

# MINUTES

First Public Hearing of the Town Commission

Thursday, September 13, 2012

**Present:** Mayor Thurlow-Lippisch, Cmsrs. Bausch, Busha and Luger, and Town Manager Kellogg, Attorney Alterman (for Attorney Torcivia), Chief Cerniglia and Building Official Adams      **Absent:** Vice Mayor Schoppe

1. **Call to Order** - Mayor Thurlow-Lippisch called the Meeting to order at 7:00 P.M. and asked if there were any changes to the agenda. Hearing none, a motion was made by Cmsr. Bausch, seconded by Cmsr. Busha to approve the agenda as noted. All in favor. (4-0)

**In Favor:** Bausch, Busha, Luger, and Thurlow-Lippisch

**Opposed:** None

2. **Proposed Millage for Fiscal Year 2012-13** - Town Manager Kellogg  
Town Manager Kellogg indicated the Hearing was the first scheduled TRIM Hearing on the Proposed Millage for Fiscal Year 2012-13 which reflects maintaining the current millage rate (rollback) of 2.2896 mills. He went on to say the expected revenue to be estimated at \$1,249,819 at 2.2896, total revenue and expenses estimated at \$2,844,700, and \$745,181 coming from reserves for capital improvements – sidewalks, undergrounding, street improvements and tree trimming. No comment from the public. Cmsr. Busha made a motion, seconded by Cmsr. Bausch to approve Resolution No. 762 to adopt the tentative millage rate of 2.2896 for Fiscal Year 2012-13. All in favor. (4-0)

**In Favor:** Bausch, Busha, Luger, and Thurlow-Lippisch

**Opposed:** None

3. **Proposed Budget for Fiscal Year 2012-13** - Town Manager Kellogg  
Town Manager Kellogg indicated the Proposed Budget for Fiscal Year 2012-13 was estimated at \$2,844,700, saying \$745,181 was coming from reserves, noted above. Cmsr. Luger asked about monies for the Pocket Parks. Town Manager Kellogg responded he would make an adjustment for the final budget hearing in this regard. Discussion continued with Cmsr. Bausch stating there was nothing in the budget for Pocket Parks to which Cmsr. Luger replied that discussions had occurred and rather than take monies from the reserves, allocate \$50,000 to an account for the Commission's consideration. The budget would need to be amended, said Cmsr. Bausch. Resident Vinnie Barile commented that 519.462 had \$21,000 allocated to it, but nothing was mentioned about a \$50,000 allocation. 519.462 is up \$3,000 said Cmsr. Busha which is general repair, and not \$50,000 for one park. At that time, Town Manager Kellogg said 519.462 generally runs \$20-21,000, and the additional \$3,000 is for tree trimming, mowing – the Town has had a problem with Whitefly disease and an exterminator had to be hired which will cost approximately \$2,000 per year to maintain. The question of donations came up and Town Manager Kellogg indicated he had received one donation, but that he and Cmsr. Luger had not been able to go out and do the scheduled visits, but felt confident [donations would come.] Discussions continued around numbers of permits being generated over period of time, the desire to have line items listed under appropriate departments, and the desire to not have the \$50,000 in the Capital Improvement account. Cmsr. Busha made a motion, seconded by Cmsr. Bausch to approve Resolution No. 763 to adopt the tentative budget for Fiscal Year 2012-13 by making the amendments specified. All in favor. (4-0)

**In Favor:** Bausch, Busha, Luger, and Thurlow-Lippisch

**Opposed:** None

4. **Comments from the public on topics not on the agenda** - None

5. **Public Hearings & Presentations:**

- a. Resolution No. 764 Approving Interlocal Agreement with Martin County for the Distribution of Local Option Gas Taxes - Town Manager Kellogg noted he was asking for approval of this Resolution, but also indicated that “we” would like to have a new formula. After much discussion, Atty. Alterman explained that in order to maintain the existing agreement, the Town would have to enter into an agreement to maintain this year, and said if the Town is not happy, go back and try to renegotiate. A motion was made by Cmsr. Bausch, seconded by Cmsr. Luger to approve the resolution. All in favor. (4-0)

**In Favor:** Bausch, Busha, Luger, and Thurlow-Lippisch

**Opposed:** None

- b. Tentative Swearing in to two new Police Officers - Chief Cerniglia introduced Erick Day and Nickolas Fitzgerald giving background on each and said they would be a welcomed addition to the Police Department. At that time, Chief Cerniglia swore in both officers.

This portion of the meeting was closed with a motion by Cmsr. Bausch, seconded by Cmsr. Busha to adjourn the meeting at 7:29 P.M. All in favor. (4-0)

**In Favor:** Bausch, Busha, Luger, and Thurlow-Lippisch

**Opposed:** None

## WORKSHOP

1. **Discussion**

- a. Discussion of Retaining Wall Ordinance - Mayor Thurlow-Lippisch gave an overview of the work that had been done over the past several months with residents regarding those who live around the water. She said it was important for the Town of Sewall's Point to be visually pleasing and noted several issues that had been dealt with previously. She said the group agreed there should be a

'definition' of retaining wall in the ordinance, which would require vegetative screening (difficult to regulate, said Mr. Adams.) The proposed changes would require at least 50% of the wall be covered with plantings. The importance of protecting the shoreline, design plans to be overseen by Building Official, minimal impact on the community – walls to look natural, were all discussed at length. Cmsr. Luger commended the Mayor for her efforts in achieving this goal.

- b. Chief of Police Comments - Chief Cerniglia talked about his efforts in bringing staffing up to 9 total, when the new officers will be ready to go on the road, the truck ordinance and the date that trucks and vans should be in compliance, communicating with residents, code enforcement – which was also discussed by the commission and attorney in terms of desire to be more assertive and insuring notices are done properly.
  - c. Town Manager's Comments - Mr. Kellogg discussed a situation that was being appealed to the Code Enforcement Board and arrangements being made to hear the case. He also talked about street lights at a cost of \$8100, saying it was too much money and contacted Torres Electric whose cost would be \$6273 for the same two lights. He recommended we purchase from them, which the Commission approved. He went on to talk about the tree alignment problem and said he will work on it and get back to the Commission. Construction of the bump-outs began and a letter was sent to residents, said Mr. Kellogg. Additional discussions around a variety of topics having to do with rights-of-way, control panel at intersection, design work, eminent domain and costs involved with that, DOT signs, and finally, four more trees to be included in the plan.
2. **Comments from Commissioners on topics not on the agenda**
- Cmsr. Busha asked the Town Manager to provide the P&L Statement [for tracking purposes]. She also asked about the FEMA check for \$72,500 and the process that is being followed. She proposed a line-item budget form to be approved and if there are amendments, they would come back for approval; Salary caps – does not think the Commission should approve any salary increases over the caps; only the capital improvements mentioned above should move forward without Commission approval.
  - Cmsr. Bausch asked about the sidewalks and the time involved.
  - Cmsr. Luger asked about moving one item to another without commission approval to which Cmsr. Bausch said anything over \$2000 the Town Manager has to inform the commission and over \$4000 has to go to the Board [for approval]. Cmsr. Luger talked about the Lantana property saying it was dry after so much rain and went door-to-door talking with residents, showing them a rendering of the project. He said people were positive. He also expressed concern over tree trimming and said, "We are on notice that the road is impassable." Mr. Kellogg responded that specifications will be prepared for the bid process in this regard.
  - Mayor Thurlow-Lippisch mentioned the Town's email list and was surprised that it became public record. She also asked about the replacement process for Chief Cerniglia who is retiring.

3. **Adjourn** - A motion was made by Cmsr. Bausch, seconded by Cmsr. Busha to adjourn the meeting at 10:05 PM. All in favor. (4-0)

In Favor: Busha, Luger, Schoppe, and Thurlow-Lippisch

Opposed: No

Respectfully submitted,

Ann-Marie S. Basler, Town Clerk