles, hydraulics, pump velocity were items addressed.
- Last drill of month at Town Hall consisted of a series of leadership modules. 19 members in attendance.
- A number of alarm calls last month, many due to construction work going on at Marriott, Dolce Vita, etc.
- Chief DeLoach invited the Mayor and Commission to come to the preparations for Thanksgiving which will take place at the fire hall on Northlake Boulevard.

Chief DeLoach gave a brief update on progress with the build-out of his office in the Public Works area.

Mayor Workman congratulated the fire department on sprucing up fire hydrants in town – cleaning, painting, oiling, etc.

### 3) Town Manager

Manager Lindskoog reported:

- Value Adjustment Board hearings are being carefully monitored. Assistant Town Attorney Abigail Jorandby has been attending these for the town. Recently, Cannonsport requested a tax reduction, and was denied. Many other private properties have come before this board.
- Peanut Island – Ms. Lindskoog received a letter from the Palm Beach Civic Association regarding upcoming county redistricting, and has been trading phone calls with the Mayor of the Town of Palm Beach. The PB Civic Association and the Town of Palm Beach have asked for our opinion on the changes proposed with the redistricting (moving Peanut Island into the same district as the City of Riviera Beach, rather than District One, which encompasses Palm Beach Shores and Palm Beach.) Ms. Lindskoog noted that District One Commissioner Karen Marcus has spoken to her about this. Vice Mayor Tropepe opined that there is more to this situation than readily meets the eye. Ms. Tropepe has had conversations with District 7 Commissioner Pricilla Taylor about the question of redistricting, and Ms. Tropepe suggested watching the situation for a while. Commissioner Tropepe noted that both County Commissioners would like to have authority over Peanut Island. Commissioner Fiers opined that Palm Beach Shores should support the Town of Palm Beach and support ourselves because together we're two of three of the contiguous municipalities next to Peanut Island, and we're all three equally impacted by Peanut Island. Therefore, the two communities should work together to have the 'larger sway'. Commissioner Fiers concluded by stating that he would be in favor of supporting Palm Beach's efforts to keep Peanut Island in District One. After brief discussion, Commissioner Fiers moved to **authorize the Mayor to provide a letter of support to the Town of Palm Beach about Peanut Island**. Commissioner McCranels offered the second. The vote was **4 YEA** and **1 NAY** with Vice Mayor Tropepe dissenting.
- Tri-Cities League BBQ – is scheduled for Friday, December 9<sup>th</sup>. Ms. Lindskoog asked for RSVP's from those wishing to attend.
- Energy Grant – the green house gas and energy audit reports are completed.
- Lighting at Community Center – Manager Lindskoog received details on the fixtures and plans today, and have forwarded to the town's lighting engineer. She hopes for a quick approval by DERM.

### 4) Town Clerk

- ZIP Code issue: Ms. Gangwer gave a brief review of what has been done to date regarding the ZIP Code issue. In order for the town to request help with town residents who are now receiving their mail at their street address, but in “Riviera Beach” or in “West Palm Beach”, a written request must be sent through US Postal Service channels. A letter is being drafted which will be sent to the local Postmaster. He, in turn, forwards the town’s concerns to the USPS District Manager, who has 60 days to respond. It is hoped that residents will once again receive their mail addressed to “Palm Beach Shores”. Ms. Gangwer promised regular updates to the Commission on this issue.
- Dolce Vita – Mayor Workman reported good progress on upgrades at Dolce Vita. Ms. Gangwer added that this property is working under a code enforcement order related to minimum property maintenance, so the progress should continue.

## 5) Town Attorney

Attorney Davis reported that 15 municipalities have joined the lawsuit regarding how the Inspector General’s office is funded. He listed the towns, which included both large and small communities. The next step will be the mandatory mediation process, which will probably occur in early 2012.

Vice Mayor Tropepe asked if Mr. Davis was going to mention the lobbyist registration form. Mr. Davis explained that the county is trying to implement a county-wide lobbyist registration form. Ms. Tropepe stated that eventually, the town will need to make a decision as to whether it wants to use a generally agreed to lobbyist registration ordinance, or adopt a town specific ordinance. Mr. Davis explained that most smaller jurisdictions do not have lobbyist registration requirements. Commissioner Fiers asked why the town would want to register lobbyists? Wouldn’t this hinder appearances by architects and engineers appearing before the Planning and Zoning Board? He characterized this as just another non-value added hurdle to work. Mr. Davis concurred, this is exactly what might happen. Vice Mayor Tropepe recalls being approached by representatives of the Cannonsport developers, who were rather pushy. She noted that this issue will come to the town within the next six months.

## MAYOR, COMMISSION REPORTS:

Mayor Workman read a letter from the town’s volunteer fire department supporting the work of Chief Marty DeLoach. A copy of the letter is attached to these minutes. The Mayor offered congratulations to the Chief, who just passed the fire inspector’s exam.

Pat Maloney of Claremont Lane suggested that the letter from the PBSVFD be placed in the next newsletter. Mayor Workman stated that he may put a portion or the entire letter in his next newsletter article.

Commissioner DeReuil stated that several residents have advised him that they received an unsigned letter from an unknown person in Michigan. Mr. DeReuil commented that he puts no credence in anonymous correspondence. He invited his fellow board members and town residents to stop by and see what is happening in the fire department.

Mayor Workman mentioned upcoming budget issues. The primary issue will be the upgrade of the town’s roads, which have been worn down by all of the construction traffic. Mayor Workman related that he has checked with SunTrust Bank about re-working the current town loan. He saw rates of between 2.42% and 2.5% for a bank qualified 15 year loan. If the current loan of \$408,000 was rolled, the Mayor estimates that an additional \$2.5 million could be borrowed while still maintaining the same level of debt service.

Mayor Workman asked Vice Mayor Tropepe, who is a civil engineer, if it would be a good idea to do some boring and testing of the perimeter roads to get an idea of what will need to be done, and the cost. Vice Mayor Tropepe responded that core testing of the roads should not cost any more than \$2,000 to \$3,000.

Commissioner McCranels opined that this is probably a good time to have the work done, as folks are eager to work, and may work for a lower fee. Commissioner Fiers suggested setting aside a not to exceed amount for this work.

Vice Mayor Tropepe moved **to allot, under the Mayor's direction, a not to exceed amount of \$5,000 to do some geo-technical explorations of the perimeter roads within the town's municipal limits to determine the extent of the needed repairs.** Commissioner Fiers offered the second.

Gil Trower asked if impact fees for road improvements could be levied from developers when empty lots and other properties are developed? Town Attorney Davis explained that the town did not institute impact fees for roads due to the very involved studies and maintenance required.

Commissioner DeReuil suggested that the town take out a line of credit.

**The vote was unanimous for approval.**

Mayor Workman stated his concerns about the current state of the country with all of the "occupy" type activity going on. He asked if the town has strong enough codes for things like overnight camping on town property? Mr. Davis responded that the current codes are minimal for overnight activity. However, he reminded the board that people have the right to peacefully assemble during the day, noting that a Special Event permit would be required for an assembly of more than 50 people.

Commissioner McCranels posed the possibility of someone sleeping overnight on one of the town's benches with no legal recourse? Lt. Langevin explained that, currently, the police department uses the county ordinance to get folks off of the beach, etc. overnight. There was discussion about other parks in the county and other jurisdictions that close at night. There was general agreement that the Commission would like to see the Town Attorney come up with some options to deal with overnight assembly, sleeping, etc. on public areas in town, which would not overstep folks' Constitutional rights. Mayor Workman extended his thanks to town resident Pat Dimitrof for bringing this issue to his attention.

Vice Mayor Tropepe reminded the Mayor and Commission members that the League will be meeting this Wednesday at Mangonia Park. There will be two speakers – the Town Manager of Jupiter concerning a unified building permit application form and the other speaker will address staying competitive in a changing economic landscape as it relates to cities.

The Vice Mayor recently attended the Florida League of Cities Legislative Conference. Ms. Tropepe volunteered to be on the Taxation and Finance Committee, because this has been her focus as local League president this year. One front burner issue is fighting any attempts by the State to limit local government's rights to levy and collect certain types of revenues, such as franchise fees. Another issue is pension reform. The Florida League of Cities is supporting more autonomy for local governments in dealing with police and firefighters pension issues. The Vice Mayor advised that she also has some information on grants for the Town Manager.

Commissioner McCranels reported that he was approached by one of the town's lifeguards, who asked him why the town was trying to 'get rid' of the lifeguards. Commissioner McCranels opined that he had a very good conversation with the guard. The lifeguard stated that the lifeguards hate the buoys – people get stuck in them. They wonder why the town continues to pay for maintaining the buoys and lines. The lifeguard suggested just keeping 2 buoys at the end of the swimming area to keep boats and jet skis out.

Mayor Workman recognized Assistant Clerk Sue Franklin for attaining Certified Municipal Clerk status.

## **PUBLIC COMMENTS:**

Alice Sirl of Cascade Lane asked what could be done about standing water in front of her house after heavy rains? She noted that there are storm drains at Cascade Lane and Lake Drive, but they appear to be higher than her property. There was discussion of the annual lunar high tides in October and November which probably account for the problem of water not percolating recently.

Gil Trower brought the following issues to the Commission's attention:

- Mr. Trower recalled that he suggested publishing the entire Commission meeting agenda packet on the web site, but he was unable to find it this month. Clerk Gangwer explained that the packet was posted on the web site on Friday morning, and can be found through the meeting listed on the web site calendar. The meeting agenda is also located this way.
- Mr. Trower announced the upcoming Property Owners Association Christmas party on December 3<sup>rd</sup>, and invited everyone to try and attend.
- Gil Trower stated his concern about access to the inlet park. He related that recently at 5:00 am he saw several gentlemen pulling carts with fishing equipment on their way to the inlet park. Mr. Trower characterized this as a real liability to the town. What happens if one of them falls into the inlet at 5:00 in the morning? He suggested allotting a certain number of spaces for parking for the inlet park, and that's it. Mr. Trower also suggested setting hours for opening and closing the inlet park. At this point, Commissioner McCranels asked Lt. Langevin's opinion on something like this. Lt. Langevin opined that setting closing and opening time for any park would be fine as long as there was proper signage. After some discussion, there seemed to be general agreement to limit fishing from sunrise to sunset, but not to limit the use of the inlet park. Attorney Davis noted that the town had agreed to make the inlet park "accessible" as part of the grant process. After further discussion, Mayor Workman announced that additional information will be gathered and this issue will be placed on the December meeting agenda.
- Mr. Trower voiced his strong support for Fire Chief Marty DeLoach.

## **MISCELLANEOUS BUSINESS:**

### **a. Approval: new pump for Lake Drive lift station.**

Commissioner DeReuil asked what type of warranty comes with this pump, and suggested a 20 year warranty. Commissioner McCranels moved to **approve purchase of new pump for the Lake Drive lift station**. After a second by Vice Mayor Tropepe, the motion carried unanimously.

Commissioner Fiers asked that staff ensure that this purchase is made in complete conformance with the Inspector General and Commission on Ethics guidelines.

### **b. Approval: services agreement with the Palm Beach County Supervisor of Elections.**

Attorney Davis gave a brief review of the agreement and noted that this will be approved annually. There was brief discussion of the rising costs of elections.

Commissioner Fiers moved to approve the **Services Agreement with the Supervisor of Elections as presented**. After a second by Vice Mayor Tropepe, the motion carried unanimously.

## **ORDINANCES AND RESOLUTIONS:**

### **a. First reading of Ordinance O-6-11**

Ordinance O-6-11 was read by title only by the Town Clerk. Mr. Davis explained that this is the ordinance that proposes definitions for the terms waste, fraud, mismanagement, misconduct and abuse. He opined that it is important not only to use when reviewing reports from the IG, but will assist the Town Manager who is tasked with reporting such misconduct, etc. To accuse a town staff person or official without such parameters is not advised. The Town Attorney added that a number of other municipalities as well as the county have adopted these definitions.

Commissioner Fiers moved for **approval of O-6-11 on first reading**. The motion carried unanimously after a second by Vice Mayor Tropepe.

Commissioner Fiers stated that he has done some research on Professor Jan Adams, an expert on the Soviet Union – Peoples Control Committees. She found that these agencies had two main impacts:

- Another huge bureaucracy was created.
- In the end, those who were supervised found creative ways to circumvent the oversight, and/or their efficiency was dramatically affected.

Commissioner Fiers concluded by opining that there is a clear analogy between the affects of the Peoples Control Committees in the old Soviet Union and today's Inspector General and Commission on Ethics on local and county governments.

**b. First reading of Ordinance O-7-11**

Ordinance O-7-11 was read aloud by title only. Mr. Davis explained that this ordinance brings the town's code on Business Tax Receipts into conformance with State Statutes.

**O-7-11 was approved on first reading** on a motion by Vice Mayor Tropepe and second by Commissioner DeReuil. The vote was unanimous.

**c. First reading of Ordinance O-9-11**

Attorney Davis explained that this ordinance is a re-do of O-4-11, approved earlier this year. When it was presented to the Florida Retirement System folks, they kicked it back, asking for revised language. O-9-11 is the result. This ordinance now covers all fire department personnel, rather than just the chief. Mr. Davis noted that Chief DeLoach is the only current staff member who will be covered by FRS at this point.

Considerable discussion ensued. Commissioner Fiers asked if this is for "full-time" employees of the fire department. If so, is full time defined – such as over 20 hours per week? Attorney Davis explained that the word "employee" is defined as any person receiving salary for work performed. This is right out of Florida Statutes, stated Attorney Davis. Commissioner Fiers then stated his understanding of how such a retirement program works – if someone regularly works less than 20 hours per week, they are not covered by the pension program. Manager Lindskoog and Attorney Davis both related that this is not how FRS works. Employees working less than 20 hours could be covered if they were the only person doing a particular job – ie: the previous fire inspector would have been included in FRS, because he was the only person doing that work. Now that Chief DeLoach has attained his inspector's credentials, this will not be the case.

Commissioner Fiers stated his concern about the possibility of the town needing part-time, paid firefighters at some point in the future. Would setting up a plan with FRS for the fire department mandate their inclusion in such a pension? Ms. Lindskoog opined that this would not be the case. She gave the example of part-time dispatchers and part time police officers who are not covered by FRS benefits, because they are not the only ones performing their functions. Ms. Lindskoog related that bookkeeper Wendy Wells was included in FRS because she is the sole provider of the town's bookkeeping services.

Attorney Davis stated that Manager Lindskoog is correct. However, he cautioned that the town will need to be careful if changes to the fire department structure are ever made in the future. Commissioner Fiers stated that this is his concern – the town could be setting itself up to be responsible for paying for pension benefits for part-time firefighters at some time in the future.

Mayor Workman explained that the town did try to limit FRS coverage to only the Fire Chief, and FRS told us that we could not use that language. Commissioner Fiers stated that he's OK passing this ordinance on first reading, but he requested that staff and the town attorney take a look at what can be done to keep the town's responsibility to covering only the fire chief with pension benefits through FRS. It was determined that FRS will be contacted with these questions before the next Commission meeting.

Town Clerk Gangwer read Ordinance O-9-11 by title only. Commissioner Fiers moved to **approve O-9-11 on first reading**. Vice Mayor Tropepe offered the second.

Gil Trower asked if everyone who gets into the department is covered by a pension. He recalled the discussion at last month's meeting about offering a type of pension using the state funds that now are directed to the Riviera Beach firefighters. There was brief discussion about this. Last month's discussion was about the possibility of setting up a pension plan through VFIS, not FRS – this has not been approved to date. Commissioner Fiers reiterated his concern about hiring part-time firefighters in future, rather than paying for county services at a much higher rate, and then having to offer FRS benefits. This is what will be researched before next month.

The **vote was unanimous for approval**.

**d. Resolution No. R-13-11**

Resolution No. R-13-11 was read by title only. Vice Mayor Tropepe moved to **approve R-13-11**. After a second by Commissioner Fiers, the motion carried unanimously.

**e. Resolution No. R-14-11**

Resolution No. R-14-11 was read by title only. Town Manager Lindskoog explained that this is the third amendment to the 2010-2011 budget. **R-14-11 was approved** on a motion by Commissioner Fiers and second by Vice Mayor Tropepe.

**f. Resolution No. R-15-11**

The Town Clerk read Resolution No. R-15-11 aloud by title only. Ms. Lindskoog explained that this is the first amendment to the 2011-2012 FY budget. Commissioner Fiers moved to **approve R-15-11**. After a second by Vice Mayor Tropepe, the motion carried unanimously.

**OTHER BUSINESS:**

Gil Trower noted that at a recent Property Owners Association meeting, he made the comment that the Town Commission does a great job, and he would like to see these folks compensated for all the time they give. Mr. Trower asked how this could be done. Mayor Workman explained that a public referendum would be needed to change the Town Charter. He opined that the Commission provides true "public service" as unpaid elected officials. After brief discussion, town Clerk Gangwer stated that she would provide the process for Charter change to Mr. Trower and the Town Commission.

The meeting adjourned at 9:05 pm.

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Carolyn J. Gangwer, Town Clerk

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John M. Workman, Mayor