TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE - SUBJECT TO REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

TUESDAY, APRIL 10, 2012

9:30 AM

For information regarding procedures for monitoring or participating in Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

A. Recognition of Jeffery W. Smith, Architectural Commission, From March 2005 Through March 2012.

B. Recognition of William O. Cooley, Landmarks Preservation Commission, From March 2009 Through March 2012.

C. Recognition of D. Imogene Willis, Landmarks Preservation Commission, From March 2006 Through March 2012.

D. Recognition of Sergio de Araujo, Firefighter Retirement Board, From October 2008, to March 2012.

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com

E. Recognition of Michael Hays, Firefighter Retirement Board, From October 2004 Through March 2012.

F. Presentations by Applicants for Code Enforcement Board.

G. Presentations by Applicants for Investment Advisory Committee.

H. Presentations by Applicants for Recreation Advisory Commission.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

A. MINUTES: MARCH 14, 2012 — Page 12
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

B. MINUTES: MARCH 14, 2012 — Page 29
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED-DOOR SESSION-TOWN OF PALM BEACH VS LAWRENCE S. RULE, JR., LAURA RULE, M&I BANK, FSB, AND R.J.S. ELECTRIC, INC., D/B/A ELECTRIC CONNECTION

C. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON MARCH 28, 2012. — Page 32

D. RESOLUTIONS

1. RESOLUTION NO. 16-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Bid Award #2012-15 to Southern Computer Warehouse for the Purchase of Laptop and Desktop Computers in the Amount of $32,632.35 and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town. — Page 51
[Thomas G. Bradford, Deputy Town Manager]

2. RESOLUTION NO. 18-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving The Renewal Of The Concession Agreement For The Town Of Palm Beach Tennis Facilities Between The Town Of Palm Beach And NetResults Tennis, LLC And Authorizing The Town Manager To Execute The Same On Behalf Of The Town. [Jay Boodheshwar, Director of Recreation and Special Projects] Page 56

3. RESOLUTION NO. 23-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding A Contract To Kimley-Horn & Associates, Inc., In The Amount Of $39,310 For Town Docks 2012 Improvements, Establishing A Design And Bid Phase Budget Of $43,200 For Said Improvements, And Authorizing The Town Manager To Take Actions Necessary To Complete Said Improvements. [H. Paul Brazil, Director of Public Works] Page 69

4. RESOLUTION NO. 26-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding A Contract To Mock, Roos & Associates, Inc., In The Amount Of $59,919 For E-6, Bradley Park To Tangier Avenue Force Main Replacement, Establishing A Design And Bid Phase Budget Of $65,919 For Said Improvements, And Authorizing The Town Manager To Take Actions Necessary To Complete Said Improvements. [H. Paul Brazil, Director of Public Works] Page 80

5. RESOLUTION NO. 27-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding A Contract To Mock, Roos & Associates, Inc., In The Amount Of $47,450 For The A-7 To Hammon Avenue Force Main Replacement Project, Establishing A Design And Bid Phase Budget Of $55,000 For Said Improvements, And Authorizing The Town Manager To Take Actions Necessary To Complete Said Improvements. [H. Paul Brazil, Director of Public Works] Page 90

6. RESOLUTION NO. 30-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding A Contract To Kimley-Horn And Associates, Inc., In An Amount Not To Exceed $36,800 For The Nightingale Trail, Queen's Lane And Garden Alley Drainage Improvements Project, Establishing A Design Phase Budget Of $42,100 For Said Improvements, And Authorizing The Town Manager To Take Actions Necessary To Complete Said Improvements. [H. Paul Brazil, Director of Public Works] Page 99

7. RESOLUTION NO. 34-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving an Agreement with the Palm Beach County Property Appraiser for Services and Costs and Approving an Agreement with the Palm Beach County Property Appraiser and Palm Beach County Information System Services for Assignment of Computer Data, Each Agreement Being Associated with the Non-ad Valorem Assessments to Be Implemented for the Via Fontana Underground Utilities Assessment Area and Authorizing the Mayor to Execute Each Agreement on Behalf of the Town. Page 108
[Thomas G. Bradford, Deputy Town Manager]

E. OTHER

1. Authorization to Fill Parks and Streets Supervisor Position. Page 116
[H. Paul Brazil, Director of Public Works]

2. Authorization to Fill Equipment Operator III/Sanitation Position. Page 118
[H. Paul Brazil, Director of Public Works]

3. Authorization to Replace Three (3) Part-Time/No Benefits Code Enforcement Officer Positions with One (1) Full Time Code Enforcement Officer Position. Page 120
[Kirk W. Blouin, Director of Public Safety]

4. Authorization to Fill Tennis Supervisor Position. Page 123
[Jay Boodheshwar, Director of Recreation and Special Projects]

5. Approval of Public Works Committee Report for the Committee's Meeting on March 6, 2012.
[Michael J. Pucillo, Town Council Member]

6. Investment Advisory Committee Appointments. Page 125
[Jane Struder, Director of Finance]

IX. BOARD/COMMISSION ANNUAL REPORT

A. Architectural Commission. [Robert Vila, Chair, and John Page, Director of Planning, Zoning, and Building] Page 129

X. REGULAR AGENDA

A. Old Business

None

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Regarding 332 South County Road LLC vs Town of Palm Beach, in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, Case No. 502011CA002343XXXXMBAY. Discussion of this Matter to Begin Immediately Following the Regular Town Council Meeting on April 11, 2012, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C. Randolph and Attorney Rebecca Mercier Vargas; and Court Reporter from Ley & Marsaa Court Reporters, Inc. [John C. Randolph, Town Attorney]

2. Proposal from the Par 3 Foundation, Inc., Regarding the Clubhouse and Signage at the Par 3 Golf Course. Page 132
[Jay Boodheshwar, Director of Recreation and Special Projects]
TIME CERTAIN: 11 A.M.

3. Coastal Management Items.

   a. FDEP's Proposed Beach Management Agreement.
   [Peter B. Elwell, Town Manager]

   b. <u>RESOLUTION NO. 31-2012</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding A Contract To Woods Hole Group In The Amount Of $127, 711 For Comprehensive Review Of The Shore Protection Board's Long Term Coastal Management Program; Approving A Task Budget Of $150,000 For This Work; And Authorizing The Town Manager To Execute The Contract On Behalf Of The Town To Effectuate Said Coastal Engineering Services. Page 140
   [H. Paul Brazil, Director of Public Works]

   c. <u>RESOLUTION NO. 32-2012</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding A Contract To Coastal Planning & Engineering, Inc. (A Shaw Group Company), In The Amount Of $37,396 For Review Of The Groin Rehabilitation Plan; Approving A Task Budget Of $43,000 For This Work; And Authorizing The Town Manager To Execute A Purchase Order On Behalf Of The Town To Page 183

Effectuate Said Coastal Engineering Services.
[H. Paul Brazil, Director of Public Works]

4. Application for a Waterways Assistance Program Grant from the Florida Inland Navigation District for Planning and Design of a Lake Worth Lagoon Dredging Project. Page 190
[H. Paul Brazil, Director of Public Works]

5. Code Enforcement Board Appointments. Page 193
[Kirk W. Blouin, Director of Public Safety]

6. Recreation Advisory Commission Appointments. Page 200
[Jay Boodheshwar, Director of Recreation and Special Projects]

XI. ORDINANCES

A. Second Reading

None

B. First Reading

1. ORDINANCE NO. 6-2012 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System, Amending Subdivision I, In General, By Amending Section 82-51, General, As Amended By Ordinance No. 4-2012, Adopted March 13, 2012; By Amending Section 82-52, Definitions; By Amending Section 82-54, Credited Service; Loss Of Credited Service; Reinstatement Of Credited Service; By Amending Section 82-56, Benefit Groups; By Amending Section 82-59, Transfer Of Service Between Town Plans; By Amending Section 82-63, Amount Of Post-Retirement Redetermination Of Pensions; By Amending Section 82-65, Allowance Of Interest; Rates Of Interest; By Amending Section 82-66, Refund Of Member's Accumulated Contributions; By Amending Section 82-69, Administrative Expenses; By Amending Section 82-70, Assignments Prohibited; By Amending Section 82-72, Rollover Distributions; By Amending Section 82-73, Method Of Making Payments; Amending Subdivision II, Reserve Accounts, By Amending Section 82-80, Reserve For Member Contributions; By Amending Section 82-83, Reserve For Undistributed Investment Income; By Deleting Section 82-85, Plans And Assets Segregated; By Deleting Section 82-86, Chapters 175 And 185, Florida Statutes; Amending Subdivision III, Firefighters, By Deleting Page 207

Section 82-90, Firefighter Board Of Trustees; By Deleting Section 82-91, Term Of Office; Oath Of Office; Vacancy; By Deleting Section 82-92, Officers, Administrative Services; By Deleting Section 82-93, Investment Limitations; By Amending Section 82-94, Retirement Age And Service Conditions; By Amending Section 82-95, Amount Of Pension; By Amending Section 82-96, Optional Forms Of Payment Of A Pension; By Deleting Section 82-97, Supplemental Pension Distributions; By Amending Section 82-98, Chapter Share Accounts; By Amending Section 82-99, Deferred Retirement Option Program; By Amending Section 82-100, Disability Retirement; By Amending Section 82-102, Continuation Subject To Re-Examination; Return To Employment; Effect Of Gainful Employment; By Amending Section 82-103, Death After Retirement; Automatic Survivor Pension To Minor Children And/Or Surviving Spouse; By Amending Section 82-104, Death While An Employee Of The Town; Automatic Survivor Pension To Minor Children And/Or Spouse; By Amending Section 82-105, Elective Survivor Pension; Amending Subdivision IV , Police Officers, By Deleting Section 82-110, Police Officer Board Of Trustees; By Deleting Section 82-111, Term Of Office; Oath Of Office; Vacancy; By Deleting Section 82-112, Officers, Administrative Services; By Deleting Section 82-113, Investment Limitations; By Amending Section 82-114, Retirement Age And Service Conditions; By Amending Section 82-115, Amount Of Pension; By Amending Section 82-116, Optional Forms Of Payment Of A Pension; By Deleting Section 82-117, Supplemental Pension Distributions; By Amending Section 82-119, Deferred Retirement Option Program; By Amending Section 82-120, Disability Retirement; By Amending Section 82-122, Continuation Subject To Re-Examination; Return To Employment; Effect Of Gainful Employment; By Amending Section 82-123, Death After Retirement; Automatic Survivor Pension To Minor Children And/Or Surviving Spouse; By Amending Section 82-124, Death While An Employee Of The Town; Automatic Survivor Pension To Minor Children And/Or Spouse; By Amending Section 82-125, Elective Survivor Pension; Amending Subdivision V, General Employees And Lifeguards, By Deleting Section 82-130, General Employee Board Of Trustees; By Deleting Section 82-131, Term Of Office; Oath Of Office; Vacancy; By Deleting Section 82-132, Officers, Administrative Services; By Amending Section 82-134, Retirement Age And Service Conditions; By Amending Section 82-135, Amount Of Pension; By Amending Section 82-136, Optional Forms Of Payment Of A Pension; By Deleting Section 82-137, Supplemental Pension Distributions; By Amending Section 82-139, Deferred Retirement Option Program; By Amending Section 82-140, Disability Retirement; By Amending

Section 82-143, Death After Retirement; Automatic Survivor Pension To Minor Children And/Or Surviving Spouse; By Amending Section 82-144, Death While An Employee Of The Town; Automatic Survivor Pension To Minor Children And/Or Spouse; Amending Section 82-145, Elective Survivor Pension; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [Peter B. Elwell, Town Manager]

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

PLEASE TAKE NOTE:

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Live Meeting Audio." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas, Minutes, and Audio."

- If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

- Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

- Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

Town of Palm Beach
Meeting Schedule

4/3/12 [redacted]

Tue 04/10/2012 09:30 AM	Town Council Meeting	Council Chambers
Wed 04/11/2012 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
Thu 04/12/2012 09:30 AM	Special Town Council Meeting Re: Long Term Financial Plan	Council Chambers
Tue 04/17/2012 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
Wed 04/18/2012 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 04/19/2012 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Mon 04/23/2012 09:00 AM	Grievance Resolution Board Meeting Re: Vega	Council Chambers
Tue 04/24/2012 09:00 AM	Grievance Resolution Board Meeting Re: Vega	Council Chambers
Wed 04/25/2012 09:00 AM	Architectural Commission Meeting	Council Chambers
Thu 04/26/2012 09:00 AM	Shore Protection Board Meeting	Council Chambers
Wed 05/02/2012 09:00 AM	Recreation Advisory Commission Meeting	Council Chambers
Tue 05/08/2012 09:30 AM	Town Council Meeting	Council Chambers
Wed 05/09/2012 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers

Tue 05/15/2012 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
Wed 05/16/2012 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 05/17/2012 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Fri 05/18/2012 09:00 AM	Town of Palm Beach Retirement Board Meeting	Council Chambers
Fri 05/18/2012 02:00 PM	Investment Advisory Committee Meeting	Council Chambers
Wed 05/23/2012 09:00 AM	Architectural Commission Meeting	Council Chambers
Mon 05/28/2012 04:00 AM	MEMORIAL DAY	TOWN HALL CLOSED
Mon 06/11/2012 09:30 AM	Special Town Council Meeting To Consider Proposed FY13 Budget	Council Chambers
Tue 06/12/2012 09:30 AM	Town Council Meeting	Council Chambers
Wed 06/13/2012 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: MARCH 14, 2012

APPROVAL OF THE MINUTES OF THE REGULAR TOWN COUNCIL MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of Town Council Meeting Held on March 14, 2012

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, MARCH 14, 2012

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, March 14, 2012, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Owens gave the invocation. Council President Rosow led the Pledge of Allegiance.

III. PRESENTATIONS

A. Presentations by Applicants for Architectural Commission

The following applicants provided presentations to the Town Council:

Ann Vanneck
Ambassador Edward Elson
Martin Gruss
Alexander Ives
Bruce Langmaid
Martin Phillips
Richard Sammons
Nikita Zukov

B. Presentations by Applicants for Landmarks Preservation Commission

The following applicants provided presentations to the Town Council:

Jackie Albarran
Anne Fairfax
Bill Feldkamp
Rachel Lorentzen
Elizabeth Marshall

Elizabeth Murphy
Jorge Sanchez
Penelope Townsend

C. Presentations by Applicants for Retirement Board of Trustees

The following applicants provided presentations to the Town Council:

Gerry Goldsmith
Ray Snow
James McCartney Wearn

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked the community for their time, talent, and donations. She stated that she appreciates their dedication and willingness to serve.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Kleid asked for a moment of reflection regarding the recent passing of John Brogan and Lucien Capehart, who have given a great deal to the fabric of this community.

Council President Rosow announced that Wisconsin Governor Scott Walker is in Town and may stop in.

VI. COMMUNICATIONS FROM CITIZENS

Heather Henry, 630 Crest Road, stated that the Garden Club is sponsoring a meeting to provide a status update on the Whitefly infestation issue on Tuesday, April 3, 2012, at 2:00 p.m., in St. Edward's Church Hall.

Council President Rosow requested that the upcoming meeting hosted by the Garden Club regarding whiteflies be noticed on the Town's website.

Richard Hunegs, 3360 South Ocean Boulevard, spoke regarding a long-term solution to shore protection.

VII. APPROVAL OF AGENDA

The following changes were made to the Agenda:

DEFERRED: Item No. IX.C.2.a. (Special Exception #2-2012 with Variance) was deferred to the April 11, 2012, Council Meeting.

ADDED TO CONSENT AGENDA: Consideration of scheduling a Special Town

Council Meeting Closed Door Session regarding the case of Town of Palm Beach vs Lawrence S. Rule, Jr., Laura Rule, M&I Bank, FSB; and R.J.S. Electric, Inc., d/b/a Electric Connection, to commence immediately following this Council meeting.

AMENDED: The February 16, 2012, minutes were amended as follows: (Page 5, at line 38) *After setting forth the applicable standard of review, and why there was substantial competent evidence that the conduct giving rise to the disciplinary actions occurred, ~~M~~motion was made by Council Member Pucillo and seconded by Council Member Diamond...*

Motion was made by Council Member Kleid and seconded by Council Member Diamond, to approve the Agenda, as amended above. On roll call, the motion carried unanimously.

VIII. CONSENT AGENDA

Motion was made by Council Member Diamond and seconded by Council Member Pucillo, to approve the Consent Agenda, as amended above. On roll call, the motion carried unanimously.

Clerk's Note: The below item was added to the agenda:

Consideration of Scheduling an Attorney/Client Session Regarding Town of Palm Beach vs Lawrence S. Rule, Jr., Laura Rule, M&I Bank, FSB; and R.J.S. Electric, Inc., d/b/a Electric Connection, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida Case No. 502011CA005662XXXXMBAO. Discussion of this Matter to Begin Immediately Following this Regular Town Council Meeting in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C. Randolph; and Court Reporter from Ley & Marsaa Court Reporters, Inc. [John C. Randolph, Town Attorney]

A. MINUTES: FEBRUARY 15, 2012
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

B. MINUTES: FEBRUARY 16, 2012
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING – ***Amended as follows: (Page 5, at line 38) After setting forth the applicable standard of review, and why there was substantial competent evidence that the conduct giving rise to the disciplinary actions occurred, ~~M~~motion was made by Council Member Pucillo and seconded by Council Member Diamond...***

C. MINUTES: FEBRUARY 16, 2012
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED-DOOR SESSION-TOWN OF PALM BEACH VS LAWRENCE S. RULE, JR., LAURA RULE, M&I BANK, FSB, AND R.J.S.

ELECTRIC, INC., D/B/A ELECTRIC CONNECTION

D. MINUTES: FEBRUARY 28, 2012
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-TO RESCHEDULE THE MARCH 15, TOWN COUNCIL MEETING TO MARCH 14, 2012

E. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON FEBRUARY 22, 2012

F. RESOLUTIONS

1. RESOLUTION NO. 24-2012 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Contract With Brannon & Gillespie Consulting Engineers In The Amount Of $43,131.80 For General Project Management And Engineering Support Services In Conjunction With The Everglades Island Underground Utilities Special Assessment Project; Approving A Task Budget of $50,464 For This Work; And Authorizing The Town Manager To Execute A Purchase Order On Behalf Of The Town To Effectuate Said Project Management And Engineering Support Services.
[Thomas G. Bradford, Deputy Town Manager]

2. RESOLUTION NO. 25-2012 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding A Contract To All Florida Tree And Landscape, Inc. In The Amount Of $63,200 For Tree Trimming And Pruning Services, And Establishing A Project Budget Of $70,000.
[H. Paul Brazil, Director of Public Works]

G. OTHER

1. Ratification of Consultant Selection Committee Recommendation for Architectural Services Consultants.
[H. Paul Brazil, Director of Public Works]

2. Rejection of Bids for Sewer Inspection Camera.
[H. Paul Brazil, Director of Public Works]

IX. DEVELOPMENT REVIEW MATTERS

A. Appeals – None

B. Time Extensions and Waivers

Town Clerk Owens administered the oath to all those who would be providing testimony.

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 190 North County Road (Temple Emanu-El of Palm Beach) Per Letter Dated March 1, 2012, from Maura A. Ziska.

There was no ex-parte communication declared by the Town Council.

Attorney Ziska, on behalf of Temple Emanu-El of Palm Beach, provided an overview of the applicant's request.

Architect Lance Courtemanche, Tercilla Courtemanche Architects, Inc., provided an overview of the project.

The following residents spoke in opposition to the request for the waiver of construction hours:

Brenda Hubble Schwerin, 215 Seminole Avenue
Mary Louise Schwab, 217 Oleander Avenue
Joanne Warshaver, 223 Seminole Avenue
Robert Sheff, 219 Seminole Avenue
Sophia Harvey Burnichon, 235 Seminole Avenue
Helen Barberian, 209 Seminole Avenue
Claire Sullivan, 243 Seminole Avenue
Susan Markin, on behalf of the Neighbors Association of Palm Beach (NAPB), 1450 North Lake Way

Director of Planning, Zoning, and Building Page provided Staff's comments.

Motion was made by Council Member Pucillo and seconded by Council Member Diamond, to reject the Request for Waiver of Section 42-199, Hours of Construction Work, at 190 North County Road. On roll call, the motion carried unanimously.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **VARIANCE #3-2012** The application of Anand and Neeta Khubani; relative to property commonly known as **108 El Mirasol**; described as Lots 7 and 8, EL MIRASOL, according to the plat thereof, recorded in Plat Book 28, Page 60, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant proposes to build a 17,655 square foot, two story house on a 44,360 square foot lot and requests Variances to:

allow a front yard setback for a one story portion of the proposed residence to be 26.6 feet in lieu of the 35 foot minimum required for an R-B lot in excess of 20,000 square feet and with a lot depth of 160 feet; to allow a front yard setback/building height plane setback for the proposed stair tower to be 38.75 feet in lieu of the 48.8 foot minimum required; to allow a front yard setback/building height plane setback for the front entry feature to be 39.1 feet in lieu of the 44 foot minimum required; and, to allow the minimum perimeter landscape area to be 7,256.35 square feet in lieu of the 9,981.1 square foot minimum required to meet the 50% of the 45% in the code for the perimeter of a lot in the R-B Zoning District. [Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the front yard setback/building height plane setback variances will cause negative impacts to the subject property. Implementation of the perimeter landscape open space variance will not cause negative impacts to the subject property. Both Carried 7-0.]
Deferred from the January 11, 2012, and February 15, 2012, Town Council Meetings.

The following ex-parte communications were declared: Council President Rosow and Council Members Kleid and Diamond spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Mr. and Mrs. Khubani, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond and seconded by Council President Pro Tem Wildrick, that Variance #3-2012 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the Staff conditions that the applicant design the house in such a way that they can meet the 18 foot setback for gates, and that no gates will be allowed on the gate posts in the future, unless a special exception is granted. On roll call, the motion carried unanimously.

b. **VARIANCE #6-2012** The application of US Bank; relative to property commonly known as **324 Royal Palm Way**; described as Lots 44 and 45, Block D, Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach Florida, according to the plat thereof as recorded in Plat Book 4, Page 1 Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant requests a variance to allow two business identification signs for "US Bank" on the rear of the building which is not permitted in the zoning code. Business identification

signs are only allowed to front on streets. In addition, a variance is also being requested to allow a business logo on each of those business identification signs which exceeds the one allowed and front location allowed. Only one logo is allowed in this case. The applicant already has one logo in the front of the building. [Attorney: Maura A. Ziska]
Deferred from the February 15, 2012, Town Council Meeting.

The following ex-parte communications were declared: Council President Rosow and Council Members Kleid and Diamond spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of US Bank, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Kleid, that Variance #6-2012 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 3-2, with Council President Rosow and Council President Pro Tem Wildrick dissenting.

Clerk's Note: Council President Pro Tem Wildrick temporarily left the meeting at approximately 11:50 a.m.

c. **VARIANCE #7-2012** The application of Gregory S. Kino, Esq.; relative to property commonly known as **2 Via Los Incas**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests variances to allow a 26'7" front yard setback for a 644 square foot second story addition for a caretaker's bedroom in lieu of the 30 foot minimum required; a 26'1" front yard setback for an architectural parapet feature to match the second story addition in lieu of the 30 foot minimum required; a 10'1" side yard setback for the second story addition in lieu of the 15 foot minimum required; and a lot coverage of 35.8% (35.3% existing) in lieu of the 30% maximum allowed for the second story addition. [Attorney: Gregory S. Kino, Esq.]
[ARCOM Recommendation: Implementation of the lot coverage and side setback variances will not cause negative impacts to the subject property. Carried 7-0. The front yard variances were eliminated from the proposal.]
Deferred from the February 15, 2012, Town Council Meeting.

There was no ex-parte communication declared by the Town Council.

Attorney Kino, on behalf of Mr. and Mrs. Snyder, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo, that Variance #7-2012 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

2. New Business

a. **SPECIAL EXCEPTION # 2-2012 WITH VARIANCE** The application of J. Timothy Gannon; relative to property commonly known as **1300 North Ocean Blvd.**; described as Lot 1 (less the West 207.3 feet thereof) AND Lot 1A, McINTOSH HOME SITES, according to the map or plat thereof as recorded in Plat Book 21, Page 30, Public Records of Palm Beach County, Florida; located in the B-A Zoning District. The applicant requests a special exception to construct a 500 square foot beach cabana on an ocean parcel that is 176.22 feet in width and across the street from the main residence, which is located in the R-B Zoning District. A variance is requested to construct a beach cabana with a three (3) foot west side yard setback in lieu of the 10 foot minimum setback required.
[Attorney: Maura A. Ziska]
Request for Deferral to the April 11, 2012, Town Council Meeting Per Letter Dated March 5, 2012, from Maura A. Ziska. – *Deferred to the April 11, 2012, Town Council meeting.*

D. Other

1. Request to Consider Zoning Ordinance No. 3-2012 Prior to 5:01 p.m. at the April 11, 2012, Town Council Meeting.

Motion was made by Council Member Diamond and seconded by Council Member Kleid, to approve the request to consider Zoning Ordinance No. 3-2012 prior to 5:01 p.m. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

X. BOARD/COMMISSION ANNUAL REPORT

A. Landmarks Preservation Commission. [Edward Austin Cooney, Chair, and John Page, Director of Planning, Zoning, and Building]

Ted Cooney, 495 North Lake Way, Landmarks Preservation Commission Chairman, provided a summary of the Commission's Annual Report.

Motion was made by Council Member Pucillo and seconded by Council Member Kleid, to accept the Landmarks Preservation Commission Annual Report into the record. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

Clerk's Note: Item XII.A.1., Flagler Memorial Bridge Project Update, was heard at this time.

XI. COMMITTEE REPORTS

A. Ordinances, Rules, and Standards Committee Meeting of February 8, 2012. [William J. Diamond, Town Council Member]

Council Member Diamond provided a summary of the Ordinances, Rules, and Standards Committee Report.

Motion was made by Council Member Kleid and seconded by Council Member Diamond, to accept the Ordinances, Rules, and Standards Committee Report into the record. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

Clerk's Note: At 12:32 p.m., the Town Council recessed for lunch; at 2:02 p.m., the Town Council reconvened the meeting, with Council President Pro Tem Wildrick temporarily absent.

B. Public Works Committee Meeting of March 6, 2012.
[Michael J. Pucillo, Town Council Member]

Council Member Pucillo provided a summary of the Public Works Committee Report.

1. Intersection Improvement at Merrain Road and North Lake Way.

Motion was made by Council Member Kleid and seconded by Council Member Diamond, to approve the intersection improvements at Merrain Road and North Lake Way. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

2. RESOLUTION NO. 10-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way, Amending Sections Regarding Restoration of Right-of-Way and Supervision of Construction, and Amending Appendix C (the Public Works Right-of-Way Permit Fee Schedule); Providing an Effective Date.

Motion was made by Council Member Diamond and seconded by Council Member Kleid, to amend Resolution No. 10-2012 to add a $1,000 per day fee for any work performed that exceeds the time allowed in the applicable permit, and to approve as amended. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

After roll call, Council Member Kleid called attention to a scrivener's error on page 1, paragraph 3, line 3, which should read *"the utility hire and pay for an outside project…"*.

Motion was made by Council Member Diamond and seconded by Council Member Kleid, to clarify that the previous motion shall include correction of the above scrivener's error. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

3. Staffing Issues Related to Right-of-Way Inspections.

Motion was made by Council Member Pucillo and seconded by Council Member Kleid, to approve Staff's recommendations for right-of-way inspections staffing. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

4. RESOLUTION NO. 28-2012 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding A Contract To Wharton-Smith, Inc. For Construction Of Pump Station S-2 Inline Booster Station, In The Amount Of $1,432,000, And Establishing A Construction Budget Of $1,600,000.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo, to approve Resolution No. 28-2012. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

5. RESOLUTION NO. 29-2012 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding A Purchase Order in the Amount of $121,700 To Kimley-Horn And Associates, Inc. For Pump Station S-2 Inline Booster Station Construction Phase Services, Establishing A Budget of $134,000 For Said Services, And Authorizing The Town Manager To Take Actions Necessary To Complete Said Services.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo, to approve Resolution No. 29-2012. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

6. Construction Phase Budget of $100,000 for Pump Stations A-5 and A-6 Improvements Project.

Motion was made by Council Member Pucillo and seconded by Council Member Kleid, to approve the Construction Phase Budget of $100,000 for Pump Stations A-5 and A-6 Improvements Project. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.'

Clerk's Note: The below item was heard after item XII.B.3., Request for Permission to Relocate Historic Trees at 1255 South Ocean Boulevard, and upon the return of Council President Pro-

Tem Wildrick.

7. Street Light Replacement Program.

John R. Blair, 2275 South Ocean Boulevard, spoke regarding laying electrical lines to connect to the street lights when funds were available.

Allen Wyett, 1145 North Lake Way, spoke regarding the cost of concrete light poles.

Motion was made by Council President Pro Tem Wildrick and seconded by Council Member Diamond, to approve all of the Committee's recommendations except the recommendation that gives veto power to each street with the ability to pay the incremental costs for concrete replacement poles instead of the standard aluminum poles used throughout Town. On roll call, the motion carried 4-1, with Council Member Pucillo dissenting.

Staff was directed to proceed with completion of the project utilizing the aluminum poles previously approved.

8. Recruitment of Town Engineer.

Motion was made by Council Member Kleid and seconded by Council Member Pucillo, to approve the recruitment of a Town Engineer. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

9. Selection Committee for Telemetry Replacement.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to approve the Selection Committee for Telemetry Replacement. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

XII. <u>REGULAR AGENDA</u>

A. Old Business

Clerk's Note: The following item was heard before XI.A., Ordinances, Rules, and Standards Committee Meeting Report.

1. Flagler Memorial Bridge Project Update.
[Ryan Hamrick, P.E., Project Manager, PCL Civil Contractors, Inc.]

Ryan Hamrick, Project Manager, PCL Civil Contractors, provided an update on the progress of the bridge.

Council consensus was to only hear the Flagler Memorial Bridge Project updates on an as-

needed basis.

B. New Business

1. Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended September 30, 2011. [Jane Struder, Director of Finance]

Ron Bennett, Nowlen, Holt, & Miner, provided a brief overview of the Comprehensive Annual Financial Report.

Motion was made by Council Member Diamond and seconded by Council Member Kleid, to accept the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended September 30, 2011. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

2. Whitefly: Request for Funding from General Fund Contingency in an Amount Not to Exceed $5,000 for Consultant Services and in an Amount Not to Exceed $70,000 for Treatment.
[H. Paul Brazil, Director of Public Works]

Motion was made by Council Member Diamond and seconded by Council Member Kleid, to approve the request for whitefly funding from the General Fund Contingency. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

3. Request for Permission to Relocate Historic Trees at 1255 South Ocean Boulevard. [H. Paul Brazil, Director of Public Works]

Jorge Sanchez, Sanchez & Maddux, Inc., provided an overview of the proposed relocation.

Clerk's Note: Council President Pro Tem Wildrick returned to the meeting at 2:47 p.m.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo, to approve the request to relocate the historic trees at 1255 South Ocean Boulevard. On roll call, the motion carried 4-1, with Council President Rosow dissenting.

4. Update Regarding Feasibility Study Related to the Port of Palm Beach's Proposed Deepening and Widening of Lake Worth Inlet. [Gail L. Coniglio, Mayor]

Mayor Coniglio provided an update on the status of the Feasibility Study related to the Port of Palm Beach's proposed deepening and widening of the Lake Worth Inlet.

Responding to Council President Pro Tem Wildrick, Mayor Coniglio stated she would address his concerns relative to the Everglades Island

area with the Florida Inland Navigational District (FIND), as they have jurisdiction over the area.

5. Shore Protection Board's Recommendation to Town Council Regarding the Scope and Cost of the Town's Coastal Protection Program. [Peter B. Elwell, Town Manager]

Town Manager Elwell provided an overview of the Shore Protection Board's recommendations.

Allen Wyett, 1145 North Lake Way, spoke regarding the proposed financial plans for the beach and peer review of those plans.

John R. Blair, 2275 South Ocean Boulevard, spoke regarding the Reach 8 hot spots.

Larry Goldberg, 3360 South Ocean Boulevard, proposed that beach restrictions and regulations be reviewed.

Madelyn Greenberg, 3360 South Ocean Boulevard, Save Our Shores Board Member, spoke regarding Reach 8, dune restoration, Mid-Town beach, and the various coastal program studies and reviews.

Motion was made by Council Member Kleid and seconded by Council Member Diamond, to approve inclusion of the Shore Protection Board's recommended FY 2013 Coastal Management Budget into the Town's overall FY 2013 proposed budget. On roll call, the motion carried unanimously.

Council consensus was to approve the concept of hiring a consulting firm to perform an independent peer review of all recommended long-term Coastal Management Plans. Town Staff will bring back a proposal at the April 10, 2012, Council meeting.

Wisconsin Governor Scott Walker stopped in briefly to say hello and that he was impressed with the caliber of the members on the Council and the leadership in the Town, who have taken giant steps to tackle some of the same issues that Wisconsin has too.

6. Architectural Commission Appointments.
[John Page, Director of Planning, Zoning, and Building]

Clerk's Note: The Architectural Commission and Landmarks Preservation Commission appointments were approved at the same time.

Motion was made by Council Member Diamond and seconded by Council Member Kleid, to approve the Architectural Commission and Landmarks Preservation Commission appointments. On roll call, the motion carried unanimously.

The following were appointed as regular members: Nikita Zukav, Richard Sammons, and Ann Vanneck.

The following were appointed as alternate members: Alexander Ives and Marty Phillips.

7. Landmarks Commission Appointments.
[John Page, Director of Planning, Zoning, and Building]

The following were appointed as regular members: Jackie Albarran, Bill Feldkamp, and Elizabeth Murphy.

The following were appointed as alternate members: Elizabeth Marshall, Jorge Sanchez, and Anne Fairfax.

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 1-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding and Repealing All Prior Ordinances or Resolutions Assessing or Imposing the Premium Tax Authorized by Section 175-101 and 185.08, Florida Statutes; Withdrawing from Participation under Chapters 175 and 185, Florida Statutes; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing an Effective Date. [Peter B. Elwell, Town Manager]

Motion was made by Council Member Diamond and seconded by Council Member Pucillo, to adopt Ordinance No. 1-2012, on second and final reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 4-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel at Article II Employee Benefits, Division 2 Retirement System, Section 82-51, General, by Amending Said Section 82-51 to Create Subsection (A) and (B); Providing in Section (A) an Amendment Effective April 1, 2012, Providing That the Retirement System Shall Be Administered by a Single Board of Trustees as Provided in Subsection (B); Creating a New Subsection B to Provide for a Consolidated Retirement Plan Covering All Eligible Town Employees; Establishing a Plan for Transition and Implementation; Amending Section 82-57 Establishing a New Board of Trustees, Abolishing as of April 1, 2012, the Firefighter Board of Trustees, Police Officer Board of Trustees, and General Employee/Lifeguard Board of Trustees; Setting Forth Terms of Operation and Providing That the New Board of Trustees Established Herein Shall

Be Responsible for Administering the Retirement System and Investing All Assets of the System in Accordance with the Terms Hereof; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Peter B. Elwell, Town Manager]

Motion was made by Council Member Diamond and seconded by Council Member Kleid, to adopt Ordinance No. 4-2012, on second and final reading. On roll call, the motion carried unanimously.

Clerk's Note: The following item, XIII.A.2.a., Appointments to the Retirement Board of Trustees was heard after XIII.B.1., Ordinance No. 3-2012.

a. Appointments to the Retirement Board of Trustees.
[Peter B. Elwell, Town Manager]

Motion was made by Council Member Diamond and seconded by Council President Pro Tem Wildrick, to approve the Retirement Board of Trustees appointments. On roll call, the motion carried unanimously.

The following was appointed for a 3- year term: Ray Snow.

The following were appointed for a 2-year term: Gerry Goldsmith and Wilbur Ross.

The following were appointed for a 1-year term: Al Parven and Jim Wearn.

B. First Reading

1. ORDINANCE NO. 3-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, At Section 134-2 To Eliminate The Front Setback Requirement For Principal Buildings East Or Partially East Of The Coastal Construction Control Line And Eliminate The Average Front Setback, Rear Setback And Height For Principal Building West Of North Or South Ocean Boulevard; Section 134-38 To Create A Filing And Renewal Fee For Administrative Approval Of Outside Seating. Sections 134-893 And 134-948 To Eliminate The Perimeter Landscape Requirements For Lots In The R-B And R-C Zoning Districts Which Are 20,000 Square Feet Or More In Area; Section 134-1109, 134-1158, 134-1259, And 134-1304 To Change The Term Occupational License To Business Tax Receipt; Sections 134-2172 To Prohibit Strobe Or Flash Lighting And/Or Neon Lighting Which Draws Attention To A Tenant Space, Building Or Structure; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for An Effective Date.
[John Page, Director of Planning, Zoning, and Building]

Motion was made by Council Member Diamond and seconded by Council Member Pucillo, to approve Ordinance No. 3-2012, on first reading. On roll call, the motion carried unanimously.

XIV. <u>ANY OTHER MATTERS</u> - None

XV. <u>ADJOURNMENT</u>

There being no further business, the March 14, 2012, regular Town Council meeting was adjourned at 4:20 p.m.

APPROVED:

_____
David A. Rosow
Town Council President

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: MARCH 14, 2012
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING CLOSED DOOR SESSION

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on March 14, 2012

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON WEDNESDAY, MARCH 14, 2012

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 4:24p.m. on Wednesday, March 14, 2012, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Council Member Diamond and seconded by Council Member Kleid, to approve the Agenda as printed. On roll call, the motion carried unanimously.

III. TOWN OF PALM BEACH VS LAWRENCE S. RULE, JR., LAURA RULE, M&I BANK, FSB; AND R.J.S. ELECTRIC, INC., D/B/A ELECTRIC CONNECTION IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY

F.S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

Town Council President Rosow announced the following:

a.) The Attorney/Client Closed-Door Session
b.) The estimated time is thirty minutes
c.) The names of the persons attending:
Gail L. Coniglio, Mayor
David A. Rosow, Town Council President
Robert N. Wildrick, President Pro Tem
William J. Diamond, Town Council Member
Richard M. Kleid, Town Council Member
Michael J. Pucillo, Town Council Member
John C. Randolph, Town Attorney
Peter B. Elwell, Town Manager

Ley and Marsaa, Court Reporters

At 4:25 p.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

IV. RECONVENE SPECIAL TOWN COUNCIL MEETING IN THE TOWN HALL COUNCIL CHAMBERS

A.) Call to Order

The Special Town Council meeting was reconvened at 4:43 p.m., in the Town Council Chambers.

B.) Town Council President to Announce the Termination of the Attorney/Client Session.

Town Council President Rosow announced the termination of the Attorney/Client Session. He stated that the Town Council met with its Attorney and received advice, with respect to this litigation, and provided him with direction.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Wednesday, March 14, 2012, was adjourned at 4:44 p.m.

APPROVED:

_____

David A. Rosow
Town Council President

ATTEST:

_____

Susan A. Owens, MMC
Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Consent Agenda

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of March 28, 2012.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated March 28, 2012 from John S. Page, Director of Planning, Zoning and Building
- Minutes of the Architectural Commission meeting of March 28, 2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of March 28, 2012

Date: March 30, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of March 28, 2012.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of March 28, 2012.

GENERAL INFORMATION

These minutes are submitted to the Town Council for approval pursuant to Chapter 18-177 of the Town of Palm Beach Code of Ordinances.

Attachment

JSP:cmd

MINUTES
ARCHITECTURAL COMMISSION
IN THE TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 S. COUNTY ROAD, PALM BEACH, FLORIDA

WEDNESDAY, MARCH 28, 2012, 9:00 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Cindy Delp, Secretary to the Architectural Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER (8:59:17 a.m.)

Vice Chairman and Acting Chairman Robert Vila called the meeting to order at 9:00 a.m.

II. ROLL CALL (8:59:30 a.m.)

Robert J. Vila, Vice Chairman	PRESENT
Kenn Karakul, Member	PRESENT
Nikita Zukov, Member	PRESENT
Ann L. Vanneck, Member	PRESENT
Henry Homes III, Member	PRESENT
Richard Sammons, Member	PRESENT (arrived prior to 9:30 a.m.)
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Alternate Member	PRESENT
Alexander C. Ives, Alternate Member	PRESENT
Dr. Martin Phillips, Alternate Member	PRESENT

Let the record show that Mr. Gruss was a voting member through Item B-11-2012.

Staff Members Present: John C. Randolph, Town Attorney (for part of meeting), John S. Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission.

III. ADMINISTRATION OF OATH OF OFFICE TO NEW MEMBERS:

This item was delayed to later in the meeting, after Mr. Sammons had arrived.

IV. ELECTION OF OFFICERS: (9:00:08 a.m.)

Mr. Karakul nominated Mr. Vila as Chairman, which was seconded by Mrs. Vanneck. There were no other nominations for Chairman.

Mr. Karakul nominated Mr. Zukov as Vice Chairman. There was no second, but there were no other nominations for Vice Chairman.

V. PLEDGE OF ALLEGIANCE: (9:01:13 a.m.)

VI. APPROVAL OF THE MINUTES FROM THE FEBRUARY 22, 2012 MEETING: (9:01:31 a.m.)
MOTION BY MR. HOMES FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

VII. APPROVAL OF THE AGENDA : (9:02:07 a.m.)
MOTION BY MRS. VANNECK FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

VIII. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:02:11 a.m.)
Mrs. Delp administered the oath at this time and as necessary throughout the meeting.

IX. OTHER BUSINESS: (9:02:22 a.m.) None

X. PROJECT REVIEW (9:02:33 a.m.)

A. MAJOR PROJECTS - OLD BUSINESS **(9:02:37 a.m.)**
B - 085 -2011 New Residence
ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 108 El Mirasol
Applicant: Anand & Neeta Khubani
Architect: Douglas J. Coleman AIA
Project Description: New two-story single family residence: 6 car garage, 9 bedrooms, 10 full baths, 3 half baths. Total living square footage 13,570. Breezeway and pool. *Variances requested for front yard setback, and front yard setback/building height plane for the stair tower and front entry feature*

Please note that at the December meeting, there was a motion to recommend the variance related to the landscaping, and to recommend denial of the variance which would move the house forward toward the street. There was a second motion for deferral of the architecture to the January meeting. At the January meeting, at the applicant's request, the project was deferred to the February meeting. At the February meeting, the project was deferred to the March meeting at the applicant's request to allow the architect additional time to revise the plans.

Please be advised that the attorney for the applicant has requested that this project be withdrawn from the agenda.

MOTION BY MRS. VANNECK TO REMOVE THIS ITEM FROM THE AGENDA.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOU

B - 003 -2012 Windows and exterior improvements
Address: 1 North Breakers Row
Applicant: The Breakers Palm Beach Inc.
Architect: Tercilla Courtemanche Associates
Project Description: Window replacement and exterior improvements

Please note that at the January meeting, there was a motion for approval of the project as presented, except for the color variation which will be deferred to next month. At the February meeting, the project was deferred to March, at the applicant's request.

Please be advised that the applicant has requested deferral to the April meeting.

MOTION BY MR. ZUKOV FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

B - 010 - 2012 New residence
Address: 1348 North Lake Way
Applicant: Patrick Carney
Architect: Smith and Moore Architects
Project Description: New two-story residence in the Bermuda Georgian style: White concrete tile roof, Building Color - Yellow, Trim Color - White, Shutter Color - white. Preliminary landscape plan.

Please note that this project was heard at the January meeting. At that time, there was a motion for deferral to the February meeting. There was also a motion for "Approval" of the variance (i.e., ARCOM recommends that the Town Council approve the variance.) At the February meeting, the project was not heard and was deferred to the March meeting.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Harold Smith, Smith and Moore Architects
LANDSCAPE PRESENTATION BY: Joe Peterson, Peterson Design Professionals

Mr. Smith addressed the commission's concerns expressed at previous meetings, and presented the revised plans showing relocation of the cabana, symmetrical garage wings, fenestration changes, and changes to the entry portico, to name just a few. Mr. Peterson presented revised landscape/hardscape plans showing: Ficus replaced with other landscape material; the motor court size was reduced; six flowering trees and two Magnolias were added across the front of the property; and, planters increased in size adding more landscape material. Mr. Karakul suggested that one more tree be added to the front for more symmetry, which was agreed to by Mr. Peterson.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

B - 011 - 2012 Addition, Landscape/Hardscape
Address: 273 Tangier Avenue
Applicant: Judith and Ronald Berk
Architect: Jerome Baumoehl, AIA
Project Description: Partial renovation of existing perimeter walls, removal of entire roof structure to accommodate the construction of a new second floor. Pool, hardscape and landscape

Please note that after hearing the project at the February meeting, it was deferred to the March meeting for re-study.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Jerome Baumoehl, AIA
LANDSCAPE PRESENTATION BY: Dustin Mizell, Environment Design Group

Mr. Baumoehl presented revised plans in response to the commission's comments at the February meeting. Mr. Mizell likewise presented revised plans showing revisions to the columns and pedestrian gate. Tiered landscaping has been added to the plans. Though the commission agreed that the project was improved since last month's presentation, concerns remained regarding the stepped back second floor, the double gates, the condition of the hedges, and color choices for materials.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION DIED FOR LACK OF A SECOND.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED, WITH THE OVERHANG REDUCED.
MOTION DIED FOR LACK OF A SECOND.

MOTION BY MR. HOMES FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

It was recommended that the architect study a second floor which is flush with the first floor front facade and a design with less ornamentation. It was suggested that the renderings clearly indicate the color choices for materials; and, that perhaps more landscaping be added to the front.

Maura Ziska, on behalf of the property owners, indicated that a redesigned project may require variances.

*****

Let the record show that Mrs. Delp administered the Oath of Office to Mr. Sammons at this time.

Chairman Vila welcomed Mr. Sammons, a Florida registered architect, into service.

*****

B. MAJOR PROJECTS - NEW BUSINESS **(9:32:00 a.m.)**

B - 006 - 2012 Addition

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 218 Miraflores Drive

Applicant: Vera Alfieri Monforte

Architect: Studio K Architects

Project Description: Proposed 453 square foot addition to an existing single story private residence. *Variance requested for angle of vision.*

Call for disclosure of ex parte communication: Disclosures by several members

VARIANCE PRESENTATION BY: Attorney Maura Ziska

ARCHITECTURAL PRESENTATION BY: Gregory Bonner, Studio K Architects

LANDSCAPE PRESENTATION BY: Dustin Mizell, Environment Design Group

Ms. Ziska's explanation of the variance request was followed by the presentation of the project by Mr. Bonner. This project had been reviewed at the January meeting; was not approved; and, then was revised to include a variance request. Since that January presentation, the architecture has been simplified. Mr. Bonner indicated that some driveway space and hardscape space in the rear has been removed to accommodate lot coverage requirements. Dustin Mizell stated that more Royal Palms have been added to the landscape plan, and some other plantings in the front have been cleaned up and reorganized. Mrs. Vanneck clarified with Mr. Mizell that the Ficus indicated on the plans will indeed be Green Island Ficus.

MOTION BY MR. ZUKOV RECOMMENDING APPROVAL OF THE VARIANCE STATING THAT IT WILL NOT HAVE A NEGATIVE IMPACT ON THE ARCHITECTURE.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE ARCHITECTURE AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

B -007 -2012 Demolition and New Residence

Address: 1191 N. Ocean Way

Applicant: Valley Property Management LLC

Architect: Dailey Janssen Architects, P.A.

Project Description: Demolition of existing two-story residence and hardscape. Construction of new two-story Island Colonial residence with 5,352 square feet, pool, hardscape and landscape. Building, roof and trim: white

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects, P.A.

LANDSCAPE ISSUES DISCUSSED BY: Stephanie Portus, Krent-Wieland Design

ZONING ISSUES PRESENTED BY: Paul Castro, Zoning Administrator

OTHERS WHO TESTIFIED: Richard Rampell, neighbor at 1186 N. Ocean Way, John C. Dotterer, Attorney, representing property owner at 1190 N. Ocean; and, Ed Clement, Sabre Construction LLC, personal representative of the applicant.

Prior to any presentation of the project, Mr. Lindgren noted that the project, as currently presented, does not meet several code requirements. As such, staff recommended deferral of the project. It was also noted that a neighbor had sent a letter of objection, but it was Mr. Lindgren's understanding, that the neighbors had reached an agreement.

Mr. Janssen called the code issues "very miniscule items" and requested that he be permitted to present the project, acknowledging that certain adjustments will be made in order that the project meets code.

Richard Rampell commented that his home is overwhelmed by homes that are much larger and higher. This project is yet another one, and it seems too big and overwhelming.

Paul Castro, Zoning Administrator, discussed the zoning problems with the project as submitted.

Attorney John C.Dotterer referred to the March 19, 2012 letter of objection which had been submitted by his client, Mr. Cole, who resides at 1190 N. Ocean Blvd. He noted that today, Mr. Cole and the applicant have reached an agreement relative to certain conditions that the applicant has agreed to relative to the project, and they are as follows:

1. As to demolition and construction, the applicant will provide us with a written agreement to repair or indemnify Mr. Cole for damage that would be done during the demolition or construction process to his retaining walls, equipment, and other structures.
2. That the applicant and its contractor will place Mr. Cole as an additional insured on its insurance policies, and the contractor's policy is for ($1M/2M) in coverage.
3. That all rodents, insects and pests will be exterminated in the existing derelict structure before it is demolished.
4. That the applicant and contractor will take care to avoid vibratory methods of demolition and construction.
5. That the Areca trees, which are growing right up against the retaining walls on the East side, will be cut off so that they die before removal is attempted, which will make it easier to extract them without damage or undermining the existing walls.
6. That there be no dumpsters on the Nightingale Trail side of the project.
7. That demolition begin on or after May 1st, 2012.
8. As to the design, the chimney, which is on the plans, will be eliminated totally.
9. There will a gas only, no wood burning fireplace on the first floor only.
10. That the roofline is lowered by 20 inches.

MOTION BY MR. ZUKOV TO DEFER THE ARCHITECTURE TO THE APRIL MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

Let the record show that Mr. Ed Clement, owner's representative, confirmed agreement to the aforementioned conditions.

Mr. Janssen provided the demolition report for the existing residence.

MOTION BY MR. HOMES FOR APPROVAL OF THE DEMOLITION WITH THE TYPICAL CONDITIONS (FOR SODDING AND IRRIGATING).

Mrs. Vanneck noted that 3 palms are scheduled for removal from the site. She questioned whether they could be relocated. Stephanie Portus from Krent-Wieland Design responded that due to space constraints, and lack of a holding area on site, the cost to move and maintain the trees off site, and then move them back for re-planting exceeds the value of the landscape material. Mrs. Vanneck suggested donating the trees.

MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B - 017 - 2012 Addition
ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 270 Kawama Lane
Applicant: L. Frank Chopin, Esquire for Robert Nederlander
Architect: Jerome Baumoehl
Project Description: Removal of the existing gable roof entrance and the addition of a new flat roof covered entry. Extend existing covered front porch approximately 22 feet across with pre-cast columns with coquina finish. Fascia and all other finishes to match existing. *Variance requested for lot coverage.*

Call for disclosure of ex parte communication: Disclosure by Mr. Zukov

VARIANCE PRESENTATION BY: L. Frank Chopin, Attorney
ARCHITECTURAL PRESENTATION BY: Jerome Baumoehl

Mr. Chopin discussed the issues relative to the variance requested for the project. Mr. Baumoehl presented the architecture pursuant to the submitted plans and as described above. While members were in favor of changing the entrance, there were concerns about the following: choice for a flat roof, the detailing, proportional relationships, complicated columns, too much ornamentation, and, problem with column in front of window.

MOTION BY MR. ZUKOV THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. HOMES FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B - 018 - 2012 New Residence
Address: 109 Jungle Road
Applicant: Casa PB, LLC
Architect: Bridges, Marsh & Associates
Project Description: Construct new residence in a contemporary Regency style. Building Color: Chamois; Roof Color: Vermont Grey; Trim Color: Chamois

Please be advised that the architect has requested deferral to the April meeting.

MOTION BY MRS. VANNECK FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

B - 019 - 2012 Demolition and New Cabana
Address: 1090 N. Lake Way
Applicant: 1090 N. Lake Way LLC
Architect: Thomas M. Kirchhoff, AIA
Project Description: Demolition of existing one-story cabana. New 2-story cabana and associated landscaping and hardscape. New motorized vehicular gate.

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchoff, AIA

Mr. Kirchhoff provided a demolition report with regard to the existing one-story cabana.

MOTION BY MR. ZUKOV FOR APPROVAL OF DEMOLITION OF THE EXISTING CABANA.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

Let the record show that Mr. Kirchhoff brought a model of the new two-story cabana with a curved exterior stairway to the second floor deck. He noted that the project includes retractable awnings on the new cabana and also on the main house at the master bedroom, but it was pointed out to Mr. Kirchhoff that the plans do not show an awning for the new cabana. Mr. Kirchhoff stated that it would have to be brought back to the commission. The proposed plain grey vehicular gate will occur at the service gate. Though there was some disagreement as to the curved stair…

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.*
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

***Approval does not include retractable awnings.**

B - 020 - 2012 Demolition and New Residence
Address: 268 Jamaica Lane
Applicant: William Whitehouse, Personal Representative of the Estate of Margaret Whitehouse
Architect: Roger Janssen of Dailey Janssen Architects
Project Description: Demolition of existing one story single family residence, pool, and spa. Proposed new two-story single family residence with 4393 air-conditioned square feet with pool, spa, landscape and hardscape. Building Color: White; Roof color: Gray/green; Trim color: White.

Call for disclosure of ex parte communication: No disclosures

Mr. Lindgren read a letter into the record from David Barton, 216 Jamaica Lane, wherein he listed several objections to the project.

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Daily Janssen Architects
LANDSCAPE PRESENTATION BY: Dustin Mizell, Environment Design Group
OTHERS WHO TESTIFIED: James McCartney Wearn, neighbor

Mr. Janssen provided the demolition report for the existing home.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE DEMOLITION.
MOTION DIED FOR LACK OF A SECOND AT THIS TIME.

Mr. Janssen provided photos of the existing residence and additional information for the demolition report. Mr. Mizell stated that all the landscape material will be removed as part of this demolition project.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE DEMOLITION.
MOTION SECONDED BY MR. KNOWLES.
MOTION CARRIED UNANIMOUSLY.

Mr. Janssen continued with the presentation of the new house pursuant to the submitted plans and according to the project description above. He described the proposed residence as having a British West Indies style with a two-story central mass, a one story garage wing, and a turnaround driveway with side motor court. Design elements include: double pitched hip roofs, mahogany front door with sidelites, grey/green tile roof, and Chippendale railings. Mr. Mizell presented the landscape/hardscape including: front motor court intersected by a cast stone walkway, garden entry, pool and spa in rear, fountains, sculptures, decorative walls, and a variety of landscape material as noted.

Mr. Janssen noted that he had spoken with the neighbor, Mr. James Wearn, who requested maintenance of the hedges, making the wall 1 ft. higher, and changing the two garage doors to a single, wide garage door. Mr. Janssen passed a drawing including those changes.

Concerns were raised regarding the following: The flat spots on the roof call attention to the house being massive; height of first vs. second floor; the blank wall of the stair needs relief; a lot of triple windows; details of pergola are both fragile and massive; details need to be strengthened, and should be provided in full size; problem with massive garage doors; lack of backyard landscaping; views from terrace into neighbor's back yard; safety of vehicles leaving the driveway (safe sight triangle); placement of hedge and wall in easement; question the need for a pedestrian gate and walls in the front; the need for ample screening if the Ficus hedge is lost; and, a "top heavy" design.

Mr. Lindgren noted that the plan, as submitted, does not meet safe sight triangle requirements and will have to be modified.

James McCartney Wearn, 260 Jamaica Lane, described the neighborhood composition as having many one-story cottages. After review of the plans and meeting with the architect, he had three (3) concerns: (1) the plans appear contradictory as to whether the pool equipment will be on the east or west side; (2) acceptable treatment of the common boundary; and (3) concern relative to the very small turning radius, fearing the this will cause cars to park on the street.

MOTION BY MR. ZUKOV FOR APPROVAL WITH FOUR (4) EXCEPTIONS:
(1) New square doors for the garage;
(2) Moving the south landscaping onto the owner's property, completely off the right of way;
(3) Eliminate the entrance gates;
(4) And, rounding the corners coming in and out of this property.

MOTION SECONDED BY MR. HOMES.
MOTION FAILED 3-4, WITH MRS. VANNECK, MR. KNOWLES, MR. SAMMONS AND MR. VILA OPPOSED.

MOTION BY MR. HOMES FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED 6-1, WITH MR. ZUKOV OPPOSED.

Let the record show that there was a short recess at 11:04 a.m.

B - 021 - 2012 Demolition of guest house/garage and new addition
Address: 1564 S. Ocean Boulevard
Applicant: Richard Sloane
Architect: Jacqueline Albarran
Project Description: Demolition of existing two-story guest house/garage, connecting gallery, covered terrace, pool, patio, and driveway. New two story addition to the East of the existing two-story residence. All new impact doors and windows. Roof slope, rafter tails, materials and detailing to match existing.

Call for disclosure of ex parte communication: Disclosures by several members. Mr. Gruss stated that he lives within 200 feet of the subject address.

ARCHITECTURAL PRESENTATION BY: Jacqueline Albarran
OTHERS WHO TESTIFIED: Donald Carter, neighbor at 4, 5 & 6 Lagomar Road

Ms. Albarran presented the project for this house pursuant to the submitted plans and as described above. She explained that this house is in terrible disrepair, and views to the ocean are currently blocked by the existing garage structure. In response to comments from members prior to the meeting, she prepared some alternative designs for Plan sheets A11, A16, A17 and A19. Since, the plans include only a preliminary landscape plan, the landscape/hardscape will return to the commission at a later date.

MOTION BY MR. SAMMONS FOR APPROVAL WITH CONTINUED STUDY OF THE DETAILS… (motion interrupted by further testimony of others)

Donald Carter, neighbor, expressed his approval of the plans for the house which has been an eyesore for a long time. He was concerned with the landscaping shown today as he felt it was not in keeping with the rest of the neighborhood. Mr. Carter mentioned a long yellow wall running along South Ocean Boulevard, and the difficulties people encounter when trying to locate street signage. He hoped that would be addressed in the landscape plan. Ms. Albarran agreed that this issue should be addressed.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KNOWLES.

SINCE MR. SAMMONS' MOTION WAS INTERRUPTED EARLIER….MOTION BY MR. SAMMONS FOR APPROVAL WITH THE CAVEAT THAT THE DETAILS WOULD BE PRESENTED AT A LARGER SCALE AT THE NEXT HEARING FOR THE LANDSCAPE, AND THAT THE UPPER PART OF THE VERANDA BE STUDIED IN TERMS OF ITS CONNECTION TO THE HOUSE.
MOTION SECONDED BY MR. KNOWLES.
MOTION CARRIED UNANIMOUSLY.

IT WAS NOTED THAT THE APPROVAL INCLUDED THE ALTERNATE DESIGNS AS PRESENTED.

B - 022 - 2012 Walls and gates
Address: 1255 South Ocean Boulevard
Applicant: Thomas Peterffy
Architect: Smith and Moore Architects, Inc./Daniel Kahan
Project Description: New privacy walls and vehicle gates. This design was presented for informal review in September 2011.

Please be advised that the applicant has requested deferral to the April meeting.

MOTION BY MRS. VANNECK FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B - 023 - 2012 Awnings and windows
ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 184 Bradley Place #501 Penthouse South
Applicant: Alan and Linda Landis
Architect: Smith and Moore Architects Inc./Daniel Kahan
Project Description: Installation of new retractable canvas awnings on the existing south and west facing terraces (awning fabric to match building color); Conversion of solid railing walls to balustrade to match north penthouse; Replacement of all doors and windows with matching aluminum impact-resistant units. *Variance requested for street side yard setback.*

Call for disclosure of ex parte communication: Disclosures by several members

VARIANCE PRESENTATION BY: Attorney Maura Ziska
ARCHITECTURAL PRESENTATION BY: Daniel Kahan, Smith and Moore Architects Inc.

Mr. Kahan stressed the fact that the balustrade changes will restore symmetry to the building. Proposed retractable awnings will be off-white to match the building trim. The window replacement provides the benefit of shutter boxes being removed.

MOTION BY MR. ZUKOV THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.
MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B - 024 - 2012 Addition
ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 125 El Mirasol
Applicant: Lawrence and Judith Schlager
Architect: Thomas M. Kirchhoff, AIA, P.A.
Project Description: Addition to second floor of existing two-story residence. *Variance requested for front yard setback/building height plane setback, and cubic content ratio*

Call for disclosure of ex parte communication: Disclosures by several members

Mr. Lindgren noted, for the record, that the author of a letter of objection to this project, Randolph Guthrie, had just handed Mr. Lindgren another letter (read into the record) retracting his objection to the variance.

VARIANCE PRESENTATION BY: Attorney Maura Ziska
ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff, AIA

Mr. Kirchhoff stated that his proposal attempts to correct what he views as an original design flaw of the home. The project makes the second floor flush with the first floor. The addition would create a caretaker's room for a full-time, live-in caretaker.

MOTION BY MR. ZUKOV THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B - 025 - 2012 Demolition
Address: 310 Island Road
Applicant: 320 Island Road Trust
Architect: Thomas M. Kirchhoff, AIA
Project Description: Demolition of existing residence, hardscape, landscape and pool

Let the record show that B-025-2012 and B-026-2012 were discussed simultaneously.

B - 026 - 2012 Demolition
Address: 320 Island Road
Applicant: 320 Island Road Trust
Architect: Thomas M. Kirchhoff, AIA
Project Description: Demolition of existing residence, hardscape, landscape

Call for disclosure of ex parte communication: Disclosure by Mr. Vila

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff, AIA

Mr. Kirchhoff stated that this was always one property, but without unity of title. The guest house is the property known as 310 Island Road, with the Fatio designed main house at 320 Island Road. A swimming pool is placed between the two properties. Mr. Kirchhoff provided demolition reports on both. He noted that he had met Dr. Jane Day, Staff Historic Preservation Consultant, and Ted Cooney, Chairman of the Landmarks Preservation Commission, at the site, and neither was in favor of saving the house.

Ted Cooney, 495 North Lake Way, confirmed that he and Dr. Day had visited the site. Mr. Cooney was aware that the applicant had originally approached this project as a historic preservation effort, but after further review of the structure and discussion with the architect, the client opted for demolition. He called attention to other houses on the street which are the subject of preservation efforts by the LPC.

The commission members were divided on whether the demolition should be approved, particularly demolition of the main house. Mr. Kirchhoff stated that he works on many landmarked homes, but this house is not a prime example of Fatio's work, and would require changing every aspect of the house.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE DEMOLITION WITH THE TYPICAL CAVEATS FOR SODDING AND IRRIGATING.
MOTION SECONDED BY MR. HOMES, WITH REGRET.
MOTION CARRIED 5-2, WITH MESSRS. SAMMONS AND VILA OPPOSED.

<u>B - 028 - 2012 Addition</u>
ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 218 Royal Palm Way
Applicant: Keith Spina - Glidden Spina & Partners for 218 Royal Palm Way, LLC, Axel Pinto Quintero
Architect: Glidden Spina & Partners, Keith Spina
Project Description: Construct a 21 sq. ft. addition to an existing Elevator Equipment Room located on the first floor at the southwest corner of the building. *Variance requested for lot coverage.*

Call for disclosure of ex parte communication: Disclosure by Dr. Phillips

Mrs. Vanneck noted, for the record, that the mini sets for this project were not submitted to the Town according to the posted deadlines.

VARIANCE PRESENTATION BY: Variance not addressed by Mr. Tracht
ARCHITECTURAL PRESENTATION BY: Rich Tracht, Glidden Spina & Partners

Mrs. Vanneck also noted that no landscape plans were submitted. Mr. Tracht responded that they will fill in with matching landscape.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

Please note that there was no presentation relative to the variance, and no motion was made by the commission as a recommendation in support or in opposition to the variance.

C. **MINOR PROJECTS - OLD BUSINESS:**

D. **MINOR PROJECTS - NEW BUSINESS: (12:05:10 a.m.)**
A - 006 - 2012 Site Wall and Landscaping
Address: 200 Jungle Road
Applicant: Carl H. Hewitt
Architect: Mario Nievera
Project Description: Proposed new site wall and landscaping at north property

Call for disclosure of ex parte communication: Disclosures by Mrs. Vanneck and Mr. Knowles

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams

Mr. Williams stated that the wall (CBS with a cast stone cap) will continue an existing wall, and will serve to create privacy and reduce noise. The driveway opening will be reduced in width. Intermediate columns and two main columns at the driveway are planned. Additional landscaping is planned to soften the large driveway and the entrance, as well as other landscape changes per plan. The paving will be broken up by an added cast stone band.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.

Mr. Sammons took issue with the column caps as presented, because two different columns of differing importance have the same cap.

MOTION AMENDED BY MRS. VANNECK FOR APPROVAL WITH THE POSTS REVISED PER MR. SAMMONS' RECOMMENDATION.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

A - 008 - 2012 Changes to previous approval
Address: 221 El Vedado Road
Applicant: 221 El Vedado, LLC
Architect: Mark Finlay Architects
Project Description: Minor changes to Plans (B-002-2012) approved at the January 2012 meeting. Changes include the following: Flip building on existing footprint and adjust side windows/door to accommodate plan change; add two bay windows on first floor of north elevation. Eliminate trellis from garage. Change roof material from grey concrete tile to grey clay tile.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Jay Valade, Mark Finlay Architects

Mr. Valade explained that interior plan changes caused this symmetrical house to be "flipped." There are some corresponding fenestration changes, the trellis elimination, and the change in roof material.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.

A - 009 - 2012 Awning and signage
Address: 238 Worth Avenue
Applicant: Burton Handelsman, Property Owner, for: MacKenzie-Childs (Store Manager: Renee Bakarian)
Architect: Jason P. Drobot, R. A.
Project Description: Addition of a fabric awning and signage

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Jason Drobot

Mr. Drobot presented a sample of the proposed hand painted awning (to be placed on the existing frame) showing alternating 6" black and off-white stripes, with both stripes showing striations of other assorted colors.

The commission was quite divided on this issue. One member liked the awning as presented. Others liked black and off-white stripes or black and white stripes, but not the hand painted and striated version. Others preferred plain white. Most members agreed that the awning should not signify a brand.

MOTION BY MRS. VANNECK FOR DEFERRAL TO THE APRIL MEETING.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

Let the record show that Mr. Knowles left the meeting.

A - 010 - 2012 Addition
Address: 272 List Road
Applicant: James C. Paine Jr. for Owner Joseph W. & Valerie A. Brown
Architect: James C. Paine Jr.
Project Description: One story addition of 158 sq. ft. to existing one-story residence. New windows and doors, new landscape and hardscape, demolish existing pool and build new pool in similar location

Call for disclosure of ex parte communication: Disclosures by Mr. Zukov and Mrs. Vanneck

ARCHITECTURAL PRESENTATION BY: James C. Paine Jr.
LANDSCAPE PRESENTATION BY: Steve Parker, Parker and Yanette

Mr. Paine presented a very long and thin addition (only 3'5" wide) to the home affecting several rooms of the house according to the submitted plans and as described above. Project elements include: replace existing white, cement tile roof with matching material; window/door replacements with white aluminum casement impact windows or French doors; replace existing pool with a new rectangular pool centered on axis; and, new mahogany front door in new location. Mr. Parker reviewed the landscape/hardscape plans with elements including: replacing existing hedges with taller 8 ft. Podocarpus; remove existing three (3) Royal Palms and replace with four (4) new Royal Palms with 18 ft. of clear trunk for better symmetry; driveway, piers, entry walks, and low profile fountain; 6 ft. privacy wall, and many other assorted plant/tree species. The existing Strangler Fig, in poor condition, is scheduled for removal (with the neighbor's agreement) and replacement with a Pitch Apple tree. Mr. Paine reported that a neighbor, Patricia Lebow at 272 Via Marila supports the project.

Mr. Lindgren called attention to the fact that the plans presented today had not yet been modified to incorporate several landscape changes discussed today.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED, WITH THE CAVEAT THAT THE NEW LANDSCAPE PLAN, "ACCORDING TO WHAT WE ARE SAYING", IS SUBMITTED FOR APPROVAL.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

XI. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE) (12:51:40 a.m.): None

XII. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (12:51:42 a.m.)

Mr. Page asked the ARCOM members if they would like their e-mail addresses to appear on the ARCOM roster. None of the members wanted their e-mail addresses listed.

Dr. Phillips asked Mr. Sammons to explain "grammar" as it relates to architecture. Mr. Sammons provided the information as requested.

Mr. Ives, in light of the comment by Mrs. Vanneck that the mini-sets for 218 Royal Palm Way were late, encouraged equal treatment to all applicants.

Mr. Lindgren offered some comments as to the project which had to be deferred for further zoning review, B - 007 – 2012, 1191 N. Ocean Way.

XIII. <u>ADJOURNMENT:</u> (12:58:03 a.m.)

MOTION BY MRS. VANNECK TO ADJOURN THE MEETING AT 1:05 P.M.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held Wednesday, April 25, 2012 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

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TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 16-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Bid Award #2012-15 to Southern Computer Warehouse for the Purchase of Laptop and Desktop Computers in the Amount of $32,632.35 and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated April 10, 2012, from Spencer D. Wilson, Information Systems Manager
- Resolution No. 16-2012
- Bid tabulation

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

Via: Thomas G. Bradford, Deputy Town Manager

From: Spencer D. Wilson, Information Systems Manager

Re: Bid Award 2012-15 to Southern Computer Warehouse for the Purchase of 25 Laptop and 20 Desktop Computers
Resolution No. 16-2012

Date: April 10, 2012

STAFF RECOMMENDATION

The Office of Information Systems is recommending the approval of Bid Award 2012-15 to Southern Computer Warehouse for the purchase of 25 Laptop Computers and 20 Desktop Computers. All of these computers are replacements for existing equipment. Ten of the laptop computers will be replaced from FY12 funds in the equipment replacement fund and the remaining fifteen laptops and 20 desktops will be replaced from FY12 funds in the Information Systems budget. Staff is recommending the adoption of Resolution No. 16-2012 which provides the Town Manager the authority to sign the requisitions and expend the funds from the annual budget for these purchases. The total cost of this purchase is $32,632.35.

GENERAL INFORMATION

The Town currently has 25 laptops that are due for replacement and an additional 20 desktops that are also due to be replaced. These computers have been in service for over three years and are currently out of warranty. The new computers that where requested as part of bid 2012-15 are going to provide even more features to the Town and are being placed on a four year replacement schedule in order to extend the useful life of the machines. The bid was based on unit pricing and the original quantities were for 25 laptops and 10 desktops. Because of the favorable pricing on the desktops and the need to replace some additional aging equipment, the quantity has been increased to 20 desktops. This is all in accordance with the presentation staff made at last year's budget meetings and Town Council's approval of this plan at that time.

PURCHASING REVIEW

Bid 2012-15 was issued by the Town's Purchasing Division. This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is

hereby recommended to Southern Computer Warehouse as the lowest responsive responsible bidder.

TOWN ATTORNEY REVIEW

The bid award and the Resolution have been approved by the Town Attorney for legal form and sufficiency.

FUNDING/FISCAL IMPACT

All funds needed for this purchase are available in the FY12 budget for the Equipment Replacement Fund and the Office of Information Systems.

Attachment

RESOLUTION NO. 16-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE BID AWARD #2012-15 TO SOUTHERN COMPUTER WAREHOUSE FOR THE PURCHASE OF LAPTOP AND DESKTOP COMPUTERS IN THE AMOUNT OF $32,632.35 AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THIS PURCHASE ON BEHALF OF THE TOWN.

WHEREAS, staff recommends approval of award #2012-15 to Southern Computer Warehouse 1395 South Marietta Parkway Building 300 Marietta, GA 30067 for the purchase of laptop and desktop computers in the amount of $32,632.35 and authorizing the Town Manager to execute the agreement and purchase from Southern Computer Warehouse.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1: The foregoing recital is hereby ratified and confirmed.

Section 2: The bid award for the purchase of laptop and desktop computers in the amount of $32,632.35 attached hereto as Exhibit A and incorporated by reference as a part of this resolution is hereby approved and the Town Manager is authorized to execute this purchase on behalf of the Town.

PASSED AND ADOPTED IN REGULAR, ADJOURNED SESSION OF THE TOWN COUNCILOF THE TOWN OF PALM BEACH ASSEMBLED THIS 10th DAY OF APRIL 2012.

Gail L. Coniglio, Mayor	David A. Rosow, Town Council President
	Robert N. Wildrick, President Pro Tem
	William J. Diamond, Town Council Member
ATTEST:	Richard M. Kleid, Town Council Member
Susan A. Owens, MMC, Town Clerk	Michael J. Pucillo, Town Council Member

Exhibit A

BID TABULATION

BID NO. 2012-15- PURCHASE OF COMPUTERS

	VENDOR NAME:			ATCi Communications Inc.		CDW Government LLC		Computer Network Solutions		En Pointe Technologies Sales Inc.		Howard Technology Solutions		PC Solutions & Integration, Inc.		Southern Computer Warehouse	
	ADDRESS:			1270 N.W. 165th Street Miami, FL 33169		230 N Milwaukee Ave Vernon Hills, IL 60061		10396 West S.R. 84 Davie, FL 33324		18701 S. Figueroa Street Gardens, CA 90248-4506		36 Howard Drive Ellsville, MS 39437		4937 SW 75 Ave Miami, FL 33155		1395 S. Marietta Pkwy Building 300 Marietta, GA 30067	
	PHONE:			305-620-0062		877-499-8920		954-986-6750		310-337-5200 x2813		888-912-3151		305-667-0633		877-468-6729	
	CONTACT:			Nick Duarte		Matthew Flood		Scott Geller		Mohammad Omair		Darlene Parker		Layda Hernandez		Tabitha Bell	
	[redacted]																
1	Lenovo 4239L65 Thinkpad T520 Core i5 2.5 GHZ / 4gb / 320gb / DVD+R / WC / 15.6" / W7P64	25	EA	$ 965.00	$ 24,125.00	$ 833.00	$ 20,825.00	$ 824.00	$ 20,600.00	$ 875.86	[redacted]	$ 791.00	$ 19,775.00	$ 815.00	$ 20,375.00	$ 732.51	$ 18,312.75
2	Edge PE225476 4gb PC3-10600 204-pin DDR3 SDRAM SODIMM Edge Memory	25	EA	$ 35.85	$ 896.25	$ 23.34	$ 583.50	$ 23.78	$ 594.50	$ 23.87	[redacted]	$ 30.00	$ 750.00	$ 28.00	$ 700.00	$ 24.69	$ 617.25
3	Lenovo 433710UThinkpad Mini Dock Series 3	25	EA	$ 193.75	$ 4,843.75	$ 155.00	$ 3,875.00	$ 189.00	$ 4,725.00	$ 151.66	[redacted]	$ 157.00	$ 3,925.00	$ 155.00	$ 3,875.00	$ 151.59	$ 3,789.75
4	Lenovo 3134C2UThinkcentre M71e SFF Pentium DC G850 2.9 GHZ / 3MB / 4gb / 320 gb SATA / Super Multi DL / GigNIC / W7P64	10	EA	$ 529.75	$ 5,297.50	$ 500.00	$ 5,000.00	$ 499.00	$ 4,990.00	$ 486.82	[redacted]	$ 502.00	$ 5,020.00	$ 460.00	$ 4,600.00	$ 470.74	$ 4,707.40
5	Edge PE2239534gb PC3-10600 240 Pin DDR3 SDRAM UDIMM Edge Memory	10	EA	$ 35.75	$ 357.50	$ 22.44	$ 224.40	$ 23.78	$ 237.80	$ 24.09	[redacted]	$ 30.00	$ 300.00	$ 27.00	$ 270.00	$ 24.89	$ 248.90
					TOTAL	**$ 35,520.00**		**$ 30,507.90**					**$ 29,770.00**		**$ 29,820.00**		**$ 27,676.05**

Bid Opening: Wednesday,March 21, 2012 @ 2:00 PM

Opened by: Adis Pedraza
Witnessed by: John Omar

[redacted]

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Resolutions

Agenda Title

Resolution No. 18-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Renewal of the Concession Agreement for the Town of Palm Beach Tennis Facilities Between the Town of Palm Beach and NetResults Tennis, LLC. and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated March 30, 2012, from Jay Boodheshwar, Director of Recreation and Special Projects
- Resolution No. 18-2012
- Letter from David MacBurnie, NetResults Tennis, LLC
- Concession Agreement for the Town of Palm Beach Tennis Facilities, Dated April 29, 2009

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Tennis Facilities Concession Agreement Renewal with NetResults Tennis, LLC.
Resolution No. 18-2012

Date: March 30, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 18-2012, authorizing the Town Manager to renew the Concession Agreement for the Town of Palm Beach Tennis Facilities with NetResults Tennis, LLC.

GENERAL INFORMATION

The initial term of the agreement with NetResults Tennis began June 1, 2009, and is scheduled to terminate on May 31, 2012. The agreement allows the Town to renew it on an annual basis. NetResults Tennis has formally requested to renew the agreement and staff is recommending that we do so. The renewal will be for the period of June 1, 2012 to May 31, 2013, and includes a few minor changes to the compensation package.

The tennis services provided by NetResults have been very successful under the direction of its Head Tennis Pro, Dejan Minic, and his staff. Junior participation has grown 22% from FY2008 to FY2011; individual lessons have grown 5 % in the last two fiscal years, and we have experienced a large jump for clinics (maximizing the number of participants on the courts at one time) with a 68% growth from FY2010 to FY2011. Teaching revenue in FY2008, the last full fiscal year prior to the current agreement with NetResults Tennis, Inc., was $10,666.67. In FY2011 a total of $59,293.87 was generated for the Town's share.

The success of our partnership with NetResults indicates a conscientious effort to build participation and increase revenue at Town tennis facilities. NetResults has worked closely with Recreation Department staff and brought a dynamic/professional presence to our tennis facilities, offered innovative programs, handled league coordination, and provided high quality instruction.

FUNDING/FISCAL IMPACT

The Town collects all fees associated with the teaching contract and pays the contractor an agreed upon share. The contractor is currently compensated in the following manner for tennis instruction and related services, including lessons, clinics, camps, or other such teaching services. These compensation rates also apply to the sale of tennis related merchandise, stringing services,

tournaments and events, other than those conducted by Town staff, or any other agreed upon service or goods.

- 90% of the first $100,000 of gross revenues
- 87% of the second $100,000 of gross revenues
- 85% of the third $100,000 (and above) of gross revenues

The contractor currently pays the Town an administrative fee of $12,000 (twelve thousand dollars) in 12 monthly installments of $1,000 for clerical assistance, financial reporting, lesson/clinic booking, and other miscellaneous support functions.

The new compensation structure will be as follows:

- 89% of the first $100,000 of gross revenues
- 86% of the second $100,000 of gross revenues
- 84% of the third $100,000 (and above) of gross revenues

The contractor will also now pay the Town an administrative fee of $13,200 (thirteen thousand two-hundred dollars) in 12 monthly installments of $1,100.

The new compensation package is expected to net the Town, based on similar gross revenues from the last contract year, an additional $6,200 for the next contract year.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department. Town Council approval is recommended.

TOWN ATTORNEY REVIEW

This is a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency.

RECREATION ADVISORY COMMISSION RECOMMENDATION

The Recreation Advisory Commission unanimously recommended the renewal of this agreement at its March 7, 2012, meeting.

Attachments

cc: Recreation Advisory Commission
Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Lynda Venne, Purchasing Agent
Rod Gardiner, Assistant Director of Recreation
David McBurnie, NetResults Tennis, LLC

RESOLUTION NO. 18-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE RENEWAL OF THE CONCESSION AGREEMENT FOR THE TOWN OF PALM BEACH TENNIS FACILITIES BETWEEN THE TOWN OF PALM BEACH AND NETRESULTS TENNIS, LLC AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

* * * * *

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1: The Concession Agreement for the Town of Palm Beach Tennis Facilities between the Town of Palm Beach and NetResults Tennis, LLC, attached hereto as Exhibit "A" and incorporated by reference as a part of this resolution, is hereby renewed with the following changes.

Section 2: NetResults Tennis, LLC will be compensated in the following manner for tennis instruction and related services, including lessons, clinics, camps, or other such teaching services. These compensation rates will also apply to the sale of tennis related merchandise, stringing services, tournaments and events, other than those conducted by Town staff, or any other agreed upon service or goods.

- 89% of the first $100,000 of gross revenues
- 86% of the second $100,000 of gross revenues
- 84% of the third $100,000 (and above) of gross revenues

The contractor will also pay the Town an administrative fee of $13,200 (thirteen thousand two-hundred dollars) in 12 monthly installments of $1,100.

Section 3: The Town Manager is authorized to execute the same on behalf of the Town.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of April, 2012.

_____	_____
Gail Coniglio, Mayor	David A. Rosow, Town Council President
	_____
	Robert N. Wildrick, Town Council President Pro Tem
	_____
	William J. Diamond, Town Council Member
	_____
ATTEST:	Richard M. Kleid, Town Council Member
_____	_____
Susan Owens, Town Clerk	Michael J. Pucillo, Town Council Member

David Macburnie

Subject: NETRESULTS/Palm Beach Contract Extension

NETRESULTS TENNIS

Brookline's Municipal Specialists

Dear Mr Boodheshwar,

The purpose of this letter is to inform you and the town of Palm Beach that NETRESULTS Tennis Management of Wellelesly Hills, MA would very much like to continue our contractual arrangement to provide the tennis services at both Seaview Park Tennis Center and the Phipps Ocean Park Tennis Center. We have accomplished a significant amount of our initial goals. We have converted the lesson culture into a vibrant and thriving group program that has become the staple of Palm Beach Tennis. NETRESULTS has brought a significant amount of professionalism and customer service to a community that has come to expect only the best.

We would like to discuss further the opportunity to extend the contract to another 3 year term, allowing both parties to continue to feel the commitment to make Palm Beach Tennis the destination in South Florida.

Respectfully,

David MacBurnie

David MacBurnie, USPTA
NETRESULTS Tennis
PO Box 81313
Wellesley Hills, MA 02481
netresultstennis.net
palmbeachtennis.us
tampatennis.net
dmacburnie@comcast.net

CONCESSION AGREEMENT
FOR THE
TOWN OF PALM BEACH TENNIS FACILITIES

THIS AGREEMENT made and entered into this 29th day of APRIL, 2009, by and between the TOWN OF PALM BEACH, hereinafter referred to as "Town" and NETRESULTS Tennis, LLC, hereinafter referred to as the "Contractor".

WITNESSETH:

WHEREAS, the Town owns and operates tennis facilities at Seaview Park and Phipps Ocean Park, both situated within the Town of Palm Beach and

WHEREAS, the Town and Contractor desire an agreement wherein and whereby the Contractor shall have the concession for tennis teaching services, merchandise sales and equipment rental upon the terms and conditions hereinafter set forth, to wit:

I. TERM OF AGREEMENT

The initial term of this agreement shall be in effect beginning June 1, 2009, and terminating May 31, 2012, unless terminated sooner as hereinafter set forth. Upon expiration of the initial term, this agreement shall be automatically renewed on an annual basis unless terminated or modified by either party through written notice to the other as hereinafter set forth.

II. SCOPE OF SERVICES

1. The head tennis professional on site will be Mr. Dejan Minic as specified by the Contractor. Mr. Minic shall be required to be actively involved in tennis teaching services on court for a minimum of 20 hours per week, unless on vacation or sick leave. Should the performance of Mr. Minic be deemed as less than satisfactory at any time during the agreement period, the Town shall have the right to request a replacement head tennis professional from the Contractor. The Contractor shall be responsible for providing a suitable replacement for the vacated position within 30 days of notification. The replacement must be approved by the Director of Recreation. In the event that the suggested replacement head professional provided by the Contractor is not deemed acceptable by the Director of Recreation this contract agreement between the Town and Contractor shall be considered terminated.

2. Contractor shall have the sole concession for all tennis related teaching services on Town tennis facilities. Contractor shall also provide a quality line of tennis related merchandise, including clothing with appropriate tennis facility logo in the pro shops. The types of items rented and sold under these concessions shall be tennis related. Limited pre-packaged frozen ice cream and nutritional bars may also be sold. Contractor shall also provide racket stringing and other tennis related services. Contractor shall be fully responsible for the payment and maintenance of all insurance and applicable taxes related to these concessions as required by the legal obligations of an independent contractor.

3. Contractor shall have exclusive use of two courts at each facility for teaching purposes. (Teaching restrictions will apply during morning hours in peak season months during league matches and special events.) Additional courts may be available to the Contractor following approved booking procedures for non pre reserved courts on a daily basis. The junior tennis program is primarily conducted at the Seaview facility and may use up to 5 courts between the hours of 3:30 to 6:00, Monday through Friday as dictated by program demand. Contractor shall use these assigned courts to provide teaching services through lessons, clinics, camps and social activities as part of a comprehensive year round tennis program intended to increase resident participation and develop a dynamic and progressive junior tennis program. Agreed upon client registration forms and information sheets shall be used for the provision of teaching services. Additional courts may be available for new program use (i.e. cardio tennis).

4. Contractor shall assist facility supervisors with seeding and other tasks related with the coordination of competitive town tournaments, and coordination of league play and activities.

5. Contractor shall be responsible for the hiring, training, and payment of all tennis teaching staff performing services on Town facilities as subcontractors reporting directly to the Contractor.

6. If in the course of the duties, operations and services under this Agreement, in the event the Contractor or their agent, representative, employee or sub-contractor becomes aware or should become aware of any dangerous condition(s) in or on the premises or equipment, Contractor or their agent, representative, employee or sub-contractor shall immediately take appropriate action and cease activities, so as not to endanger persons or property.

7. The Contractor shall be responsible for notifying the Town of any maintenance related concerns that do not meet or satisfy the standards adopted and/or applied by the USTA.

8. The Contractor is an independent contractor who will be responsible for payment of federal withholding tax and social security contributions. Furthermore, the Contractor shall not be entitled to any fringe benefits normally provided Town employees such as worker's compensation insurance coverage, unemployment compensation, retirement, disability leave, and any leave with pay.

III. CONTRACTUAL RESPONSIBILITIES

CONTRACTOR shall be responsible for the following:

1. The Contractor shall report to and direct all correspondence and daily business through the Assistant Director of Recreation.

2. Contractor agrees to perform a reference check on all tennis instructors prior to their starting work on Town property. This reference check shall be completed in written

form with a copy of same submitted to the Town of Palm Beach Recreation Department Administrative Office. All tennis instructors employed by the Contractor shall have a background check performed by the Town prior to starting work on Town property. Cost of these background checks shall be borne by the Contractor. Contractor is required to have a written employment agreement in place with all tennis instructors prior to teaching.

3. In conjunction with all of the concession related responsibilities, the Contractor hereby agrees to maintain a good credit rating with all suppliers, manufacturers and others as well as to compensate all personnel under the Contractor's employment in a timely manner so as not to discredit the reputation of the Tennis Program, the Palm Beach Recreation Department or the Town of Palm Beach.

4. Contractor may set fees for all instructional services and merchandise. Fees must be approved by the Recreation Director and be competitive within the local municipal market.

5. The Contractor shall provide daily teaching logs to the Town, including availability of all teaching staff for the purposes of booking lessons and tracking services rendered. Daily logs should accurately reflect lessons, clinics or other teaching services provided on the Town courts.

6. The Contractor shall be responsible for the reconciliation of daily teaching logs to a Town provided revenue report to insure the accurate tracking of, and payment to, all subcontracted teaching professionals under it's employment for any teaching services they may render. Contractor shall be responsible for the tracking and payment of any monies due it's subcontracted employees.

7. The Contractor shall provide a financial report on a biweekly basis, following receipt of a revenue summary from the Town, such that a reconciliation may be made prior to the Contractor receiving a biweekly concession payment from the Town.

8. The Contractor shall provide all necessary supplies that are required as part of the program or activity being planned. This shall include, but not be limited to, tennis balls, hoppers, tubes, rackets or other training aids.

9. Contractor shall provide statistical information on participants in all Contractor provided programs and activities. Statistics to be provided shall include, but not be limited to, resident/non-resident status, gender, adult/junior status or other information as requested.

TOWN shall be responsible for the following:

1. Town shall collect and process all fees for goods and services provided by the Contractor. No monies shall be paid directly by customers to the Contractor or it's subcontracted employees for services rendered.

2. Town shall provide a revenue summary to the Contractor on a biweekly basis, on approximately the 5th and 20th day of each month. The summary will include documentation of all monies collected for Contractor provided services and goods on a daily basis.

3. Town shall provide all administrative, clerical, and customer service assistance necessary for the day to day operation of the tennis facilities. Town staff shall be assigned to each pro shop during scheduled hours of operation.

4. Town staff shall be responsible for all maintenance related to the tennis courts and related amenities. Town staff assigned to the pro shops shall perform evening brushing and lining of courts.

5. Town shall provide any forms necessary for daily operations and Contractor payments for services.

6. Town shall maintain a daily log of Contractor related revenues collected including, but not limited to, such statistical data as receipt number, date, type of service, and staff initials.

IV. COMPENSATION PACKAGE

1. Contractor shall be paid for concession related services on a biweekly basis. Payment shall be provided by the Town on or before the 15th and last day of each month for the two week period prior. Contractor shall be paid according to the following compensation package:

   - Tennis instruction and related services, including lessons, clinics, camps, or other such teaching services.
     90% of the first $100,000 of gross revenues
     87% of the second $100,000 of gross revenues
     85% of the third $100,000 of gross revenues

   - Sales of tennis related merchandise, stringing services, tournaments and events other than those conducted by Town staff, or any other mutually agreed upon service or goods.
     90% of the first $100,000 of gross revenues
     87% of the second $100,000 of gross revenues
     85% of the third $100,000 of gross revenues

2. Contractor shall pay the Town an administrative fee of $12,000 (twelve thousand dollars) to be paid in 12 equal monthly installments of $1,000. Checks shall be made payable to the Town of Palm Beach and shall be submitted to the Town on or before the 1st of each month.

V. INSURANCE AND INDEMNIFICATION

The Contractor shall obtain and maintain in force at all times during the term of this

Agreement, insurance coverage pertaining to Public Liability, Property Damage and Workers Compensation in the following types and amounts:

Workers' Compensation and Employers' Liability:
This insurance shall be written, when applicable, in accordance with the laws of the State of Florida for all employees of the Contractor engaged in work under this contract. Workers' Compensation limits shall be Statutory. Employers' Liability limits shall not be less than $100,000 per occurrence and shall be written only by insurance companies duly authorized and licensed to conduct business in the State of Florida.

Comprehensive General Liability:
This insurance shall be written in comprehensive form and shall protect against all claims arising from injuries to persons or damage to property of the Town of Palm Beach or others arising out of any concession related act or omission of the Tennis Professional, his agents, employees, or sub-contractors. This policy shall also include protection against claims for usual personal injury liability coverage, an endorsement to include the contractual liability assumed under this Agreement, and Completed Operations/Products Liability coverage for the concession related operations. The limits of liability shall not be less than $500,000 per occurrence and shall be written only by insurance companies duly authorized and licensed to conduct business in the State of Florida.

Required Endorsements/Provisions:
The Town of Palm Beach shall be listed as an Additional Insured on all applicable policies. Violation by the Contractor of any terms or conditions of the policy shall not invalidate the policy or reduce any coverages for the Town of Palm Beach.

All required insurance policies shall provide a waiver of subrogation and rights of recovery against the Town of Palm Beach, and insurers shall agree that they shall have no recourse against the Town of Palm Beach for payment or assessments in any form on any policy of insurance.

Policy cancellation, non-renewal or reduction of coverage shall not be effective until after the Town of Palm Beach has received thirty (30) days advanced notice by certified mail sent to the attention of the Risk Manager. An original Certificate of Insurance, evidencing that the insurance coverage(s) have been procured in the types and amounts required by this Agreement, shall be forwarded to the Risk Manager for review and approval prior to the Tennis Professional performing any operations or other activity under the terms of this Agreement.

A "true and certified" copy of the applicable policies must also be provided for review and approval within forty-five (45) days of the effective date of this Agreement. Contractor agrees to protect, defend, indemnify, and hold harmless the Town of Palm Beach, its agents, employees, and representatives, from any and all claims and liabilities including attorney's fees and court costs, including appeals, for which the Town of Palm Beach, its employees and representatives can or may be held liable as a result of injury (including death) to persons or damage to property occurring by reason of any acts or omissions of the Contractor, its employees, agents or sub-contractors, arising out of or in connection with this Agreement. The Contractor shall not be required to indemnify the Town of Palm Beach or its agents,

employees, or representatives, when an occurrence results solely from the wrongful acts or omissions of the Town of Palm Beach, or its agents, employees or representatives.

Nothing contained herein is intended nor shall be construed to waive the Town of Palm Beach's rights and immunities under the common law or Florida Statute 768.28.

Compliance with the foregoing requirements shall not relieve the Contractor of liability and obligation under this Section or under any Section of the Agreement.

No changes to these insurance amounts may be made without a written agreement between the parties. The Contractor will name the Town as an additional insured (hereinafter "Named Insured"). The insurance companies shall endorse the policies to state that the Named Insured is not liable for the payment of any premiums or assessments. A copy of the endorsements naming the Named Insured must be submitted to the Town prior to commencement of the service hereunder.

All policies shall be specifically endorsed to provide that the coverage obtained by virtue of the Agreement between the Town and the Contractor will be primary and that any insurance carried by the Town and the Contractor shall be excess and non-contributory. All policies shall be specifically endorsed to provide that such coverage shall not be cancelled or materially changed without at least thirty (30) days prior written notice to the Town and the Contractor. The Contractor shall deliver to the Town the original, signed Certificates of Insurance which evidence the required coverage prior to commencing operations.

The Contractor's liability insurance coverage shall extend to and include the following contractual indemnity and hold harmless agreement:

> Contractor shall indemnify, hold harmless and defend at its sole cost the Town of Palm Beach and any other person or entity that becomes a Named Insured, as outlined herein, their respective officers, agents, and employees, against and assume all liability for any and all claims, suites, actions, damages, liabilities, expenditures, or causes of action of any kind arising from the services authorized in this Agreement and resulting or occurring from any alleged negligence, act omission or error of the Contractor, its agents or employees and/or arising from the failure of the Contractor, its agents, or employees to comply with each and every requirement of this Agreement or with any Town, county, state, or federal law or regulation applicable to the service provided resulting in or relating to bodily injury, loss of life or limb, or damage to property sustained by any person, firm, corporation, or other business entity.
>
> The foregoing indemnity agreement shall apply to any and all claims and suits other than claims and suits arising out of the sole and exclusive negligence of the Named Insured, their officers, agents, and employees as determined by a court competent jurisdiction. The Contractor shall obtain and maintain contractual liability insurance in adequate limits for the sole purpose of protecting the Town and the Named Insured under the hold harmless agreement from any and all claims arising out of the operations authorized by this Agreement.

Insurance coverage required by this Agreement shall be in force throughout the Agreement term. Should the Contractor fail to provide acceptable evidence of current insurance within

seven (7) days of receipt of written notice at any time during the term of the Agreement, the Town shall have the right to consider the Agreement breached and shall have the right to immediately terminate the Agreement.

The Contractor shall understand and agree that the inclusion of more than one insured under these required policies shall not restrict the coverage provided by these policies for one insured hereunder with respect to liability claim or suit by another insured hereunder or any employee of such other insured and that with respect to claims against any insured hereunder, other insured hereunder shall be considered members of the public; but the provision of this Cross Liability Clause shall apply only with respect to liability arising out of the ownership, maintenance, use occupancy, or repair of such portions of the premises insured hereunder as are not reserved for the exclusive use of occupancy of the insured against whom claim is made or suit is filed.

VI. TERMINATION

1. Termination for Cause
This agreement may be terminated for good cause shown prior to the expiration date of this Agreement. Good cause shall be based upon violation of the terms of this Agreement, or policies and procedures of the Town or the Recreation Department.

2. Termination without Cause
Either party may terminate this agreement without cause upon 60 days notice in writing to the other party to the Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year herein above set forth.

RECOMMEND APPROVAL:

5-5- 2009

Jay Boodheshwar, Director of Recreation

ATTEST:

Joanna Cunningham, Town Clerk

Approved as to Legal Form and Sufficiency

John C. Randolph, Town Attorney

TOWN OF PALM BEACH

Peter B. Elwell, Town Manager
"TOWN"

David MacBurnie
"CONTRACTOR"

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 23-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn & Associates, Inc., in the Amount of $39,310 for Town Docks 2012 Improvements, Establishing a Design and Bid Phase Budget of $43,200 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated March 16, 2012, from H. Paul Brazil, Director of Public Works.
- Resolution No. 23-2012
- Proposal from Kimley-Horn dated February 21, 2012 (as revised most recently on March 16, 2012)

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

FROM: H. Paul Brazil, Director of Public Works

RE: Award of Contract for Design and Bid Phase Services for the Town Docks 2012 Improvements
Resolution No. 23-2012

DATE: March 16, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 23-2012 authorizing the award of the Town Docks 2012 Improvements Design and Bid Phase Services contract in the amount of $39,310 to Kimley-Horn & Associates, Inc. (Kimley-Horn) and establishing a design and bid phase budget of $43,200.

GENERAL INFORMATION

Public Works Staff in conjunction with the Recreation Department requested Kimley-Horn to provide a proposal to make several improvements to the Town Docks. The first item is to upgrade electrical service to five slips at the Australian Docks to 480 volts, three phase power service and converting three slips to 208 volts three phase power. The described electrical upgrades would address the current needs and allow for ability to service boats that would be typically turned away.

The second part of proposal is the addition of mooring piles on the west side of the Australian dock T-Head. Public Works and Recreation staff have concerns with the larger boats abilities to tie off and protecting the existing dock from damage. The concrete mooring piles would allow for additional anchoring points and eliminate the larger boats from anchoring to the dock itself.

The last task in the proposal is related to the Rehabilitation of the support structures below the Australian and Brazilian Dock Houses. Public Works and Kimley-Horn have been closely monitoring the structural integrity of the reinforced concrete beams supporting the dock houses since 2005. The proposal includes engineering services necessary to develop plans and specifications for the structural repairs.

The consultant will provide construction documents and all bid phase services under this contract.

We have negotiated a design and construction documents contract with Kimley-Horn in the amount of $39,310. Staff also recommends a project contingency of $3,890 resulting in a total estimated project budget of $43,200.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the FY2012 Recreation Capital fund.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This proposed resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jay Boodheshwar, Director of Recreation and Special Projects
Eric B. Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer
Charles R. Langley, P.E.,Senior Project Engineer
Michael Roach, P.E., Project Engineer
Lynda Venne, Purchasing Agent
Kenneth Kooyenga, Dock Master

RESOLUTION NO. 23-2012

[redacted] TOWN DOCKS 2012 IMPROVEMENTS [redacted] AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID IMPROVEMENTS.

[redacted]

[redacted] for their proposal amount of [redacted] with a total design and bid phase budget of $43,200[redacted]

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for the design and bid phase with Kimley-Horn.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the design and bid phase services for the Town Docks 2012 Improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 10th day of April, 2012.

Gail L. Coniglio, Mayor	David A. Rosow, Town Council President
	Robert N. Wildrick, Council President Pro Tem
	William J. Diamond, Town Council Member
ATTEST:	Richard M. Kleid, Town Council Member
Susan A. Owens, MMC, Town Clerk	Michael J. Pucillo, Town Council Member

Kimley-Horn
and Associates, Inc.

February 21, 2012
February 29, 2012 (revised)
March 16, 2012 (revised)

Suite 200
1920 Wekiva Way
West Palm Beach
Florida
33411-2410

Mr. Jim Bowser
Town of Palm Beach
Public Works Department
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

Re: Engineering Proposal for Municipal Marina Improvements

Dear Jim:

Kimley-Horn and Associates, Inc. ("CONSULTANT" or "KHA") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to multiple improvements to the municipal marina located in the Town of Palm Beach. Our project understanding, scope of services, schedule, and fee follow.

Project Understanding

The Town Recreation Department has identified several desired improvements for the municipal marina facility that will increase the level of service to the marina tenants and assist the facility in remaining competitive in the local wet slip market. These improvements are as follows:

1. Upgrading five slips at the Australian Dock with 480V, three phase power service and three slips to 208V, three phase power service.
2. Replacement of the existing wood fender piles on the west side of the Australian Dock T-Head with concrete fender piles.
3. Rehabilitation/Structural Retrofitting of the sub-structure below the Australian and Brazilian Dock Master buildings.

The Town has requested that bid level documents be prepared for each of the above elements. The work elements will be bid separately from each other. Based on this understanding, we offer the following scope of services.

TEL (561) 845-0665
FAX (561) 863-8175

Scope of Services

Task 1 – Australian Dock Electrical Upgrade

KHA will prepare an electrical design for the conversion of five (5) power pedestals from 120/208V, three-phase to 480V, three-phase power and for the conversion of three (3) other power pedestals from 120/240V, single-phase to 120/208V, three-phase power. We will also perform electrical design for the repair and/or replacement of existing electrical conduits and wiring for the dock slips affected by this upgrade. KHA will visit the site to assess the existing conditions that may affect the design of the electrical upgrades. KHA will employ the services of an electrical subconsultant to prepare the plans and specifications which will contain the following information:

1. Electrical Site Plan, Legend, and Notes
2. Electrical Riser Diagrams
3. Power Plan (4 sheets)
4. Electrical Schedules
5. Electrical Details

KHA will request/coordinate 480 volt electrical service to the site with FPL. KHA will prepare an opinion of probable construction cost for this work. KHA will submit preliminary construction documents for the Town's review. We will meet with the Town and respond to one round of comments and finalize the package for use by the Town in bidding and construction. We will provide the documents in Adobe Acrobat format for the Town to use for bidding and construction.

KHA will attend a pre-bid meeting during the bid phase and provide answers to bidder questions that may arise during the bidding process. It is assumed that the Town will prepare the "front end" bid package, administer the bid process, and issue addendums.

Construction phase services are not included in this proposal but can be performed by KHA. A separate proposal will be prepared for these services if requested by the Town.

Task 2 – Australian Fender Pile Replacement

KHA will design and prepare construction plans and specifications to install replacement fender piles at the Australian Dock facilities. It is understood that the existing piles will be removed and the new piles installed adjacent to the removed piles. Pile design and penetration depths will be designed to match the existing pile design criteria contained on the 1997 Con-Tech Record Drawings

provided by the Town. As requested by the Town, no vessel load assessment or geotechnical investigation will be performed as this is intended to be a maintenance activity to replace wood piles that have reached the end of their useful life. Our research indicates that this type of activity qualifies for a Nationwide Permit from the COE with no pre-discharge notification requirement. It also is considered and exempt activity by the FDEP. For these reasons, we have not included any permit assistance in this Scope of Services.

KHA will visit the site to assess the existing conditions that may affect the design of the replacement piles. The construction plans and specifications will contain the following information:

1. Cover Sheet
2. General Notes
3. Site Plan, Typical Sections, and Details
4. Technical Specifications

KHA will prepare an opinion of probable construction cost for this work. KHA will submit preliminary construction documents for the Town's review. We will meet with the Town and respond to one round of comments and finalize the package for use by the Town in bidding and construction. We will provide the documents in Adobe Acrobat format for the Town to use for bidding and construction.

KHA will attend a pre-bid meeting during the bid phase and provide answers to bidder questions that may arise during the bidding process. It is assumed that the Town will prepare the "front end" bid package, administer the bid process, and issue addendums.

Construction phase services are not included in this proposal but can be performed by KHA. A separate proposal will be prepared for these services if requested by the Town.

Task 3 – Australian and Brazilian Dock House Retrofitting

KHA has previously reviewed the sub-structure condition of the Australian Dock Masters House in 2005 and again in 2008. Severe corrosion and cracking was found on both occasions and both reports recommended that corrective action be taken. The Town has requested that KHA provide a design to address the deterioration that will allow the structure to be maintained until a planned marina reconstruction in 2022.

KHA will perform a site visit for the purpose of verifying dimensions contained on the Hutcheon Engineers 1976 record drawings for the facility. This set of

record drawings, the 2005 condition assessment, and the 2008 condition assessment will be used as the basis for the construction documents.

KHA will visit the site to assess the existing conditions that may affect the design of the improvements. KHA will prepare construction plans and specifications for the structural retrofitting of the sub-structure below the Dock Houses. The construction plans and specifications will contain the following information:

1. Cover Sheet
2. General Notes
3. Sub-Structure Plan (Australian)
4. Sub-Structure Plan (Brazilian)
5. Typical Sections
6. Construction Details
7. Technical Specifications

KHA will prepare an opinion of probable construction cost for this work. KHA will submit preliminary construction documents for the Town's review. We will meet with the Town and respond to one round of comments and finalize the package for use by the Town in bidding and construction. We will provide the documents in Adobe Acrobat format for the Town to use for bidding and construction.

KHA will attend a pre-bid meeting during the bid phase and provide answers to bidder questions that may arise during the bidding process. It is assumed that the Town will prepare the "front end" bid package, administer the bid process, and issue addendums.

Construction phase services are not included in this proposal but can be performed by KHA. A separate proposal will be prepared for these services if requested by the Town.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. Fees associated with the additional services will be approved prior to performance of the additional services. Additional services we can provide include, but are not limited to, the following:

- Sediment and Water Quality Sampling and Analysis
- Hydrographic Surveys and flushing studies
- Additional site visits and meetings
- Bathymetric and Topographic Studies

- Geotechnical Investigations
- Vessel Loading Assessments
- Coordination or meetings with local, state or federal agencies.
- Additional meetings or coordination with the Client
- Construction Phase Services

Information and Services Provided by the Town

The following information, upon which KHA may rely, will be provided to KHA by the Town or its representatives:

- Copies of all previous studies, permits, permitting correspondence, surveys and plans which might be useful in the design and permitting of the project
- Authorization for access to the property

Schedule

Kimley-Horn will work as expeditiously as practical to meet a mutually agreed upon schedule.

Fee and Billing

KHA will perform the services described in the above Scope of Services on an hourly basis in accordance with our Contract with the Town. All permitting, application, and similar fees shall be paid for directly by the Town. We recommend that the following budgets be established for this project:

Task 1 – Australian Dock Electrical Upgrade	*$10,100*
Task 2 – Australian Fender Pile Replacement	*$ 7,975*
Task 3 – Australian and Brazilian Dock House Retrofitting	*$21,235*

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated January 28, 2010, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fees described above.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

By: Kevin Schanen, P.E.
Vice President

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ESTIMATE FOR ENGINEERING SERVICES

PROJECT	Town Dock Upgrades	SHEET	1 of 1
CLIENT	Town of Palm Beach	FILE NO	
ESTIMATOR	KMS	DATE	03/16/12
		ALLOCA	0.0810

DESCRIPTION See scope of services for detailed description of work elements to be performed	DIRECT LABOR (MAN HOURS)											
	P8 Sr PM (DWS)	P7 Sr PM (MK)	P7 Sr PM (KMS)	P5 Engineer (JL)	P4 Engineer (AP)	P1 Tech (SB)	T7 Field Rep (RC)	C6 Sr Admin (DC)	SUB (SEC, TSE, CT, HWS)	COMP	EXP	LINE TOTAL
												$0
												$0
Task 1 - Australian Electrical Upgrade												$0
Perform services per scope (elec sub) and sub consultant coord			2.0					1.0	$9,000			$9,423
Attend Prebid			2.0									$343
Answer questions / Issue Addenda			2.0									$343
												$0
Task 2 - Fender Pile Replacement												$0
Site Visit to review existing conditions					1.0							$107
Fender Pile Design	1.0		1.0		3.0			1.5				$817
Construction Plans												$0
Cover Sheet						0.5						$40
General Notes			1.0		2.0	1.0						$465
Site Plan (Australian)			1.0		2.0	5.0						$784
Typ. Sections and Details	1.0		1.0		3.0	4.0						$1,016
												$0
Technical Specifications	2.0		3.0		8.0			2.0				$1,938
Prepare OPC			1.0		2.0							$385
Meet and Respond to review comments (1 round)			2.0		3.0	4.0		1.0				$1,063
Prepare documents for bidding						1.0		1.0				$160
Attend Prebid			2.0									$343
Answer questions / Issue Addenda			2.0		4.0			1.0				$851
												$0
Task 3 - Australian and Brazilian Dock House Retrofitting												$0
Site Visit to review existing conditions, measurements, quantities				10.0	10.0							$2,300
Design Improvements	2.0		4.0		20.0							$3,231
Construction Plans												$0
Cover Sheet						0.5						$40
General Notes	1.0		1.0		4.0	2.0						$963
Sub-Structure Plan (Australian)	1.0		3.0		6.0	10.0						$2,158
Sub-Structure Plan (Brazilian)	1.0		3.0		6.0	10.0						$2,158
Typical Sections	2.0		3.0		8.0	10.0						$2,576
Construction Details	2.0		3.0		8.0	10.0						$2,576
												$0
Technical Specifications	1.0		2.0		8.0			2.0				$1,562
Prepare OPC			1.0		4.0							$599
Respond to review comments (1 round)			2.0		4.0	9.0		2.0				$1,650
Prepare documents for bidding						1.0		1.0				$160
Attend Prebid			2.0									$343
Answer questions / Issue Addenda			2.0	4.0				1.0				$916
												$0
TOTAL HOURS	14	0	46	14	106	68	0	14	9000	0	0	262
LABOR ($/HOUR)	188.94	167.31	158.67	113.97	98.82	73.86	95.19	74.28	1.00	10.00	1.0	
ALLOCATION	214.26	0.00	591.20	129.24	848.47	406.82	0.00	81.22	0.00	0.00	0.00	0.00
TOTALS	2,859.45	0.00	7,890.02	1,724.82	11,323.39	5,429.30	0.00	1,083.99	9,000.00	0.00	0.00	$39,310.98

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 26-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock, Roos & Associates, Inc., in the amount of $59,919 for E-6 Bradley Park to Tangier Avenue Force Main Replacement, Establishing a Design and Bid Phase Budget of $65,919 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated March 27, 2012, from H. Paul Brazil, Director of Public Works.
- Resolution No. 26-2012
- Proposal from Mock Roos dated March 27, 2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

FROM: H. Paul Brazil, Director of Public Works

RE: Award of Contract for Design and Bid Phase Services for the E-6, Bradley Park to Tangier Avenue Force Main Replacement Project Accelerated Capital Improvement Program
Resolution No. 26-2012

DATE: March 27, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 26-2012 authorizing the award of the E-6, Bradley Park to Tangier Avenue Force Main Replacement Design and Bid Phase Services contract in the amount of $59,919 to Mock Roos & Associates, and establishing a design and bid phase budget of $65,919.

GENERAL INFORMATION

Contained within the current Accelerated Capital Improvement Program is the study, design and construction of E-6, Bradley Park to Tangier Avenue Force Main Replacement. This force main is currently used as a by-pass force main that was constructed in 1956 and runs along the bike trail from the E-6 Station at Tangier Avenue to the A-5 Pump Station at Bradley Park. The E-6 Pump Station currently pumps to Lift Station 22 located at 23rd Street in West Palm Beach under the Lake Worth Lagoon from Tangier Avenue. The new intracoastal force main crossing at S-2 (also in Bradley Park, adjacent to A-5) and the improvements to the S-2 Pump Station (previously approved by Town Council) would change the pumping route of E-6 to the A-5 Pump Station in Bradley Park. The new main pumping route for the E-6 Force Main will be the Bradley Park to Tangier Avenue force main, formerly the by-pass.

We have negotiated a design and construction documents contract with Mock Roos & Associates in the amount of $59,919. Staff also recommends a contingency of $6000 resulting in a total estimated project budget of $65,919.

FUNDING/FISCAL IMPACT

Funding for this Capital Improvement Program project is fully contained within the Accelerated Capital Improvement Fund.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This proposed resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer
Michael Roach, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Lynda Venne, Purchasing Agent

RESOLUTION NO. 26-2012

[redacted] E-6 [redacted] AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID IMPROVEMENTS.

[redacted]

[redacted] for their proposal amount of [redacted] with a total design and bid phase budget of $65,919[redacted]

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for the design and bid phase with Mock Roos & Associates.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the design and bid phase services for the [redacted] Replacement.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 10th day of April, 2012.

Gail L. Coniglio, Mayor	David A. Rosow, Town Council President
	Robert N. Wildrick, Council President Pro Tem
	William J. Diamond, Town Council Member
ATTEST:	Richard M. Kleid, Town Council Member
Susan A. Owens, MMC, Town Clerk	Michael J. Pucillo, Town Council Member

MOCK • ROOS
ENGINEERS • SURVEYORS • PLANNERS

March 27, 2012

Mr. Mike Roach, P.E.
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No.: B1013.01
Subject: Professional Design Phase Services for the Rehabilitation of the E-6 Pump Station Forcemain

Dear Mr. Roach:

We are submitting the attached *Proposal To Provide Design and Bid Phase Services for the Rehabilitation of the E-6 Pump Station Forcemain.* Please review the attached documents and return one signed copy of the *Proposal* to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly basis, plus reimbursable expenses. We anticipate the total fee to provide the Scope of Services will be $59,919.

If you have any questions please contact me at 683-3113, extension 293. Thank you for using Mock•Roos on this project. We look forward to working with you.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry G. Gruber, P.E.
Vice President

GGG:jeh
Enclosure
Copies: Bookkeeping

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Proposal To Provide Design and Bid Phase Services For the Rehabilitation of the E-6 Pump Station Forcemain

Services to be provided by: Mock•Roos

Services provided to ("Town"): Town of Palm Beach

Proposal Date: March 27, 2012

Proposal Terms

A. Project Description:

The Town of Palm Beach desires to rehabilitate approximately 5,300 feet of 12-inch forcemain. The Town is currently in the process of upgrading its S-2 Pump Station pumping capabilities, eliminating the need for the 23rd Street Booster Pump Station. As part of this upgrade, the Town has installed a new Intracoastal Waterway crossing in close proximity to the S-2 Pump Station, which will be the Town's primary means to convey wastewater across the Intracoastal from the S-2 Pump Station and eventually to the ECRWRF. As such, the existing 30-inch forcemain and Intracoastal crossing at Tangler Avenue will only be used and maintained as a backup system. This will result in the need for the E-6 Pump Station to routinely pump to the A-5 Pump Station through the 12-inch bypass forcemain and not directly into the existing 30-inch forcemain as is currently operated. This 12-inch bypass forcemain was originally constructed in 1956 and is in need of replacement/rehabilitation. Based on the Letter Report prepared by Mock•Roos, the Town wants to consider rehabilitation of the pipeline by either a cured in place liner or pipe bursting method. In addition, the Town desires to abandon a portion of the existing forcemain to relocate it from private property. Mock•Roos will provide the professional services as outlined under **B. Scope of Services** below.

B. Scope of Services:

1. Site Surveys

Field services are strictly limited to the two locations between Parker Avenue and Everglades Avenue where the pipeline will be relocated (new pipe installed/abandon existing pipe) from private property.

a. Perform research and calculations to prepare the field control sheet to recover and/or re-establish the horizontal and vertical control for the pipeline corridor.

b. Recover and/or reset horizontal and vertical control. Elevations will be based upon National Geodetic Vertical Datum 1929.

c. Field locate above-ground and visible evidence of buried infrastructure along the proposed pipeline alignment. Improvements will include existing edge of pavement, centerlines, back

of curb, sidewalks, above-ground and visible evidence of existing underground utilities, inverts and type of pipes of the existing storm drainage and sanitary systems. Locate trees of 4" or greater in diameter and other vegetative obstructions within the survey corridor right-of-way.

d. Set a baseline of survey with baseline reference points.

f. Prepare a topographic base map.

2. Design Phase Services

a. Attend kick-off meeting with Town to obtain and review existing data within project.

b. Conduct a detailed review of project requirements to rehabilitate the existing 12" cast iron pipe by cured in place line (CIPP). Clearly identify detailed information regarding excavated entry/exit pits and methods for pipe joints at the excavated pits. Conduct a detailed evaluation of industry standard CIPP materials and curing methods used in Florida.

c. Conduct a detailed review of project requirements to rehabilitate the existing 12" cast iron pipe by pipe bursting method.

d. Set up field meetings with a contractor(s) who specializes in CIPP method.

e. Set up field meetings with a contractor(s) who specializes in pipe bursting method.

f. Prepare contract documents for the portion of the pipeline to be rehabilitated. These documents will generally consist of construction drawings (a cover sheet, location sheet, plan and profile sheets, and construction details) and technical specifications for implementing the pipe rehabilitation using CIPP method.

g. Prepare technical specification for implementating the pipe rehabilitation using pipe bursting method.

h. Prepare contract documents for the portion of the pipeline to be replaced and abandoned. These documents will generally consist of construction drawings (a cover sheet, location sheet, plan and profile sheets, and construction details) and technical specifications for implementing the installation of a new pipeline.

i. Forward the base drawing sheets to the appropriate local utility companies for marking of the location of their facilities such as electric, telephone, gas, cable TV and water. Update basemap to include information provided by utilities.

j. Retain the services of a Utility Location Service to provide additional information on all anticipated utility conflicts identified as a result of the preliminary layout.

k. Submit a 50% complete set of construction drawings to the Town for review and incorporate applicable comments.

l. Submit a 90% complete set of construction drawings to the Town for review and incorporate applicable comments.

m. Conduct a "take off" of construction quantities and prepare an Engineer's Opinion of Probable Construction Cost and Schedule of Values.

n. Prepare construction permit application to the Palm Beach County Health Department for replacement portion of project. Respond to one RFI.

o. Complete the 100% construction drawings and supporting documentation.

3. Bid Phase Services

a. Provide the Town with a master set of reproducible drawings and/or an electronic PDF file for Town's use in obtaining bids for the work from Town's list of prequalified contractors.

b. Provide a reproducible copy and/or electronic file of the bid proposal form and technical specifications.

c. Prepare and coordinate with the Town on issuing addendum to clarify aspects of the work.

d. Review the Contractor bids and write a letter of recommendation of construction contract award.

C. Additional Services:

1. Any services not included in the Scope of Services will be considered Additional Services.

2. Additional Services can be provided upon Mock•Roos receiving a revised scope of services and approved change order.

D. Fees and Rates:

1. The total fee to provide the Scope of Services is anticipated to be $59,919.

2. Mock•Roos can provide Additional Services at the Mock•Roos hourly rates in effect at that time, plus any reimbursable expenses, or for an agreed upon lump sum fee.

E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 30 days of its date.

2. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

4. Topographic survey will be performed in accordance with Chapter 5J-17, Florida Administrative Code, Pursuant to Section 472.027 of the Florida Statutes. Survey is not to be considered an ALTA/ACSM Land Title Surveys as adopted by the American Land Title Association ("ALTA"), American Congress on Surveying and Mapping ("ACSM") and National Society of Professional

Surveyors, 2006.

F. Acceptance and Authorization to Proceed:

1. This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services. This authorization becomes valid upon Mock•Roos receiving a purchase order for these services.

MOCK•ROOS

Signed: 3/27/12

Name: Garry G. Gruber, P.E.

Title: Vice President

Date: March 27, 2012

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Town of Palm Beach
E-6 Pump Station Forcemain Rehabilitation
Mock•Roos PA#B1013.01

Task Description	Labor Classification: Project Director	Senior Project Engineer	Engineer III	Administrative Assistant	Subtotal
Labor Hourly Billing Rate	$50.00	$48.33	$35.00	$20.00	
Total Hours	39	130	252	21	
Survey/Basemap		4	8	1	$ 493
Kick-Off Meeting		4	4		$ 333
Detail Review CIPP	8	20	20		$ 2,067
Pipe Bursting Review	6	12	12		$ 1,300
Site Meeting Contractors (CIPP)	4	8	8	1	$ 887
Site Meeting Contractors (Pipe Burst)	4	8	8	1	$ 887
Documents/Rehab	4	24	80	2	$ 4,200
Documents/Replace	4	8	32	2	$ 1,747
Utility Coordination		4	4	1	$ 353
Utility Locates		2		1	$ 117
50% Submittal	2	8	16	1	$ 1,067
90% Submittal	2	8	16	1	$ 1,067
Pipe Bursting Technical Specification	2	4	16	1	$ 873
Task 3.j Permit Application		4	4	2	$ 373
Task 3.l Engineer's Opinion/Schedule of Values	2	4	8	1	$ 593
Task 3.m 100% Complete Construction Drawings		4	4		$ 333
Task 4.a Master Set Reproducible Drawings			4	2	$ 180
Task 4.b Electronic Files			2		$ 70
Task 4.c Addendums		2	4	2	$ 277
Task 4.d Contractor Bids/Letter of Recommendatio	1	2	2	2	$ 257
Subtotal	$ 1,950	$ 6,283	$ 8,820	$ 420	

Total Mock•Roos Direct Labor	$ 17,473
Multiplier	3.00
Total Direct Labor @ 3.0	$ 52,419
Surveys	$ 5,000
Soft-Dig Allowance	$ 2,000
Reimbursibles	$ 500
Project Total	**$ 59,919**

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TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 27-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock, Roos & Associates, Inc., in the Amount of $47,450 for the A-7 to Hammon Avenue Force Main Replacement Project, Establishing a Design and Bid Phase Budget ot $55,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated March 27, 2012, from H. Paul Brazil, Director of Public Works.
- Resolution No. 27-2012
- Proposal from Mock Roos dated March 27, 2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Award of Contract for Design and Bid Services – A-7 to Hammon Avenue Force Main Replacement
Resolution No. 27-2012

Date: March 27, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 27-2012 authorizing the award of the A-7 to Hammon Avenue Force Main Replacement Design and Bid Phase Services contract in the amount of $47,450 to Mock, Roos & Associates, Inc. (Mock Roos) and establishing a design and bid phase budget of $55,000.

GENERAL INFORMATION

Contained within the current Accelerated Capital Improvement Program is the design of a replacement force main from the A-7 Pump Station at the Everglades Club next to Island Road, north along South County Road to Via Marina, East along Via Marina to South Ocean Boulevard and north along South Ocean Boulevard to Hammon Avenue. The existing force main was constructed of 16 inch prestressed concrete cylinder pipe and will be replaced with either PVC or HDPE pipe. The existing force main, like the other large diameter force mains in Town, is being replaced due to its age and deterioration to preclude any future breaks and loss of service. The consultant will provide construction documents and all bid phase services under this contract.

We have negotiated a design and bid phase services contract with Mock Roos in the amount of $47,450. Staff also recommends a project contingency of $7,550 resulting in a total estimated project budget of $55,000.

FUNDING/FISCAL IMPACT

Funding for this Capital Improvement Program project is fully contained within the Accelerated Capital Improvement Fund.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This proposed resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments
cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer
Charles R. Langley, Senior Project Engineer
Douglas Terry, Water Resources Division Manager
Lynda Venne, Purchasing Agent

RESOLUTION NO. 27-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO MOCK, ROOS & ASSOCIATES, INC., IN THE AMOUNT OF $47,450 FOR THE A-7 TO HAMMON AVENUE FORCE MAIN REPLACEMENT PROJECT, ESTABLISHING A DESIGN AND BID PHASE BUDGET OF $55,000 FOR SAID IMPROVEMENTS, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID IMPROVEMENTS

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. The A-7 to Hammon Avenue Force Main Replacement Design and Bid Phase contract is hereby awarded to Mock, Roos & Associates, Inc. (Mock Roos) for their proposal amount of $47,450, with a total design and bid phase budget of $55,000.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for design and construction document services with Mock Roos.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the design and construction documents, and bid phase services for the A-7 to Hammon Avenue Force Main Replacement project.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of April 2012.

Gail L. Coniglio, Mayor	David A. Rosow, Town Council President
	Robert N. Wildrick, Council President Pro Tem
	William J. Diamond, Town Council Member
ATTEST:	Richard M. Kleid, Town Council Member
Susan A. Owens, MMC, Town Clerk	Michael J. Pucillo, Town Council Member

Proposal To Provide Design and Bid Phase Services For the A-7 To Hammon Avenue Forcemain Replacement

Services to be provided by: Mock•Roos

Services provided to ("Town"): Town of Palm Beach

Proposal Date: March 27, 2012

Proposal Terms

A. Project Description:

The Town of Palm Beach desires to replace approximately 2,900 feet of 16-inch forcemain. A new forcemain will be installed and the existing forcemain will be plugged at each end and abandoned in place. The pipe alignment runs north on South County Road, from the A-7 Wastewater Pump Station, east along Via Marina, north along South Ocean Boulevard, to a tie-in point at Hammon Avenue. Mock•Roos will provide the professional services as outlined under **B. Scope of Services** below.

B. Scope of Services:

1. Preliminary Engineering Services

a. Conduct an infield walk through of the pipeline route with Town staff.

b. Obtain from the Town a copy of the "1956" drawings and the "Matthews" F.M. drawings for the project south of the A7 Pump Station.

c. Confirm with the Town their scope for the project and the proposed pipeline route and alignment.

2. Site Surveys

a. Perform research and calculations to prepare the field control sheet to recover and/or re-establish the horizontal and vertical control for the pipeline corridor.

b. Recover and/or reset horizontal and vertical control. Elevations will be based upon National Geodetic Vertical Datum 1929.

c. Field locate above-ground and visible evidence of buried infrastructure along the proposed pipeline alignment. Improvements will include existing edge of pavement, centerlines, back of curb, sidewalks, above-ground and visible evidence of existing underground utilities, inverts and type of pipes of the existing storm drainage and sanitary systems. Locate trees of 4" or greater in diameter and other vegetative obstructions within the survey corridor right-of-way.

d. Set a baseline of survey with baseline reference points at beginning, end and every 1,200 feet. Benchmarks will be set at 600' intervals.

e. Right-of-way line will be assumed to be at the back of the sidewalk for this Project. The right-of-way location will be a graphic representation generated by using information from the Palm Beach County GIS Base Map. Mock•Roos has **not** included a review of Title Commitment or deeds, nor researched property lines or established the right-of-way line by survey in the basic scope of work. These items can be completed as additional services if requested.

f. Prepare a topographic base map.

g. Prepare a horizontal control sheet for existing horizontal and vertical data.

3. Design Phase Services

a. Coordinate the detailed design phase services for the new 16-inch and its appurtenances including a tie-in with an existing 16-inch PVC forcemain located north of the intersection of Hammon Avenue and Ocean Boulevard (A1A).

b. Prepare Construction Drawings consisting of a cover sheet, location sheet, layout control sheet, plan and profile sheets, and construction details.

c. Forward the base drawing sheets to the appropriate local utility companies for marking of the location of their facilities such as electric, telephone, gas, cable TV and water. Update basemap to include information provided by utilities.

d. Retain the services of a Utility Location Service to provide additional information on all anticipated utility conflicts identified as a result of the preliminary layout.

e. Submit a 50% complete set of construction drawings to the Town for review and incorporate applicable comments.

f. Attend meeting with FDOT regarding the replacement of the pipeline within South County Road. Prepare and distribute meeting minutes. Prepare FDOT Utility Permit application. Town to pay permit fee, if applicable. Respond to one RFI.

g. Submit a 90% complete set of construction drawings to the Town for review and incorporate applicable comments.

h. Prepare a master set of technical specifications for the required work.

i. Conduct a "take off" of construction quantities and prepare an Engineer's Opinion of Probable Construction Cost and Schedule of Values at 50% and 90% plans submittal.

j. Prepare construction permit applications to the Palm Beach County Health Department and respond to one RFI.

k. Coordinate the project timing with the Town's staff and the designs of other projects that may be under construction that may impact this project.

l. Coordinate with the Town the final road surface restoration requirements. Incorporate into construction drawings.

m. Complete the 100% construction drawings and supporting documentation.

4. Bid Phase Services

a. Provide the Town with a master set of reproducible drawings and/or an electronic PDF file for Town's use in obtaining bids for the work from Town's list of prequalified contractors.

b. Provide a reproducible copy and/or electronic file of the bid proposal form and technical specifications.

c. Prepare and coordinate with the Town on issuing addendum to clarify aspects of the work.

d. Review the Contractor bids and write a letter of recommendation of construction contract award.

C. Additional Services:

1. Any services not included in the Scope of Services will be considered Additional Services.

2. Additional Services can be provided upon Mock•Roos receiving a revised scope of services and approved change order from the Town.

D. Fees and Rates:

1. The total fee to provide the Scope of Services on an hourly basis with a not to exceed fee of $47,450.

2. Mock•Roos can provide Additional Services at the Mock•Roos hourly rates in effect at that time, plus any reimbursable expenses, or for an agreed upon lump sum fee.

E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 30 days of its date.

2. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

3. Topographic survey will be performed in accordance with Chapter 5J-17, Florida Administrative Code, Pursuant to Section 472.027 of the Florida Statutes. Survey is not to be considered an ALTA/ACSM Land Title Surveys as adopted by the American Land Title Association ("ALTA"), American Congress on Surveying and Mapping ("ACSM") and National Society of Professional Surveyors, 2006.

F. Acceptance and Authorization to Proceed:

1. This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services. This authorization becomes valid upon Mock•Roos receiving a Purchase Order for these services.

MOCK•ROOS

Signed: 3/27/12

Name: Garry G. Gruber, P.E.

Title: Vice President

Date: March 27, 2012

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Town of Palm Beach
A-7 to Hammon Avenue Forcemain Replacement
Mock•Roos PA#B2008.00

Task Description	Labor Classification: Project Director	Senior Project Engineer	Engineer III	Administrative Assistant	Subtotal
Labor Hourly Billing Rate	$50.00	$48.33	$35.00	$20.00	
Total Hours	19	74	178	13	
Task 1.a Site Meeting		2	2		$ 167
Task 1.b Town Data			2		$ 70
Task 1.c Review Project and Existing Data	2	2	2	2	$ 307
Task 2.a Research and Calculations	2	2			$ 197
Task 2.b Horizontal and Vertical Control					$ -
Task 2.c Infrastructure					$ -
Task 2.d Baseline					$ -
Task 2.e Right-of-Way Line					$ -
Task 2.f Topographic Basemap					$ -
Task 2.g Horizontal Control Sheet					$ -
Task 3.a Design Phase Services	4	8			$ 587
Task 3.b Constructon Drawings	4	20	96		$ 4,527
Task 3.c Utility Companies		2	8	1	$ 397
Task 3.d Utility Location Service		2			$ 97
Task 3.e 50% Complete Construction Drawings	2	8	4	1	$ 647
Task 3.f FDOT Meeting		4	8	1	$ 493
Task 3.g 90% Complete Construction Drawings		8	4	1	$ 547
Task 3.h Technical Specifications	2	2	8	2	$ 517
Task 3.i Engineer's Opinion/Schedule of Values		2	8	1	$ 397
Task 3.j Permit Application			4		$ 140
Task 3.k Project Timing					$ -
Task 3.l Final Road Surface Restoration	2	4	16	1	$ 873
Task 3.m 100% Complete Construction Drawings		4	4		$ 333
Task 4.a Master Set Reproducible Drawings			4	1	$ 160
Task 4.b Electronic Files			2		$ 70
Task 4.c Addendums		2	4	1	$ 257
Task 4.d Contractor Bids/Letter of Recommendatio	1	2	2	1	$ 237
Subtotal	$ 950	$ 3,576	$ 6,230	$ 260	

Total Mock•Roos Direct Labor	$ 11,016
Multiplier	3.00
Total Direct Labor @ 3.0	$ 33,048
Surveys	$ 11,500
Soft-Dig Allowance	$ 2,500
Reimbursibles	$ 400
Project Total	**$ 47,448**

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TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 30-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc., in an Amount Not to Exceed $36,800 for the Nightingale Trail, Queens Lane and Garden Alley Drainage Improvements Project, Establishing a Design Phase Budget of $42,100 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated March 29, 2012, from H. Paul Brazil, Director of Public Works.
- Resolution 30-2012
- Kimley-Horn Proposal dated March 29, 2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Award of Nightingale Trail, Queen's Lane and Garden Alley Drainage Improvements Design Services
Resolution No. 30-2012

Date: March 29, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 30-2012 authorizing the award of Nightingale Trail, Queen's Lane and Garden Alley Drainage Improvements Design Services contract in the amount of $36,800 to Kimley-Horn and Associates, Inc. (KHA) and establishing a design phase budget of $42,100.

GENERAL INFORMATION

Town staff has received complaints from residents regarding poor drainage and resultant ponding of storm water that exists for considerable time periods after the end of rainfall on Nightingale Trail and Queen's Lane from North Lake Way to North Ocean Way and on Garden Alley from Adam Road to North Ocean Boulevard. The Engineering staff has made several site visits and agrees that some work is necessary. Solutions may range from milling and repaving of asphalt to develop proper roadway cross slopes and profiles, to the addition of storm drain inlets and construction of new storm drain pipes.

Staff has awarded purchase orders amounting to $13,500 for surveying and geotechnical services for these three streets out of existing, budgeted capital funds for storm water general improvements. We have negotiated a design phase services contract with KHA in the amount of $36,800. Staff also recommends a design contingency of $5,300 resulting in a total design budget of $42,100.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the FY2012 Pay As You Go Capital Improvement Program. No appropriation of new funds is requested. The purpose of this item is to authorize the expenditure of already budgeted funds for their intended purposes. These types of minor drainage projects have historically been funded through this method.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This resolution has been reviewed by the Town Attorney and approved as to legal form and sufficiency.

Attachments

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer
Charles R. Langley, P.E., Senior Project Engineer
Douglas Terry, Water Resources Division Manager
Lynda Venne, Purchasing Agent

RESOLUTION NO. 30-2012

[redacted] THE [redacted]

AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID IMPROVEMENTS

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. [redacted] for an amount not to exceed [redacted] with a total design phase budget of $42,100[redacted]

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for design services with KHA.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the design construction documents, and bid phase services for the [redacted] project.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of April 2012.

Gail L. Coniglio, Mayor	David A. Rosow, Town Council President
	Robert N. Wildrick, Council President Pro Tem
	William J. Diamond, Town Council Member
ATTEST:	Richard M. Kleid, Town Council Member
Susan A. Owens, MMC, Town Clerk	Michael J. Pucillo, Town Council Member

Kimley-Horn
and Associates, Inc.

March 29, 2012

Suite 200
1920 Wekiva Way
West Palm Beach
Florida
33411-2410

Mr. Chuck Langley
Town of Palm Beach
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

Re: Queens Lane, Nightingale Trail, and Garden Road Alley Paving, Grading, and Drainage Improvements

Dear Chuck,

Kimley-Horn and Associates, Inc. ("CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to the stormwater and roadway infrastructure improvements for Queens Lane, Nightingale Trail, and the Garden Road Alley in the Town of Palm Beach. Our project understanding, scope of services, schedule, and fee follow.

Project Understanding

The Town has requested that Kimley-Horn prepare design plans and specifications to address nuisance stormwater ponding issues on Queens Lane and Nightingale Trail between North Lake Way and Ocean Way, and on the alley between Garden Road and Eden Road between Adam Road and Ocean Boulevard. The Town has received resident complaints regarding standing water at multiple locations after rain events on these roadways and alleys. The standing water is not to the level that creates flooding conditions but is rather considered a nuisance that should be remedied.

The Town desires to have the low points that pond water addressed in the design. The low points will be addressed through adjustment of existing roadway grades, new curbing, roadway reconstruction, milling and resurfacing, and/or new catch basins and stormwater piping where appropriate.

Because existing drainage patterns are not being changed, pipe sizes greater than 24" are not anticipated to be installed, and additional impervious space will not be added as a part of this project, it has been assumed that the project qualifies for a no-notice general permit from the South Florida Water Management District. Additionally, water and sewer modifications are not anticipated so no Florida Department of Environmental Protection permits are required.

TEL (561) 845-0665
FAX (561) 863-8175

Scope of Services

Task 1 – Soft Dig Utility Locates

KHA will employ the services of a subconsultant to verify horizontal and vertical locations of the utilities within the areas where the proposed stormwater improvements could interfere with the existing utilities. Up to 12 soft dig locations will be explored. Location information obtained will be used to assist with the design process and the development of the construction drawings.

Task 2 – Construction Plans and Specifications

KHA will perform engineering design services to prepare construction plans and specifications for the project. KHA will first meet with Town staff to kick off the project and determine specific aspects of the corridor that need to be addressed in the design. KHA staff will then perform a site visit and photograph the route to identify visible site constraints. We will review survey information previously prepared for the project to preliminarily identify problem areas prior to the site visit. In order to address the ponding issues, it is anticipated that the roadway will be re-graded to the greatest extent practical to allow stormwater runoff to flow to the existing catch basins. Curbing may be incorporated into the design to improve roadway grading and/or route water to the existing catch basins. Where ponding issues cannot be resolved through re-grading of the roadway, new catch basins and stormwater piping may be added to capture runoff. It is assumed that the existing stormwater trunk lines that currently serve the roadways will not require replacement as part of the project.

It is understood that the Town has engaged a materials testing firm to perform pavement cores on Queens Lane and Nightingale Trail. KHA will review this information when made available by the Town to determine how the pavement thickness may affect the milling and resurfacing component of the project and the opportunities that may exist to regrade the road through the milling and resurfacing operation.

The design will also consider the replacement of existing catch basins and/or that are currently undersized for the sub basins that they serve. Undersized catch basins will be replaced with catch basins consistent with the Town's standard curb inlet.

Construction plans and specifications suitable for bidding or use by the Town's on-call contractor will be prepared consisting of the following information:

- Cover Sheet
- General Notes
- Queens Lane Paving, Grading, and Drainage Plan Sheets (up to three sheets, double plan)

- Nightingale Trail Paving, Grading, and Drainage Plan Sheets (up to three sheets, double plan)
- Garden Road Alley Paving, Grading, and Drainage Plan(up to one sheet, double plan)
- Construction Details and Roadway Sections (up to four sheets)
- Technical Specifications

KHA will submit plans for review after the 60% and 90% completion stages for Town review and comment. KHA will address one round of reasonable comments after each review period. An Opinion of Probable Cost will be submitted with each submittal.

It has been assumed that the Town will prepare the "front end" bidding instructions and contract paperwork. Therefore, the preparation of these items is not included in this proposal.

Task 3 – Bid Phase Services

KHA will perform the following services during the bidding phase of the project:

- Prepare documents for bidding (up to 10 sets and electronic Adobe Acrobat files)
- Attend the pre-bid meeting
- Answer questions during bid phase if required.
- Review the bid proposal of the apparent low bidder and provide a letter that identifies the lowest responsive, responsible bidder.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Town, will be considered additional services to this task and will be performed based on proposals approved prior to performance of the additional services. Additional services we can provide include, but are not limited to, the following:

- Civil Engineering beyond what is contained in the above Scope of Services
- FDEP and/or SFWMD permitting services
- Construction Phase Services

Information and Services Provided By the Town

KHA assumes that all information provided by the Town can be relied upon in the performance of professional services. The following documents are expected to be provided by the Town for KHA to complete the design:

- Right of Way surveys for Queens Lane, Nightingale Trail, and the Garden Alley between the above identified limits.
- Pavement coring information as described above.

Fee and Billing

KHA will perform the services described in this Scope of Services for the above tasks on an hourly basis in accordance with our Contract with the Town. It is recommended that the following budgets be established for each task.

Task 1 – Soft Dig Utility Locate Subconsultant		$ 5,050
Task 2 – Construction Plans and Specifications		$29,000
Task 3– Bid Phase Services		$ 2,750
	Total	$36,800

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated January 28, 2010, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fees described above.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

By: Kevin Schanen, P.E.
Vice President

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ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	Queens, Nightingale, and Garden Road Alley Paving, Grading, and Drainage Improvements	SHEET	1 of 1
CLIENT:	Town of Palm Beach	FILE NO.	
ESTIMATOR:	AKP	DATE:	03/29/12
		ALLOCA	0.0810

DESCRIPTION:	DIRECT LABOR (MAN-HOURS)										
	P8 Principal (DWS)	P6 PM (KMS)	P4 Project Engineer (JRL)	P4 Project Engineer (AKP)	P2 Analyst (JF)	T4 Inspector (RC)	CLERK (DC)	SUB (DET, CW) (Shenandoah)	COMP	EXP	LINE TOTAL
											$0
Task 1 - Soft Dig Utilty Locates											$0
Subconsultant Cost								4750.0			$4,750
Coordination				2.0			1.0				$294
											$0
Task 2- Construction Plans											$0
Kick off meeting		2.0		4.0							$770
Site Visit				3.0	3.0		1.5				$695
Survey Review / Prep for Plans				1.0	4.0						$446
Evaulated Existing Grate Sizes for replacement		0.5		6.0							$727
Proposed Pipe/Grate Sizing Calculations		1.0		6.0							$812
Roadway Grading/Curbing Locations		2.0		15.0							$1,945
Construction Plans											$0
Cover sheet		0.5		0.5	3.0						$393
General Notes		0.5		2.0	2.0						$469
Queen Lane, Nightingale Trail, and Garden Road Alley Plan Sheets (up to 7 sheets-double plan)		8.0		40.0	84.0						$12,758
Details		0.5		6.0	16.0						$2,082
Technical Specifications		1.0		12.0			4.0				$1,775
Submit 60% and 90% Plans, respond to comments		4.0		12.0	18.0		4.0				$3,813
60%, 90%, and Final OPC and Quantities		2.0		9.0	6.0						$1,813
Submit Final Plans				2.0	2.0		2.0				$544
											$0
Task 5 - Bid Phase Services											$0
Prepare documents				2.0	2.0		4.0				$704
Attend Pre-bid, prepare minutes				2.0							$214
Answer questions		2.0		6.0			4.0				$1,305
Bid Proposal Review		0.5		4.0							$513
											$0
											$0
											$0
											$0
TOTAL HOURS	**0**	**25**	**0**	**135**	**140**	**0**	**21**	**4750**	**0**	**0**	**5,070**
LABOR ($/HOUR)	**204.81**	**158.67**	**113.97**	**98.82**	**78.33**	**95.19**	**74.28**	**1.00**	**0.00**	**1.0**	
ALLOCATION	**0.00**	**314.88**	**0.00**	**1,076.59**	**888.26**	**0.00**	**123.34**	**0.00**	**0.00**	**0.00**	
TOTALS	**0.00**	**4,202.30**	**0.00**	**14,367.88**	**11,854.46**	**0.00**	**1,646.08**	**4,750.00**	**0.00**	**0.00**	**$36,820.72**

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Resolutions

Agenda Title

Resolution No. 34-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving an Agreement with the Palm Beach County Property Appraiser for Services and Costs and Approving an Agreement with the Palm Beach County Property Appraiser and Palm Beach County Information System Services for Assignment of Computer Data, Each Agreement Being Associated with the Non-ad Valorem Assessments to Be Implemented for the via Fontana Underground Utilities Assessment Area and Authorizing the Mayor to Execute Each Agreement on Behalf of the Town.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated March 29, 2012, from Thomas G. Bradford, Deputy Town Manager
- Resolution No. 34-2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: A Proposed Resolution Approving Agreement with the Palm Beach County Property Appraiser and the Palm Beach County Information System Services for the Via Fontana Underground Utilities Project and its Associated Special Non-Ad Valorem Assessments. **Resolution No. 34-2012**

Date: March 29, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council adopt Resolution No. 34-2012. Adoption of this resolution is necessary to set forth the responsibilities of each party in the upcoming assessment process for the Via Fontana Underground Utilities Project.

GENERAL INFORMATION

In accordance with applicable Florida Statutes, at your meeting on December 13, 2011, the Town Council adopted Resolution No. 161-2011 electing to use the uniform method of levying, collecting and enforcing non-ad valorem assessments for the Via Fontana Underground Utilities Assessment Area. In addition, also per state statute, the Florida Department of Revenue, the Palm Beach County Tax Collector and the Palm Beach County Property Appraiser were notified of the Town's intentions. By letter dated March 27 the Property Appraiser has written the Town transmitting their standard agreement for the aforementioned services.

If the Town Council decides later this year that it does not wish to proceed with the assessments for any reason, the process is stopped, the Property Appraiser and Tax Collector are notified, and an assessment does not appear on any tax bill.

The tentative process to bring this matter to fruition will approximate the following:

- Between April 2012 and the July 2012 Town Council meeting, staff submits a report on the feasibility of using internal financing vs. the current plan to use a line of credit and long term bank financing.
- July 10, 2012 - Adoption of the initial assessment resolution. All final costs of the project will be provided and made public at this time.

- August 17, 2012 (on or about) – Mail notice to each affected property owner within the proposed boundaries of the assessment area advising of the tentative assessment amount and the date, time and place of adoption of the final resolution.
- September 11, 2012 – Adoption of final assessment resolution.

FUNDING/FISCAL IMPACT

All expenditures to date have been charged to the $2 million Line of Credit previously approved by the Town Council. Interest and fees will apply. As this is a special assessment project, all costs will be borne by the benefitting property owners and not the property owners of the Town as a whole.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed and approved Resolution No. 34-2012.

Attachment
cc: H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Amy Wood, Accounting Supervisor
Chuck Langley, Senior Projects Manager
Spencer D. Wilson, Information Systems Manager
Danny Brannon, P.E., Brannon & Gillespie
John C. Randolph, Town Attorney

N:\TGB\Agenda Items\2012\Backup Memo on Res No 34-2012 Agreement with Property Appraiser for Via Fontana UG Assessment Area 041312 TCM

RESOLUTION NO. 34-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA APPROVING AN AGREEMENT WITH THE PALM BEACH COUNTY PROPERTY APPRAISER FOR SERVICES AND COSTS AND APPROVING AN AGREEMENT WITH THE PALM BEACH COUNTY PROPERTY APPRAISER AND PALM BEACH COUNTY INFORMATION SYSTEM SERVICES FOR ASSIGNMENT OF COMPUTER DATA, EACH AGREEMENT BEING ASSOCIATED WITH THE NON-AD VALOREM ASSESSMENTS TO BE IMPLEMENTED FOR THE VIA FONTANA UNDERGROUND UTILITIES ASSESSMENT AREA AND AUTHORIZING THE MAYOR TO EXECUTE EACH AGREEMENT ON BEHALF OF THE TOWN.

WHEREAS, the Town of Palm Beach, Florida (the "Town") has taken the necessary legal steps to implement a non-ad valorem assessment for the provision of certain capital improvements and related services within the Via Fontana Underground Utilities Assessment Area; and

WHEREAS, the Town intends to use the uniform method for levying, collecting, and enforcing non-ad valorem special assessments for the cost of certain local improvements and related services to be provided within the Via Fontana Underground Utilities Assessment Area, including, but not limited to, removal of overhead utility lines and facilities, construction of underground utility lines and related facilities, landscaping, and other utility and utility related improvements as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such non-ad valorem assessments to be collected annually commencing in November 2012, in the same manner as provided for ad valorem taxes; and

WHEREAS, in order to effectuate the intended non-ad valorem assessments the Town must enter into various agreements with Palm Beach County constitutional officers and Palm Beach County Information System Services for the provision of related services and the payment of costs associated therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Agreement between Gary R. Nikolits as Property Appraiser for Palm Beach County and the Town, attached hereto as Exhibit A and incorporated by reference as a part of this resolution, is hereby approved and the Mayor is authorized to execute the same on behalf of the Town.

Section 3. The Agreement between Gary R. Nikolits as Property Appraiser for Palm Beach County, Palm Beach County Information Systems Services and the Town for the Assignment of Computer Data, attached hereto as Exhibit B and incorporated by reference as a part of this resolution, is hereby approved and the Mayor is authorized to execute the same on behalf of the Town.

.

Section 4. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of April 2012.

_____
Gail L. Coniglio, Mayor

_____
David A. Rosow, Town Council President

_____
Robert N. Wildrick, President Pro Tem

_____
William J. Diamond, Town Council Member

_____
Richard M. Kleid, Town Council Member

ATTEST:

_____
Susan A. Owens, MMC, Town Clerk

_____
Michael J. Pucillo, Town Council Member

AGREEMENT

EXHIBIT A

THIS AGREEMENT made and entered into this 27th day of March , 2012, by and between Gary R. Nikolits, as Palm Beach County Property Appraiser (the "Appraiser"), and Town of Palm Beach – Via Fontana Underground Utilities NAV , hereinafter "Local Government",

WHEREAS, Local Government has elected under Section 197.363(1), Florida Statutes, for the collection of its non-ad valorem assessments pursuant to the uniform method for the levy, collection and enforcement of non-ad valorem assessments as provided for in Section 197.3632, Florida Statues, and Local Government's adoption of Resolution No. 161-2011; and

WHEREAS, the Appraiser and Local Government are required to enter into an agreement pursuant to Section 197.3632(2), Florida Statutes, for the Appraiser to provide the Local Government with the information outlined in Section 197.3632(3)(b), Florida Statutes; and

WHEREAS, Chapter 92-264, Laws of Florida was enacted to provide that non-ad valorem assessments be set forth in the Notice of Proposed Property Taxes for Palm Beach County;

NOW, THEREFORE, in consideration of the following covenants, conditions and promises the parties agree as follows:

1. The above representations are true and correct.
2. The Appraiser is entering into this Agreement without any determination that Local Government is qualified to collect its non-ad valorem assessments by the uniform method, and to the extent permitted by law, Local Government will indemnify and hold the Appraiser harmless from any challenge thereto, subject to the provisions of Florida Statute 768.28 relating to sovereign immunity.
3. The Appraiser will provide to Local Government the information described in Section 197.3632(3)(b), Florida Statutes, in compatible electronic medium by June 1, 2012.
4. Local Government in levying and collecting non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes, will provide to the Appraiser the assessment rate expressed in dollars and cents per unit of assessment, the associated assessment amount and the purpose of the assessment, extended against each parcel within the boundaries of Local Government in compatible electronic medium prior to July 28, 2012.
5. The Appraiser will utilize the information provided by the Local Government pursuant to paragraph 4 herein in preparing the Notice of Proposed Property Taxes pursuant to Section 200.069, Florida Statutes, and, in addition to the information required in the Notice required by Section 200.069, Florida Statutes, the Appraiser shall include the non-ad valorem assessment levied pursuant to Section 197.3632, Florida Statutes, as separate, itemized entries.
6. Additionally, the Appraiser agrees to make available to Local Government an additional list of the information described in Section 197.3632(3)(b), Florida Statutes, shortly before the September 12, 2012 certification date for Local Government to reflect the changes to the assessment roll between said date and June 1, 2012.
7. In return for the providing of the information as outlined in Paragraphs 3 and 6, Local Government agrees to reimburse the Appraiser, in accordance with Section 197.3632(2), Florida Statutes, for the necessary administrative costs, as described in exhibit 'A', incurred in providing the information.
8. This agreement shall automatically be extended hereafter, from year to year, unless and until terminated by either of the parties. This Agreement may be terminated at any time by the Local Government upon written notice to the Appraiser and payment for all services provided under this Agreement through the date of termination. This Agreement may be terminated at any time by the Appraiser upon written notice to the Local Government; however, notice given by the Appraiser after January 1 and prior to October 1, shall be effective only following completion of certification of that year's non-ad valorem tax roll. Upon cancellation of the Agreement by the Appraiser, the Local Government shall reimburse all outstanding bills to the Appraiser within a reasonable time.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this Agreement on the date first written above.

Local Government

By: _____

_____
Gary R. Nikolits, as Palm Beach County Property Appraiser

Attest: _____

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Rev. 11/07/07

Exhibit 'A'

Non Ad Valorem - Cost Summary

The following is a summary of costs which this office will assess to each district that utilizes the uniform method of collection. All costs will be assessed on an annual basis at the end of each Tax Roll cycle. These costs are subject to change, and if a change is to be made the Non Ad Valorem districts will be notified of that change at the beginning of the Tax Roll cycle.

(A) There will be an initial cost for setting up the new district. The amount to be charged will be the greater of the actual cost and expenses incurred by the Property Appraiser's Office or $500. This cost may include personnel cost, forms, supplies, data processing computer equipment, postage and programming cost.

(B) *Administrative services:* This fee covers administrative costs and services, it is assessed to each district annually until the cancellation of the Agreement.

Administrative services = $150.00/district per year

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Rev. 01/01/2012

ASSIGNMENT OF COMPUTER DATA

EXHIBIT B

THIS AGREEMENT made and entered into this 27th day of March, 2012, by and between Palm Beach County Information System Services, hereinafter "ISS", and Town of Palm Beach – Via Fontana Underground Utilities NAV, hereinafter "Local Government", and Gary R. Nikolits, as Palm Beach County Property Appraiser, hereinafter the "Appraiser",

WHEREAS, Local Government has entered into a contract with the Appraiser to receive the list of properties in Local Government's jurisdiction by compatible electronic medium pursuant to the provisions of Section 197.3632 (3)(b), Florida Statutes; and

WHEREAS, Local Government has entered into a contract with ISS to take said compatible electronic medium and provide the computer services necessary for Local Government both (a) to provide the non-ad valorem assessments for the Notice of Proposed Property Taxes on compatible electronic medium to the Property Appraiser and (b) to certify the non-ad valorem assessment roll on compatible electronic medium to the Tax Collector; and

WHEREAS, Local Government, in order to expedite the services to be performed by ISS, wishes the Appraiser to deliver its property information in compatible electronic medium directly to ISS, and the Appraiser has agreed to do so and ISS has agreed to accept such;

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. The above representations are true and correct.
2. Local Government hereby assigns to ISS the property information in compatible electronic medium it is to receive from the Appraiser pursuant to the provisions of Section 197.3632 (3)(b), Florida Statutes.
3. The Appraiser agrees to deliver said property information on compatible electronic medium directly to ISS.
4. ISS hereby agrees to accept said property information in compatible electronic medium on behalf of Local Government for use in providing the computer services necessary for Local Government both (a) to provide the non-ad valorem assessments for the Notice of Proposed Property Taxes on compatible electronic medium to the Property Appraiser and (b) to certify the non-ad valorem assessment roll on compatible electronic medium to the Tax Collector.
5. Local Government agrees to provide final approval to ISS no later than July 28th for the Notice of Proposed Property Taxes and September 12th for the Actual Property Taxes. Should the above date fall upon a Holiday, Saturday or Sunday the Local Government will agree to provide ISS final approval by the last business day prior to the Holiday, Saturday or Sunday. If the approval is not received by ISS by 5:00 p.m. on the appropriate date, the Local Government agrees that it will have to take the necessary actions at its sole expense, to notify its non-ad valorem parcel owners of the Notice of Proposed Property Taxes and/or Actual Property Taxes for that year.
6. This agreement shall be automatically extended hereafter, from year to year, unless and until terminated by either of the parties. This agreement may be terminated at any time by the Local Government upon written notice to the Appraiser or by the Appraiser upon written notice to the Local Government; however, notice given by the Appraiser after January 1 and prior to October 1, shall be effective only following completion of the certification of that year's non-ad valorem tax roll.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year above first written.

Local Government:

By:_____ Attest: _____

By: _____
Gary R. Nikolits
Palm Beach County Property Appraiser

By: _____
Director, Palm Beach County
Information System Services

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Rev. 11/07/07

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Consent - Other

Agenda Title

Authorization to Fill Vacant Parks and Streets Supervisor Position.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated March 28, 2012, from H. Paul Brazil, Director of Public Works.

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Authorization to Fill Vacant Parks/Streets Supervisor Position

Date: March 28, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council authorize the Town Manager to recruit for and fill the vacancy for the position of Parks/Streets Supervisor as indicated below, with no net increase in the Public Works Department staff.

GENERAL INFORMATION

The Parks/Streets Supervisor position became vacant due to the retirement of the incumbent last month. This position is in charge of two Town programs (Street Repair & Maintenance, and Parks & Grounds Maintenance), and is responsible for oversight of numerous maintenance and service contracts, as well as the supervision of five employees. All exterior (grounds) maintenance of Town property (parks, medians, right-of-way, etc) is the responsibility of this position, as well as roadway repairs, paving, and street sweeping. Historic/specimen trees, pest control (including white fly treatment), and irrigation/fertilization are also areas of emphasis for this position. This position is essential to maintaining the current level of service with regard to the appearance of the Town's streets and grounds.

With the approval of the Town Council, the Town staff will recruit for and fill this position by advertising the vacancy in local periodicals and industry websites. External and internal candidates will be considered. If an internal promotion results, other vacancies in the underlying positions will occur and those will similarly be filled in accordance with this authorization.

FUNDING/FISCAL IMPACT

This vacant position is funded already in the FY2012 Public Works Department operating budget.

cc: Eric B. Brown, P.E., Assistant Director of Public Works
Kennie Wells, Acting Director of Human Resources
Brett Madison, Facilities Maintenance Division Manager

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Consent - Other

Agenda Title

Authorization to Recruit for Equipment Operator III/Sanitation.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated March 28, 2012, from H. Paul Brazil, Director of Public Works.

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Authorization to Recruit for Equipment Operator III/Sanitation

DATE: March 28, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council authorize the Town Manager to recruit for and fill the vacancy for the position of Equipment Operator III/Sanitation as indicated below, with no net increase in the Public Works Department staff.

GENERAL INFORMATION

The Equipment Operator III position is becoming vacant due to the retirement of the incumbent next month. This position is in charge of the Pinewalk transfer station, is licensed to drive a tractor-trailer to transport the garbage to the county landfill (Solid Waste Authority), and is also the foreman/supervisor for the weekend crews, overseeing six employees This position is essential to maintaining the current level of sanitation service to the residents and businesses.

With the approval of the Town Council, the Town staff will recruit for and fill this position with an internal Town candidate. Based on that internal promotion, other vacancies in the underlying positions will occur and those will similarly be filled in accordance with this authorization.

FUNDING/FISCAL IMPACT

This vacant position is funded within the FY2012 Public Works Department operating budget.

Cc: Eric B. Brown, P.E., Assistant Director of Public Works
Kennie Wells, Acting Director of Human Resources
Tony Higgins, Sanitation Supervisor

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Consent - Other

Agenda Title

Authorization to Convert Three (3) Part-Time/No Benefits Code Enforcement Officer Positions to One (1) Full Time Code Enforcement Officer Positon.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- Memorandum dated March 30, 2012, by Kirk W. Blouin, Director of Public Safety

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Authorization to Convert Three (3) Part-time (no benefits) Code Enforcement Officer Positions to One (1) Full Time Code Enforcement Officer Position

Date: March 30, 2012

STAFF RECOMMENDATION

- Staff recommends the Town Council authorize the Town Manager to convert three (3) Part-time (no benefits) Code Enforcement Officer (CEO) positions to one full-time position.

- Upon approval, we ask that the Town Manager and Town Council approve the Director of Public Safety's appointment of a current part-time (no benefits) CEO to the converted full-time CEO position.

GENERAL INFORMATION

- As part of the Police Department's cost saving measures and approved in the FY10 Budget, 1 full-time CEO position was converted to two (2) part-time (no benefits) CEO positions for an annual savings of approximately $10,000.

- This organizational change brought the staff level to one (1) full-time Lead CEO and three (3) part-time CEOs. (The unit is overseen by a Manager whose time is split with the Parking Control Unit and is assisted by a Parking Control/Code Enforcement Specialist).

- In July /August of 2011, the two (2) vacant part-time CEO positions were filled. Subsequently, on February 1, 2012, one of the new employees was terminated prior to the completion of their probationary period.

- During this 6-7 month period, staff found the scheduling of three (3) part-time employees ineffective and sporadic. The lack of continuity created by the limited hours of the part-time employees not only affected operations within the unit but also made communication with the community difficult and follow-up contact cumbersome due to varying

shifts/schedules of staff.

- Prior to the FY10 Budget changes, the unit functioned with a staff level of two (2) full time employees and one (1) part-time employee working regularly assigned shifts and supervised by a Sergeant.

- Based on experience during this period of time, staff believes that converting the three (3) part-time (no benefits) positions to one (1) full-time position will allow for better time management, communication, and continuity of operations which is fundamental to a small unit with limited staffing resources.

FUNDING/FISCAL IMPACT

- The fiscal impact of converting three (3) part-time (no benefits) positions to one full-time position is an additional savings of approximately $8,000.

KWB:lsg

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Consent - Other

Agenda Title

Authorization to Fill Tennis Supervisor Position.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated March 30, 2012, from Jay Boodheshwar, Director of Recreation and Special Projects

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Authorization to Fill Tennis Supervisor Position

Date: March 30, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council authorize the Town Manager to fill the Tennis Supervisor position, which will become vacant upon the retirement of the incumbent on May 1, 2012.

GENERAL INFORMATION

This position is responsible for administrative, supervisory, and customer service duties associated with the management of the Seaview Park and Phipps Ocean Park tennis centers. Duties include coordination with contractual teaching professionals, cash management, employee scheduling, event planning, facility/court safety, statistics compilation, enforcement of tennis and department policies and procedures, staff training, equipment safety, and many other general operational tasks for this program area. A full-time Tennis Assistant, 0.5 Maintenance Worker, and various part-time employees provide support to the Tennis Supervisor.

This position is critical to the successful management and oversight of the tennis division's operations and achievement of budget goals. If approved, staff will use an open recruitment process to fill this position with an individual who possesses strong management/fiscal skills, creativity, energy, and sufficient experience in the tennis industry.

FUNDING/FISCAL IMPACT

The funding for this position is included in the Recreation Department's FY2012 tennis budget.

c: Recreation Advisory Commission
Kennie Wells, Acting Director of Human Resources
Rod Gardiner, Assistant Director of Recreation

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Consent - Other

Agenda Title

Investment Advisory Committee Appointments

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated March 30, 2012, from Jane Struder, Finance Director
- Current Roster
- Attendance Record

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Investment Advisory Committee Appointments

Date: March 30, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council re-appoint Mr. William Mikus and Mr. Bernard Panfel as regular members of the Investment Advisory Committee.

GENERAL INFORMATION

The Investment Advisory Committee shall be comprised of residents of the Town with prior investment experience. The members of the Investment Advisory Committee shall hold office for two year terms. The Investment Advisory Committee oversees the investment of the Town's surplus funds and the assets of the OPEB Trust.

Mr. Mikus and Mr. Panfel have submitted applications indicating that they are interested in continuing to serve on the Investment Advisory Committee and are eligible for reappointment. No other Town residents have submitted applications or letters of interest for these appointments.

jls
cc: Susan A. Owens, Town Clerk

TOWN OF PALM BEACH
INVESTMENT ADVISORY COMMITTEE
As of March 30, 2012

TRUSTEES:		TERM:
Town Resident Chairman	Michael Andrews, Ph.D., Chairman 255 Mocking Bird Trail Palm Beach, FL 33480 881-8297H mfabuzzard@aol.com	First Appointed 5/2002 Term Expires 5/2013
Town Resident Member	Mr. William John Mikus 220 Ocean Terrace Palm Beach, FL 33480 840-0686H wjmikus@mikuscapitalmanagement.com	First Appointed 5/2008 Term Expires 5/2012
Town Resident Member	Mr. Bernard R. Panfel 3456 S. Ocean Blvd. Palm Beach, FL 33480 533-6102H brpanfel@mac.com	First Appointed 5/2004 Term Expires 5/2012
Town Resident Member	Mr. Benton P. Bohannon 113 Kings Road Palm Beach, FL 33480 Ph: 561-835-9682 Benton.bohannon@yahoo.com Send backup to: 277 Royal Poinciana Way Palm Beach, FL 33480 (mailing service)	First Appointed 5/2009 Term Expires 5/2013
Town Resident Member	Mr. Kevin McClusky 253 Esplanade Way Palm Beach, FL 33480 Ph: 561-659-8847 (w) Ph: 561-762-7719 (h) kevominnie@aol.com	First Appointed 5/2011 Term Expires 5/2013

Investment Advisory Committee
Attendance Roster
2011 - 2012

Members	5/20/2011	8/29/2011	11/4/2011	2/17/2012
Dr. Michael F. Andrews	Present	Present	Present	Present
William J. Mikus	Present	Present	Present	Present
Bernard R. Panfel	Absent	Present	Present	Present
Kevin McClusky	Present	Absent	Present	Present
Benton Bohannon	Present	Present	Present	Present

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Board/Commission Annual Report

Agenda Title

Architectural Commission. [Robert Vila, Chair, and John Page, Director of Planning, Zoning, and Building]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated March 19, 2012, from John Page, Director of Planning, Zoning, and Building
- ARCOM Annual Report

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning and Building

Re: Annual Report - Architectural Commission (ARCOM)

Date: March 19, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council hear the presentation of the Annual Report for 2011 by Mr. Robert Vila, Chairman of the Architectural Commission (ARCOM).

GENERAL INFORMATION

Attached is a summary of the activities of ARCOM for the past year. Mr. Robert Vila, the Chairman of ARCOM, is prepared to address the Town Council with additional comments regarding the Commission's activities, and to answer any questions. This report will not include a Power Point presentation.

Attachments

JP:jl

cc: Robert Vila, Chairman, Architectural Commission
Members, Architectural Commission (ARCOM)
John Lindgren, Planning Administrator

ARCOM Commission
Report of Activities for 2011 Calendar Year

ARCOM currently has 10 members (7 regular members & 3 alternates):

- Two members are licensed architects
  - Nikita Zukov
  - Richard Sammons
- One member is a master gardener
  - Ann Vanneck

Attendance by commissioners:

- An average of 96% attendance for all meetings during the year; there were a total of 5 absences by commissioners (2 excused, 3 unexcused)

Applications reviewed:

- 81 new Major Items submitted in 2011 (a 12.5% increase from the previous year) – none were denied or removed from the agenda
- 29 new Minor Items submitted in 2011 (a 190% increase from the previous year) – 1 was denied & 1 was removed from the agenda
- 28 Deferrals occurred over the course of the year (a 51% decrease from the previous year), many of which were requested by the applicant

On behalf of the Commission, staff conducted 284 approvals of minor projects and revisions.

Additional projects & accomplishments:

- Continued to develop landscape regulations with staff.

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Regular Agenda - New Business

Agenda Title

Proposal from the Par 3 Foundation, Inc.
TIME CERTAIN: 11 A.M.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated April 3, 2012, from Jay Boodheshwar, Director of Recreation and Special Projects
- Proposal Submitted by the Par 3 Foundation, Inc.
- Artist's Rendering of Proposed Par 3 Golf Course Clubhouse
- Par 3 Golf Course - Long-Term Budget Estimate

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Proposal from the Par 3 Foundation, Inc.

Date: April 3, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council approve the proposal submitted by the Par 3 Foundation, Inc. for the construction of a new Par 3 Golf Course clubhouse, and direct staff to work with the Foundation to implement said proposal.

GENERAL INFORMATION

The Par 3 Foundation has submitted a proposal to construct a new clubhouse at the Par 3 Golf Course. Town Council will recall that town resident, Raymond Floyd, donated his time in 2008 to design and raise funds to help the Town renovate the Par 3 Golf Course. Although nearly $3,000,000 of private money was contributed to the renovation effort, there were insufficient funds to construct the new clubhouse at the same time as the course's renovation.

The Par 3 Foundation feels it is now time to move forward with the clubhouse project. Smith and Moore Architects have been retained by the Foundation to design the facility. A conceptual plan and artist's rendering have been completed. The current concept includes a 2 story structure at the east end of the parking lot, approximately 6,000 square feet (3,500 sq. ft. under air), with construction estimated to cost approximately $2,000,000. The building will include a full pro-shop on the first floor and a food and beverage operation on the second floor.

The Par 3 Foundation has proposed the following:

- The Par 3 Foundation will provide a "matching grant" of $1M to the Town for the construction of clubhouse.

- The Foundation will also directly pay for the design services, but the Town will be responsible for bidding the project and managing construction.

- It is the Foundation's expectation that the architect will work closely with Town staff throughout the design process to ensure Town concerns are properly addressed.

- The Foundation recommends the Town consider borrowing approximately $1,250,000 to fill the funding gap (and any potential cost overruns) through a 30 year loan. The annual debt service payment on a $1,250,000 loan at 4.0% interest is approximately $71,000. Another alternative would be for the Town to "borrow" from its marina reserves, which currently have a balance of approximately $2.2 million.

- Understanding the Town is facing tough budgetary challenges, the Foundation is committed to providing an ongoing revenue stream to help pay down the $1,250,000 loan, with proceeds from the annual Raymond Floyd Open golf outing. This would supplement new revenues received from the clubhouse's food & beverage operation, helping to offset the loan expenses associated with the new clubhouse.

- It is also proposed the Town Council consider (as a revision from an earlier proposal) installing signage at the golf course to recognize Raymond Floyd for his tremendous leadership with the restoration of the Par 3. Signage options include: ***The Raymond Floyd Course at the Palm Beach Par 3*** or ***The Raymond Floyd Par 3 Golf Course, Palm Beach***. The legal name of the golf course <u>would not</u> change - only the signage and promotional materials used for advertising and marketing.

The proposed project timeline is suggested as follows:

- Spring, 2012: Approval by Town Council
- Summer, 2012: Design Development, ARCOM Approval, Town Council Approval of Building Design and Method of Financing
- Fall, 2012: Finalize Construction Drawings
- Winter, 2012: Town Pre-Qualifies Contractors and Bids Project
- Spring, 2013: Construction Begins
- Fall/Winter, 2013: Grand Opening

FUNDING/FISCAL IMPACT

A long-term budget estimate (FY13 – FY22) has been developed and is attached. The anticipated debt service for the Town's share of the new clubhouse construction costs is approximately $71,000/year, and we anticipate that will be more than offset by new food & beverage proceeds from a concessionaire's contract and contributions from the proceeds of the Raymond Floyd Open each year.

If Town Council is favorable to the Par 3 Foundation's proposal, it may be advantageous to borrow from the Recreation Enterprise Fund's reserves to fund the construction and then repay it by including the $1,250,000 in the bond issue for Phase 2 of the Accelerated Capital Improvement Program.

RECREATION ADVISORY COMMISSION RECOMMENDATION

At a special meeting on April 3, 2012, the Recreation Advisory Commission recommended Town Council approve the proposal submitted by the Par 3 Foundation, Inc. by a 6 – 1 vote. The dissenting vote was not in favor of changing the signage and promotional materials to include Raymond Floyd's name.

Attachments

cc: Recreation Advisory Commission
The Par 3 Foundation, Inc.
H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Rod Gardiner, Assistant Director of Recreation
Tony Chateauvert, Golf Manager

THE PAR 3 FOUNDATION, INC.

PROPOSAL FOR PALM BEACH PAR 3 CLUBHOUSE

BACKGROUND

- In 2008, Raymond Floyd volunteered his services to oversee the design and restoration of the Palm Beach Par 3 Golf Course.

- He also led a private fundraising effort to match Town funds for the renovation of the golf course and the construction of a new clubhouse.

- In 2009, Raymond secured the services of Simses and Associates to create the Par 3 Foundation, Inc.

- Despite the declining economy at the time of the Foundation's development, Raymond and the members of the Foundation board were able to raise approximately $4,000,000 towards the overall project.

- Nearly $3,000,000 was donated to the Town to match the $2,000,000 that was borrowed to fund the renovation of the golf course. Unfortunately, there were insufficient funds at the time to build the new clubhouse in conjunction with the renovation.

- The Par 3 re-opened for play in December 2009, and has been a hit with the community ever since. Not only has the golf course been renewed physically, it's been renewed operationally. Fiscal Year 2011 was a turning point year for the Par 3, as the golf course not only covered all of its operating costs, it was able to generate a surplus, which helped to cover half of the debt service payment for the $2M that was borrowed for the renovation. This is very positive news.

- The Raymond Floyd Open has been held every year since the re-opening, showing a commitment from the Foundation to fund junior golf for at-risk children and provide ongoing financial support to the golf course. Nearly $100,000 has been raised in the first three years.

THE ISSUE

- The Par 3 Foundation believes it is time to move forward with the construction of the new clubhouse. Past donors are anxious about the delay and some have requested their money be returned if the clubhouse is not constructed soon. Original concepts for the clubhouse were estimated at approximately $4,000,000.

- Understanding that private fundraising had stalled due to a number of factors, including the declining economy, the Foundation has readjusted its vision for the clubhouse and revised its concept. The current conceptual building is 2 stories, approximately 6,000 square feet, and is estimated to cost approximately $2,000,000 to construct. The Foundation has $1,000,000 available to fund the project.

PROPOSAL TO THE TOWN COUNCIL

- The Par 3 Foundation will provide a "matching grant" of $1M to the Town for the construction of clubhouse.

- The Foundation will also directly pay for the design services, but the Town will be responsible for bidding the project and managing construction.

- It is the Foundation's expectation that the architect will work closely with Town staff throughout the design process to ensure Town concerns are properly addressed.

- The Foundation recommends the Town consider borrowing approximately $1,250,000 to fill the funding gap (and any potential cost overruns) through a 30 year loan. The annual debt service payment on a $1,250,000 loan at 4.0% interest is approximately $71,000.

- The Town could also borrow from its marina reserves, which currently has a balance of approximately $2.2 million.

- Understanding the Town is facing tough budgetary challenges, the Foundation is committed to providing an ongoing revenue stream to help pay down the $1,250,000 loan, with proceeds from the annual Raymond Floyd Open golf outing. This would supplement new revenues received from the clubhouse's food & beverage operation, helping to offset the loan expenses associated with the new clubhouse.

- It is also proposed the Town Council consider (as a revision from an earlier proposal) installing signage at the golf course to recognize Raymond Floyd for his tremendous leadership with the restoration of the Par 3.

- Signage options include: ***The Raymond Floyd Course at the Palm Beach Par 3*** or ***The Raymond Floyd Par 3 Golf Course, Palm Beach***.

- The legal name of the golf course <u>would not</u> change - only the signage and promotional materials used for advertising and marketing.

TENTATIVE PROJECT TIMELINE

- Spring, 2012: Approval by Town Council
- Summer, 2012: Design Development, ARCOM Approval, Town Council Approval
- Fall, 2012: Finalize Construction Drawings
- Winter, 2012: Town Pre-Qualifies Contractors and Bids Project
- Spring, 2013: Construction Begins
- Fall/Winter, 2013: Grand Opening

Proposed Palm Beach Par 3 Golf Course Clubhouse

Artist's rendering by Smith and Moore Architects, Inc

Revenues	
Golf Pro Administrative Fee	
Golf Resident Pass Fees	
Golf Non-Res. Pass Fees	
Golf 12 Play Passes	
Greens Fees	
Golf Riding Cart Rental	
Golf Pull Cart Rental	
Golf Driving Range	
Golf Maint & Improve Fee	
Club Rentals	
Golf Teaching Services	
Golf Merchandise	
Golf F&B Revenue	
Programs & Events	
Golf Outings	
Gift Certificates	
Vending Machine Comm Golf	
Sales Tax Commissions - Golf	
Misc Revenue - Golf	
F&B Contract Payment	
Proceeds from Par 3 Foundation	
TOTAL REVENUES	
Expenses	
Salaries/Wages	
Pension Benefits	
Other Employee Benefits	
Contractual	
Commodities	
Debt Service - Course Renovation	
Debt Service - Clubhouse	
TOTAL EXPENSES	
Total Over/(Under) Expenses	
Cost Recovery %	
Rounds Played	

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 31-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Woods Hole Group in the Amount of $127,711 for Comprehensive Review of the Shore Protection Board's Long Term Coastal Management Program; Approving a Task Budget of $150,000 For This Work; and Authorizing the Town Manager to Execute the Contract on Behalf of the Town to Effectuate Said Coastal Engineering Services.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated March 29, 2012, from H. Paul Brazil, Director of Public Works.
- Resolution No. 31-2012
- Woods Hole Group Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Award of Contract for the Comprehensive Review of Shore Protection Board's Long Term Coastal Management Program
Resolution No. 31-2012

Date: March 29, 2012

STAFF RECOMMENDATION

As directed by Town Council, Town staff has obtained a proposal from Woods Hole Group for an independent and objective evaluation of the Town's Coastal Protection Program. If Town Council awards the contract to Woods Hole Group in the amount of $127,711, Town staff recommends that a total task budget be established in the amount of $150,000, and further recommends appropriation of these funds from the General Fund contingency amount.

GENERAL INFORMATION

On February 23, 2012, the Shore Protection Board (SPB) unanimously recommended a FY 2013 Coastal Management Program budget and 10-Year Forecast for Town Council consideration, including several unresolved matters to be addressed in the coming months.

On March 14, 2012, Town staff requested Town Council direction concerning a peer review of the updated long term Coastal Management Program. The Mayor and Town Council requested an unbiased evaluation of the SPB's recommended plan in the full context of prior decisions and all currently available information.

Woods Hole Group (WHG) has provided Town staff with the requested proposal. In order to provide an informed and objective review and provide both value engineering and cost-benefit analysis for future implementation, WHG will comprehensively evaluate Town projects completed since 1998 and the input received by the Town from consultants and others since 2009. Additionally, WHG will provide cursory comments regarding coastal management activities performed in other areas of the country, including both hardened structures constructed and environmental resource constraints.

The WHG proposal includes a two (2) step process. The first phase would focus on a review of existing documentation available. The second phase would produce a recommendation report. A key step within the overall review process includes the WHG recommendation to include interviews to the Town's coastal engineering firms, pertinent Town staff, and others who have actively participated with the SPB.

Robert Hamilton, Vice President, Woods Hole Group, will be in attendance at the April 10, 2012 Town Council meeting and will be available for questions and comments.

FUNDING/FISCAL IMPACT

The costs associated with a comprehensive review of the Town's Coastal Management Program were not included in either the FY 2012 budget or a previously approved fiscal year budget. This would require appropriation from the General Fund Contingency in the amount of $150,000 (to include a project contingency for any unforeseen but appropriate expenses associated with this effort).

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

The resolution for this item is a standard form that has been previously reviewed and approved by the Town Attorney.

Attachments

cc: Shore Protection Board
Jane Struder, Director of Finance
Robert Weber, Coastal Coordinator
Lynda Venne, Purchasing Agent

RESOLUTION NO. 31-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO WOODS HOLE GROUP IN THE AMOUNT OF $127,711 FOR COMPREHENSIVE REVIEW OF THE SHORE PROTECTION BOARD'S LONG TERM COASTAL MANAGEMENT PROGRAM; APPROVING A TASK BUDGET OF $150,000 FOR THIS WORK; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE TOWN TO EFFECTUATE SAID COASTAL ENGINEERING SERVICES.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. A contract to provide a comprehensive review and independent evaluation of the Town's Coastal Protection Program, with specific emphasis on the Shore Protection Board's Long Term Coastal Management Plan is hereby awarded to Woods Hole Group, (in accordance with their proposal dated March 28, 2012) in the amount of $127,711, with a total task budget of $150,000.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order with Woods Hole Group for completion of this Coastal Program Comprehensive Review.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the Coastal Program Comprehensive Review.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of April 2012.

Gail L. Coniglio, Mayor	David A. Rosow, Town Council President
	Robert N. Wildrick, Council President Pro Tem
	William J. Diamond, Town Council Member
ATTEST:	Richard M. Kleid, Town Council Member
Susan A. Owens, MMC,Town Clerk	Michael J. Pucillo, Town Council Member

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Sent by Electronic Mail

March 28, 2012

Town of Palm Beach
Attn: Mr. Robert Weber, Coastal Coordinator
Town of Palm Beach Public Works Department
Post Office Box 2029
Palm Beach, FL 33480-2029
Email: rweber@townofpalmbeach.com

Re: Proposal for Review of Palm Beach Coastal Protection Program

Dear Mr. Weber,

This letter proposes services for Woods Hole Group to review the Palm Beach Coastal Protection Program, and to provide recommendations for future projects and implementation. A proposed scope, schedule, and budget are provided below. Woods Hole Group previously reviewed the 1998 CCMP, through which our staff gained insight into the shore protection requirements and challenges specific to Palm Beach. Woods Hole Group also applied for and was selected to the approved roster of Coastal Engineering consultants for the Town in 2009. Although no tasks have been completed under this contract, we've remained cognizant of ongoing activities. Woods Hole Group also maintains an active Coastal Engineering practice, routinely involving beach nourishment, coastal structures, dredging, soft solutions and expert services for other communities. Regional Sediment Management (RSM) and community-wide planning are at the forefront of our approach, which we feel will benefit Palm Beach. We recently conducted a statewide coastal data collection program for Rhode Island, and we are assessing the statewide federal shore protection program in New Jersey. The goal of the work is to make recommendations to reduce long-term cost, minimize environmental impacts, and optimize sand resource requirements for the 50-year program.

Woods Hole Group understands the Town is seeking an independent and objective evaluation of the Coastal Protection Program, considering recent projects and activities as well as proposed activities in the FY013 plan. We appreciate the Town's confidence in Woods Hole Group, and we are committed to adding value. We also recognize the significance of this effort, the Town investment involved, and we are mindful of the vast local stakeholder knowledge and experience. Our experience with a variety of coastal systems and communities provides valuable, unique and objective perspective; our separation from the day-to-day shore protection activities at Palm Beach also introduces an essential learning

curve for our staff. For these reasons, our proposed approach is grounded strongly in stakeholder interviews and participation. We feel this approach is essential for success; the local stakeholders will implement the program long after our scope is fulfilled.

The effort will be conducted by an experienced team of Woods Hole Group personnel, all with the Company for at least 15 years. The Project Manager and Civil/Coastal Engineer led the prior peer review of the 1998 CCMP (Mr. Robert Hamilton). Mr. Hamilton has been with Woods Hole Group since 1994, and will bring consistency to the project from prior experience. The team also includes a Lead Coastal and Professional Engineer (Kirk Bosma, M.S.C.E., P.E.), a Senior Coastal Engineer/Scientist (Lee Weishar, Ph.D., P.W.S), and a Coastal Geologist (M. Leslie Fields, M.S.). Mr. Bosma has been with Woods Hole Group since 1997. Dr. Weishar and Ms. Fields joined the Company in 1989. Support personnel for technical services, environmental reviews, graphics, publications and project administration will be drawn on as needed. Resumes for the four (4) key team members are attached to this letter.

SCOPE OF WORK

We understand the Town is interested in a comparative analysis of activities since the 1998 CCMP review conducted by Woods Hole Group, recognizing the emphasis is on activities since 2009 and the FY013 recommended program. Based on our discussions with Town Staff and review of recent Town Council meetings, we gather the Town is interested in an objective review of activities in light of the substantial proposed future investment, varied perception of success of prior projects, and diverse local priorities, opinions and interests. In this regard, we will strive to bring unity and build consensus for the program, rooted primarily in our technical opinions. We also understand the Town is interested in our opinion on the overall value of the program and relative costs and benefits. We assume the Town is not seeking a formal Value Engineering assessment or cost-benefit analysis. Rather, experienced opinions on the approach with the best value are desired. Some specifics that we intend to address are related to the quality and alternative sources of sand (including offshore sand, imported sand and alternative sources such as aragonite). We also understand there is strong interest in consideration of groins, particularly south of Sloan's Curve. A realistic and objective opinion of permitting/regulatory constraints is desired as well with an emphasis on hard bottom concerns.

We recommend a scope of work with a phased approach, which affords flexibility in the overall scope at key decision points:

- Phase I is focused on obtaining and reviewing the existing documents, and refining the work plan for Phases II and III as necessary. We recommend having a workshop with Town Staff at our offices in Falmouth, MA to involve the proposed Woods Hole Group project team and reduce overall travel and labor costs to the Town. As part of Phase I, we would identify and synthesize key issues, and develop a refined approach/work plan for next steps. A preliminary plan for Phase II is proposed herein; however, we recommend refining the approach after the benefit of reviewing the information in Phase I. The list of documents and information assumed to be reviewed as Part of Phase I is listed in Attachment A. A rough estimate of 3,300

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pages of information is anticipated for review, which provides the basis for level of effort estimating. Once the documents are received, the Town would be notified if there is a substantial discrepancy in the volume of information.

- Phase II would then focus on producing the Recommendations Report/Peer Review. Key steps involved in Phase II would include consultations with various stakeholders, and we suggest a public workshop if appropriate.

- An OPTIONAL Phase III is proposed if Phases I and/or II reveal significant data gaps or need for supplemental information. Absent a review of the existing information it is not possible to predict exactly what Phase III would encompass; therefore, we recommend Phase III as an OPTIONAL set of tasks that would be defined after Phase I and implemented at the discretion of the Town. Whether any supplemental technical tasks are actually required or conducted as part of this project remains to be determined, but we believe it is important to identify them upfront. Some possible examples are identified below.

Each project at Woods Hole Group is completed according to a specific set of Tasks and Subtasks, termed a Work Breakdown Structure (WBS), which provides the basis for project cost estimating and control, scheduling, and overall project management. The proposed WBS for this project is itemized below:

Palm Beach Work Breakdown Structure
Phase I 1. Obtain and review materials 1.1 Kick-off conference call with team 1.2 Collect, reproduce, and archive documents 1.3 Preliminary review to assign team review responsibilities 1.4 Team review of documents 1.5 Team discussions on contents/key points 1.6 Identify data gaps, key questions 1.7 Supplemental research (sand sources, hard bottom in other areas, etc.) 1.8 Tech memo with key questions for Workshop #1 with Town Staff 1.9 Workshop #1 with Town staff (at Woods Hole Group) to discuss reviews/next steps 1.10 Work Plan to document Workshop #1 findings and next steps 1.11 Phase I Project Management/Administration
Phase II (Refined in Phase I Work Plan) 2. Stakeholder consultations 2.1 Town staff meetings in Palm Beach including site inspections

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2.2 Town consultants (with 2.1 and via phone)
2.3 State/Federal agency personnel (via phone)
2.4 SPB/Public Workshop #2 (with 2.1)
2.5 Research (University) community (via phone)
2.6 Council members (with 2.1)
2.7 Tech memo to document consultations

3. Prepare Recommendations Report
3.1 Formulate/categorize recommendations
3.2 Draft report
3.3 Workshop #3 in Palm Beach to present Draft Report
3.4 Obtain/discuss Town comments on draft
3.5 Final report

4. Phase II Management/Coordination
4.1 Correspondence
4.2 Progress review conference calls with Town staff (3)
4.3 Monthly progress reports
4.4 Project administration/resource coordination

Phase III (some elements perhaps in conjunction with Phase II)

5. OPTIONAL Supplemental analysis (TBD), examples might include:
5.1 Monitoring data analysis/interpretation
5.2 Wave/sediment transport analysis (e.g., ID/understand hotspots/nodal points)
5.3 Sediment budget updates
5.4 Habitat delineations
5.5 Environmental impact/risk assessment supplements/enhancements

We recommend execution of Phase I first with a key decision point at the end of Phase I regarding how/whether to proceed with Phase II. Upon completion of Phase I, requirements for supplemental technical analyses of the type outlined in Phase III also would be defined. Some supplemental analyses may be recommended for completion as part of this project, while other activities may be reserved for implementation in the future as the recommended projects unfold.

SCHEDULE

This proposal is offered with the understanding that work must be completed in August 2012, allowing sufficient time for the Town to proceed with project and financial planning for FY013 and beyond. Phase I would be completed within 45-days of receipt of a Notice to Proceed from the Town. Phase II would then be completed within 60-days of approval of the Phase II scope of work. Assuming a start date in mid-April, Phase I would be completed in

early June, and Phase II would be completed in early August. Phase III activities, if required, would be completed in parallel with Phase II. Some Phase III activities may require additional time, and would be completed on a schedule to be coordinated with the Town. As stated above, some Phase III supplemental data collection and studies may be recommended as part of the long-term plan.

BUDGET

A budget was estimated based on the level of effort required to execute the tasks and subtasks outlined in the WBS. The table below outlines the estimated level of effort and budget for each of the major tasks and labor categories. Woods Hole Group is prepared to complete Phase I according to this budget, and recommends refinement of the scope and budget for Phases II and III upon completion of Phase I. No budget is offered for Phase III at this time since the scope of work is not defined.

WBS Item	Project Lead	Prof. Engineer	Senior Scientist	Coastal Geologist	Technical Support	Direct Costs	Cost Estimate
Phase I							
Task 1	116	58	58	58	44	$1,050	$52,408
Phase II							
Task 2	68	-	48	20	6	$2,896	$27,150
Task 3	84	28	40	24	64	$3,411	$38,663
Task 4	38	4	4	4	12	-	$9,490

The budget assumes there will be a time and materials, not-to-exceed contract. Invoices would be prepared and submitted monthly and/or upon completion of major tasks. Payment is due within 30-days from the invoice date, and Woods Hole Group reserves the opportunity to stop work or withhold work products in response to delayed payments.

Woods Hole Group appreciates the opportunity to offer this proposal. Please let us know if there are questions or requirements for additional information. I understand the proposal may be discussed at the April 10 Town Council Meeting, and would be willing to attend the meeting if appropriate.

Sincerely,

The Woods Hole Group, Inc.

Robert P. Hamilton, Jr.
V.P., Business Development/Coastal Engineer

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Attachment A. Documents to be Reviewed

Shore Protection Board-Related Items

- Various Town staff memorandums to SPB members, January 2009- March 2012
- Report to the Town Council, SPB, November 2009
- FY 2012 Proposed Coastal Management Program Budget & 10-Year Forecast, Town staff, March 2011
- An Independent Review of the Town of Palm Beach Coastal Management Plan, Erickson Consulting Engineers, October 2011
- Response to ECE "An Independent Review of the Town of Palm Beach Coastal Management Plan, October 2011", Town staff, November 2011
- Comments on ECE Review of Town's Beach Management Program, Erickson Consulting Engineers, January 2012
- FY 2013 Proposed Coastal Management Program Budget & 10-Year Forecast, Town staff, February 2012

State of Florida DEP Reports

- Strategic Beach Management Plan, FDEP, May 2008
- Critical Erosion Areas Report, FDEP, June 2011
- Offshore Sand Search Guidelines, FDEP, September 2010

Feasibility Studies

- Draft Feasibility Study of Palm Beach Island Shoreline Reach 2, Applied Technology & Management, August 2002
- Feasibility Study of Palm Beach Island Shoreline Reach 5, Applied Technology & Management, June 2005
- Feasibility Study of Palm Beach Island Shoreline Reach 8, Applied Technology & Management, January 2005
- Independent Review of the Town of Palm Beach Reach 8 Beach and Dune Restoration Project, Robert Dean, July 2008
- Reach 8 Feasibility Study, Coastal Systems International, January 2010

Permitting Submittals (Documents listed below, as well as responses by FDEP, available on State website)

LAKE WORTH INLET

- Sand Transfer Plant Modification Application for JCP, Applied Technology & Management, September 2011

REACH 8

- Reach 8 Joint Coastal Permit Application, Coastal Planning & Engineering, June 2005

- Reach 8 RAI #1, Coastal Planning & Engineering, June 2006
- Reach 8 RAI #2, Coastal Planning & Engineering, March 2007
- Reach 8 Geotechnical Data Submittal, Coastal Planning & Engineering, May 2007
- Reach 8 RAI #3, Coastal Planning & Engineering, July 2007
- Reach 8 RAI #4, Coastal Planning & Engineering, October 2007
- Reach 8 Biological Assessment, Section 7 Consultation, Coastal Planning & Engineering, October 2007
- Reach 8 Supplemental Information, Coastal Planning & Engineering, October 2007
- Application for Joint Coastal Permit Reach 8 Beach Nourishment, September 2010
- Reach 8 Addendum ETOF Report, Coastal Systems International, July 2011
- South End Palm Beach Restoration (Reach 8) Mitigation Design Report, Coastal Systems International, September 2011
- FDEP RAI #1, USACE RAI #2, Reach 8, Coastal Systems International, December 2011

Legal Documents

- Recommended Order, DOAH Case No. 08-1511, Administrative Law Judge Robert Meale, March 2, 2009
- FDEP Consolidated Final Order, OGC Case No. 08-0469, DOAH Case No. 08-1511, Secretary Michael W. Sole, July 15, 2009
- Town of Palm Beach vs. USA, Civil Action No. 09-64L, dated February 4, 2009

Coastal Structures

- Phipps Ocean Park Structures Analysis Report, Taylor Engineering, March 2010
- Town of Palm Beach Groin and Armoring Inventory, Isiminger & Stubbs Engineering, March 2010
- Central Palm Beach County Comprehensive Erosion Control Project Numerical Modeling of Shore Protection Alternatives, for Palm Beach County ERM, Coastal Planning & Engineering, February 2011
- Coastal Structures Plan, Coastal Technology Corporation, March 2011
- Phipps Ocean Park Beach Restoration & Stabilization, Draft Design Document, Coastal Technology Corporation, October 2011

Physical Monitoring

- Post-Hurricane Shoreline Evaluation, PBS&J, February 2005
- Town of Palm Beach 2005 Annual Monitoring Survey, Coastal Planning & Engineering, November 2005
- Town of Palm Beach 2004 Post-Storms' Survey Report, Coastal Planning & Engineering, November 2005
- 2006 Phipps Beach Renourishment Project Pre- and Post-Construction Survey Report, Coastal Planning & Engineering, December 2006

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- 2006 Post-Construction Report for Phipps Ocean Park (Reach 7), Coastal Planning & Engineering, June 2007
- 2006 Post-Construction Report for Mid-Town (Reach 3 and 4) Beach Renourishment Hurricane Damage Repair Project, Coastal Planning & Engineering, June 2007
- 2007 Monitoring Report for Phipps Ocean Park (Reach 7), Coastal Planning & Engineering, August 2008
- 2007 Monitoring Report for Mid-Town (Reach 3 and 4) Beach Renourishment Hurricane Damage Repair Report, Coastal Planning & Engineering, August 2008
- Townwide Monitoring Report, Coastal Planning & Engineering, November 2008
- Phipps Ocean Park (Reach 7) Third Year Post Construction Physical Monitoring Report, Applied Technology & Management, January 2010
- Mid-Town Beach Renourishment and Expansion Project (Reach 3 and 4) Third Year Post Construction Physical Monitoring Report, Applied Technology & Management, January 2010
- Townwide Monitoring Report, Coastal Planning & Engineering, May 2009
- Townwide 2009 Physical Monitoring Report, Applied Technology & Management, April 2010
- Phipps Ocean Park (Reach 7) Fourth Year Post Construction Physical Monitoring Report, Applied Technology & Management, January 2011
- Mid-Town Beach Renourishment and Expansion Project (Reach 3 and 4) Fourth Year Post Construction Physical Monitoring Report, Applied Technology & Management, January 2011
- Townwide 2010 Physical Monitoring Report, Applied Technology & Management, April 2011
- Phipps Ocean Park (Reach 7) and Reach 8 Dune Restoration and Partial Nourishment 2011 Pre- and Post-Construction Physical Monitoring Report, Applied Technology & Management, June 2011
- Mid-Town Beach Expansion and Nourishment Project Post-Fay Dune and Berm Repair Construction Physical Monitoring Report, Applied Technology & Management, June 2011

<u>Biological Reports</u>

- Final SEIS, Phipps Ocean Park Beach Restoration Project, Coastal Technology Corporation, February 2004
- Phipps Ocean Park Beach Restoration 2010 Biological Monitoring Report, Tetra Tech and Coastal Eco-Group, January 2011
- Mid-Town Beach Expansion and Nourishment Project, 5th Post-Construction Environmental Monitoring Report FINAL, Tetra Tech and Coastal Eco-Group, January 2011

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Geotechnical Reports

- Offshore Sand Source Investigation, Volumes I & II, Coastal Planning & Engineering, March 2000
- Town of Palm Beach Offshore Sand Search Investigations, North Area Summary Report, Applied Technology & Management, August 2011
- Town of Palm Beach Offshore Sand Search Investigations, South Area Summary Report, Applied Technology & Management

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Attachment B. Resumes for Key Personnel

Qualifications Summary

- More than 18 years of diverse professional experience in the fields of coastal sciences and engineering, specializing in the areas of project management, numerical modeling, marsh restoration, field collection programs, sediment transport, and littoral processes
- Strong written and verbal communication skills
- Implemented technically advanced data collection, analysis, and numerical modeling techniques to assess marine, coastal and oceanographic environments
- Managed multi-disciplinary coastal and marine projects requiring team management, scientific analysis, environmental sensitivity, diverse coordination, and cost-effective solutions
- Developed various hydrodynamic and hydraulic models for water quality assessment, marsh restoration projects, discharge and mixing design, bridge scour, dredging impacts, and contaminated sediment fate and transport
- Managed and/or performed environmental impact studies for water resource projects, SUPERFUND sites, concentrate discharges into rivers and estuaries, and marine and coastal projects
- Numerical model experience with FVCOM, REF/DIF S, SWAN, STWAVE, BOUSS2D, GENESIS, RMA-Series of models, CMS-Flow/Wave, MIKE 21, EFDC, CGWAVE, SED-2D, ACES, CORMIX, SSTM, WAVAD, ADCIRC and EDUNE

KIRK F. BOSMA, M.C.E., B.S., P.E.

Team Leader/Coastal Engineer

Professional Affliations

Member, Association of Coastal Engineers (ACE)
Member, Coasts, Oceans, Ports, and Rivers Institute (COPRI)
Associate Member, American Society of Civil Engineers (ASCE)

Fields of Expertise

Managing projects and developing engineered solutions related to coastal structure design, beach nourishment, beach management, inlet stabilization, water quality, environmental permitting, impacts of offshore dredging, marsh restoration, and wave, tide, and current data collection. Coordinating field data collection and numerical modeling projects. Numerical modeling and analyses of sediment transport, nearshore spectral wave transformation, particle transport, bathymetric evolution, two-and three-dimensional hydrodynamic processes, water quality, and mixing processes. Extensive experience utilizing software packages and programming languages to present, analyze, and solve engineering and scientific problems. Experienced in coastal engineering design and planning, coastal restoration, beach nourishment plans, wave, current, and sediment transport modeling, evaluation of a variety of coastal protection alternatives, beach nourishment design, marsh restoration projects, borrow site impact assessment, and implementation of a comprehensive data collection and wave and sediment transport modeling programs. Providing expert testimony for marine and coastal physical processes and numerical modeling.

Higher Education

M.C.E., Civil Engineering-University of Delaware (1996)
B.S., Civil Engineering-Calvin College (1994)

Professional Licensing

P.E., Professional Engineer, Massachusetts License #45849

Employment History

2001-Present Coastal Engineer/Team Leader, Woods HoleGroup
1997-2001 Coastal Engineer, Woods Hole Group
1994-1996 University of Delaware (Teaching and Research Assistant)
1992-1994 McNamee, Porter and Seeley, Inc.

Key Projects

Saco River and Camp Ellis Beach Section 111 Project, Saco, ME, U.S. Army Corps of Engineers – Project Manager/Coastal Engineer
Managed, coordinated, and conducted a comprehensive field data collection and numerical modeling scope of work for the Saco River and Saco Bay region. The field data collection effort consisted of a 2.5 month wave, current, and tidal observation deployment using two strategically located wave Acoustic Depth Current Profiler (ADCP) systems, a high resolution near shore bathymetric survey, and a ADCP current survey of the river hydrodynamics. The coastal monitoring data set is being utilized to calibrate and verify a series of state-of-the-art wave models ranging from generation scale (Atlantic Ocean), through transformation scale (regional), down to the local and near field scales. The advanced modeling effort includes spectrally based wind-generation (WAVAD), transformation (STWAVE and CGWAVE), and Boussinesq (MIKE 21BW) wave models. Model output is being used in sediment transport modeling on both a regional and local scale. The calibrated models are being used to assess a wide range of shore protection alternatives aimed at mitigating the erosion caused by federally maintained coastal structures. The project involves a high level of coordination between regulatory agencies, the federal government, State of Maine senators, US army Corps of Engineers, Town officials, and the local community.

Hydrodynamic Characterization And Sediment Transport Potential at The Former Callahan Mine Property, Brooksville, ME, Maine Department of Transportation – Project Manager/Coastal Engineer
Managed and conducted a field data collection program, developed a numerical hydrodynamic model, and performed a sediment transport evaluation for a Superfund Site in Brooksville, ME. Goose Pond Estuary is a site of environmental concern and is classified as a Superfund site on the National Priorities List by the Environmental Protection Agency (EPA). The site is the former location of a zinc/copper open-pit mine where mining operations were conducted adjacent to and beneath the tidal estuary. When mining operations ceased, the property was flooded and it is now hydraulically influenced by the tides of Penobscot Bay, as well as a small upland stream. Phase I included the collection of field hydrodynamic data to help provide insight into the overall circulation within Goose Pond, and the exchange with Goose Cove and Penobscot Bay. Phase I also provided a basis for understanding potential transport processes between Goose Pond, Goose Cove, and Penobscot Bay. The field data collection program was also designed to provide input and calibration data for the subsequent numerical modeling tasks. Utilizing the data collected, a 3-D hydrodynamic model was implemented, calibrated, and verified to characterize the circulation within the Goose Pond Estuary system. The model was used to simulate a range of conditions, including spring and neap tidal conditions, high and low freshwater inflow conditions, as well as storm surge events within Goose Pond. Hydrodynamic model results were used to evaluate overall circulation patterns within Goose Pond under a range of environmental conditions in order to identify the water and volumetric exchange between

Key Projects (continued)

Goose Pond and Penobscot Bay. Finally, a sediment transport model was developed to determine the fate and transport of contaminated material within the estuarine system and Penobscot Bay.

Nantasket Beach Seawall Repair and Reservation Master Plan Services, Hull, MA, Massachusetts DCR - Project Manager/Coastal Engineer
Led a project ream to assess the Nantasket Beach Reservation Property. The Reservation has been used as a recreational beach by Greater Boston residents since the 1800s and is currently owned and operated by the Massachusetts Department of Conservation and Recreation (DCR). Nantasket Beach serves as a valuable resource from both a commercial and recreational standpoint. The beach and the associated waterfront amenities serve as the defining feature for the Town of Hull and represent a significant draw for visitors and summer residents. Nantasket Beach has experienced ongoing erosion over the past 150 years, especially the public beach at the southern end of the system. Woods Hole Group conducted a detailed coastal processes study focused on determining potential alternatives to address the ongoing coastal erosion. The barrier beach system was simulated using state-of-the-art wave and sediment transport models to understand existing conditions, and assess potential alternatives. The project evaluated the performance of the existing seawall, as well as determined potential structural alternatives to enhance the beach and improve beach nourishment performance. The performance and lifetime of the beach nourishment were assessed in order to provide guidance on potential long-term solutions and future nourishment requirements.

Herring River Estuary Restoration Project, Wellfleet, MA, Town of Wellfleet – Project Manager
Currently managing a project to restore the Herring River Estuary System, which represents a significant floodplain (the largest estuary on outer Cape Cod). The restoration is geared towards developing a plan to restore up to 1,000 acres of wetland area. Coordinating and developing a complex hydrodynamic numerical model that will address numerous concerns associated with re-establishing increased tidal exchange, as well as provide the necessary information to design an appropriate system of dikes, culverts, and road crossings. The modeling program involves evaluation and selection of the best model for application to the Herring River Estuary, model set-up, calibration, and verification, and simulation of a range of alternatives and physical conditions. The complex numerical modeling simulates both the hydraulics of the system and the salinity distribution throughout the estuary. The model results are used to design new engineering openings and water control structures.

Mixing Zone Evaluation, Whiting, IN, BP Products North America - Project Manager
Performed a third party peer review of an existing mixing zone submittal, including engineering design, confirmation of the mixing zone analysis (with specific evaluation of the implementation of the modeling), determination of the physical processes, and assessment of the diffuser design. The evaluation also included site-specific ambient water current measurements at the proposed discharge location to more accurately characterize the receiving waters. The water current observations were then used to develop more representative conditions and appropriate scenarios for modeling the dispersion and mixing zone. The distribution of water current observations and the percent occurrence of each mixing ratio were used to develop a probability density function of the dispersion ratios and provide design guidance/recommendations for diffuser orientation, design, and layout.

Key Projects (continued)

Ballard Street Salt Marsh Restoration Project, Saugus, MA, Division of Ecological Restoration – Project Manager
Managed a restoration and engineering assessment of the Ballard Street Salt Marsh system in Saugus, Massachusetts. The project evaluated the level of restoration potential in the Ballard Street marsh system through the observation of site-specific tide data, simulation of all the existing flow control structures in the system, verification of the proposed flow control structure design and necessary flood storage needs, and assessment of a number of approaches for modifying the hydraulic structures (as needed) in order to arrive at a conceptual design that meets the overarching goals of the project. A numerical model of the hydrodynamics and salinity throughout the system was developed and calibrated to measured field data. Model simulation were developed for normal tidal conditions, storm conditions (both rainfall and coastal storm surge), and sea level rise scenarios. Calibrated model results were subsequently used to evaluate proposed design conditions, including previous recommendations by scientific evaluations, as well as other potential design scenarios. Alternatives included: assessment of potential flow control structures that limited the amount of water directed to the northwest branch of the system (which is more densely populated and experience historic flooding issues), while allowing full tidal exchange to the southeast branch of the system, evaluation of potential flood storage increases through excavation of marsh plain area, and reconfiguration of the various culverts throughout the system.

Engineering Services and Environmental Impact Evaluation – Hammonasset State Park, Madison, CT, Connecticut DEP - Project Manager/Coastal Engineer
Managed and performed an engineering assessment and environmental impact study/report for Hammonasset Beach in Madison, Connecticut. Hammonasset Beach State Park contains Connecticut's largest public swimming beach and campground and is one of the region's most valued recreational and natural resources. During the winter of 2004-2005, severe storms resulted in the loss of a ¼-mile section of the beach on the western end of the park and significant damage to the boardwalk. Despite ongoing stop-gap measures to address the erosion problem, the beach continues to experience significant erosion and the boardwalk and beach remain at risk. Consequently, the Connecticut Department of Environmental Protection (DEP) was concerned about the viability of the western portion of the beach and park for recreational use and was seeking to identify the most cost-effective and long-term course of action to remedy this urgent situation. Therefore, an Environmental Assessment and Impact Evaluation was conducted to study the shoreline erosion problem, identify and evaluate the feasibility of alternative solutions, evaluate the potential impacts on Hammonasset Beach and the surrounding environment, and make recommendations as to the preferred solution. The proposed project consists of three distinct, but related elements: (1) Compilation and review of existing data and studies, as well as collection of new baseline topographic, bathymetric, sediment, and wave data; (2) an engineering feasibility study to identify and analyze beach management alternatives; and (3) an Environmental Impact Evaluation (EIE) pursuant to the Connecticut Environmental Policy Act (CEPA) to further analyze alternatives, identify potential adverse impacts and any necessary mitigation, and ultimately to support the selection of a recommended course of action.

Key Projects (continued)

Reverse Osmosis Concentrate Dilution Analysis and Ambient Water Characterization, Melbourne, FL, Reiss Environmental, Inc. - Project Manager and Coastal Engineer
Led a team of engineers and scientists in an evaluation of an existing Reverse Osmosis (RO) discharge. The scope of work included the collection of field data and application of a model to characterize the dilution of the existing RO discharge. The purpose of the evaluation was to assess whether a mixing zone could be permitted within the existing water quality regulations at the State and Federal level. Observations included bathymetry, a full suite of water quality constituents, and long-term, tide, current, and salinity observations. These data were used to develop a mixing zone model for constituents of concern.

Hydraulic Analysis of Flow Control Structures for Wetlands Restoration, Town Creek, Salisbury, MA - Project Manager and Coastal Engineer
Assessed and designed a modification to an existing embankment that served to restore marsh habitat and more efficiently alleviate flooding concerns in Salisbuty, MA. Approximately 350 acres of tidal and formerly-tidal wetlands existed upstream of an abandoned railroad embankment. Tidal exchange was prevented from entering/exiting the marsh by a wooden flap gate on the downstream side of the railroad culvert. Hired by the MCZM Wetlands Restoration Program and US Fish and Wildlife, a hydraulic study and model of the Town Creek system was completed to assess potential restoration options. The hydraulic study evaluated a range of potential alternatives. The preferred culvert and tide control alternative: 1) increased the capacity of the marsh to drain during flood events; 2) provided the Town with a greater ability to preserve flood storage capacity by closing off the system prior to predicted storm events; and 3) provided the means for small, incremental increases in tidal range over an extended time period as part of a well-monitored, risk-adverse, adaptive management approach to tidal restoration.

Hydrodynamic Analysis and Engineering Design for the Restoration of the Bride Brook Estuary, Rocky Neck State Park, East Lyme, CT, Connecticut Fund for the Environment - Coastal Engineer
Evaluated and designed a restoration project for the Bride Brook Estuary system in East Lyme Connecticut. The project investigated the hydrodynamic characteristics of the Bride Brook estuarine system and evaluated potential alternatives to restore more natural conditions to a system that has been structured since the early 20th century.). Historically, Bride Brook was one of the largest anadromous fish runs the state of Connecticut. However, since the construction of twin elliptical culverts at the mouth of the estuary in 1934, alewife numbers declined. This decrease has been attributed to the reduced tidal flow and water column light caused by the 200-foot long structure, which obscures the fish passage upstream. Therefore, the primary objective of this project was to determine an engineered alternative to the existing structure that could effectively restore the tidal regime and fish passage of the Bride Brook estuary. This project is composed of three separate tasks: 1) Data Observations, 2) Analysis and Conceptual Design, and 3) Final Design and Engineering. The design to restore the system removed the existing, undersized twin culverts and replaced them with an open channel and box culvert through the dune system. The design was successfully constructed and opened in the spring of 2010.

Key Projects (continued)

Analysis of Shoreline Change for Western Beach, Scarborough, ME, U.S. Army Corps of Engineers - Project Manager
Led the project that used a computer-based shoreline mapping methodology, within a Geographic Information System (GIS) framework, was used to compile and analyze changes in historical shoreline position between 1864 and 2003 for Western Beach, Saco Bay, Maine. The purpose of this task was to quantify changes in shoreline position for three (3) specific periods, (1864-1944, 1962-1977, and 1986-2003) using the most accurate data sources and compilation procedures available, and to characterize areas of erosion and accretion. This project's overall goal was to evaluate changes in the coastline of Western Beach due to significant modifications to the Scarborough River Inlet and entrance region. In addition to evaluating the shoreline change data, a projected shoreline was produced using the shoreline movement rates of the pre-1962 or pre-Scarborough River jetty construction time from 1864-1944. Using the rates prior to project construction, a projected shoreline position was estimated assuming no project had taken place and the rates continued to exist over the entire 139-year time span. The results indicated had the shoreline continued to erode at the same rates as seen from 1864-1944, the shoreline would have retreated significantly on either end of Western each, while experiencing a slight advance in the center.

Waquoit Bay Yacht Club Revetment Repair, Waquoit, MA, Waquoit Bay Yacht Club - Project Manager and Coastal Engineer
Assessed and designed a repair to an existing revetment protecting the Waquoit Bay Yacht Club. Significant gaps in the toe of the structure had developed allowing for removal of the finer grain sediments from the core. In this region of revetment, which is most critical, there is significant washout of the backfill of the revetment. At Waquoit Bay Yacht Club, continued cavity formation and subsequent collapse of the existing revetment would present an immediate threat to the structural stability of the clubhouse. A wide range of alternatives were assessed and the preferred alternative was selected and designed that consisted of the installation of filter fabric behind the existing structure, the addition of a bedding and drainage stone layer behind the structure, the addition of a stormwater runoff trench at the crest of the existing structure, the addition of clean backfill material behind the structure as needed, and addition of compatible beach material in front of the structure planted with marsh species and encouraged to develop into salt marsh. Also provided construction oversight and permit compliance inspections.

Nonquitt Salt Marsh Restoration, South Dartmouth, MA, EA Engineering – Project Manager
Managed and performed a numerical circulation model directed at the restoration of the Nonquitt Salt marsh system. The project consisted of implementation of a field data collection program, development and calibration of a numerical circulation model (RMA-2), and the application of the calibrated model to determine the potential impact of design changes aimed at improving circulation. Working with the National Oceanic and Atmospheric Administration, and the U.S. Fish and Wildlife Service, the purpose of the study is to assess the effects of anthropogenic effects on the marsh ecosystem.

Key Projects (continued)

Peer Review of the Florida Bay Hydrodynamic and Salinity Model, Florida, South Florida Water Management District – Coastal Engineer
Served as an expert peer reviewer of the hydrodynamic modeling effort for the Florida Bay and Florida Keys Feasibility Study. The model is required to simulate circulation, salinity stratification and distribution, and water quality behavior in the Florida Bay and Reef Tract utilizing a standardized set of field data. Offered expert opinions based on knowledge, expertise, and practical experience in conducting, analyzing, and applying similar hydrodynamic modeling strategies. The peer review included assessment of the grid methods and optimization techniques to determine spatial density, scale, and distribution, the adequacy of calibration and verification, and the quality and extent of the input data and model parameters.

Beach Nourishment and Inlet Stabilization at Sandwich Town Beaches and Dredging the East End of the Cape Cod Canal, Sandwich, MA, Town of Sandwich - Project Manager/Coastal Engineer
Managed and performed comprehensive beach management plan for all Town of Sandwich beaches, including evaluation of the physical processes governing sediment transport, alternatives analysis for shore protection measures and inlet stabilization, and appropriate beach maintenance and usage. The project consisted of numerical modeling of alternatives and final design for establishing a long-term beach/dune restoration plan, as well as relocation and design of a jettied tidal inlet. Required excellent communication and close coordination with numerous agencies, local officials, sub-contractors, and multiple clients. The regulatory process is currently underway.

Numerical Modeling of Storm Surge Induced Hydrodynamics and Pollutant Transport, New Bedford, MA, Confidential Client - Project Manager/Coastal Engineer
Simulated the hydrodynamics and resulting pollutant transport due to the effects of a historical hurricane in the New Bedford Harbor Region, including the immense flooding of the upland due to the accompanying storm surge, and the release and transport of chemicals from a confidential entity. Through numerical modeling of this complex phenomena, hydrodynamic results, coupled with pollutant input data, pollutant mass rate, duration of release, and time of release, pollutants were released from a single specific area to quantify the transport pathways and concentrations due to the storm surge caused by the hurricane. This project also requires expert testimony and technical analysis of wave energy, breaking, set-up, diffusivity, and mixing.

Thermal Modeling Analysis for Proposed Cooling Plant on Lake Waban, Wellesley College, Wellesley, MA, Vanasse Hangen Brustlin, Inc. - Project Manager
Performed thermal and analytical modeling of design alternatives for a proposed cooling water discharge plant on Lake Waban in Wellesley, MA. Two methods of analysis (analytical and computer model) were used to determine the mixing of temperature concentration, and the ability of the Lake to receive the discharged waters under peak demand (representing a worst-case scenario under August conditions). The purpose of this analysis was to simulate the mixing and dilution of the discharge waters with the ambient water of Lake Waban under worst-case conditions, discuss the results of the modeling effort, and provide recommendations related to potential design modifications.

Key Projects (continued)

Characterization Study of Delaware River Detritus, Hancock's Bridge, N.J., PSE&G, - Project Manager
Conducted an assessment of the ability of hydroacoustic technology to detect detrital material throughout the water column. Never utilized for this specific application, use of the innovative technology saved the client from other costly alternatives. Phase I of the study consisted of controlled laboratory testing in an enclosed basin and was performed with samples taken from the Delaware Bay Estuary. The results indicated that hydroacoustic technology could be utilized for identifying detritus within the Delaware Bay Estuary. Phase II of the study consisted of implementation of the hydroacoustic technology in the Delaware Bay Estuary. Field sampling also included Acoustic Doppler Current Profiler (ADCP) measurements, net captures, Conductivity Temperature Depth (CTD) casts, and Optical Backscatter Sensor (OBS) profiles. Responsible for project management, analysis and interpretation of the acoustic return signals, and reporting. Biomass estimates were determined from the measured currents and captured detrital material and compared to the integrated hydroacoustic signal. Future phases consist of detailed field measurements, 3-dimensional detrital transport modeling, and evaluation of mitigation oriented engineered solutions and management strategies.

3 Related Studies:
a) Environmental Studies Relative to Potential Sand Mining on the Continental Shelf for Beach Replenishment, Offshore Alabama, Alabama, U.S. Mineral Management Service.
b) Environmental Survey of Potential Sand Resource Sites: Offshore New Jersey, NJ, U.S. Mineral Management Service.
c) Collection of Environmental Data within Sand Resource Areas Offshore North Carolina and the Environmental Implications of Sand Removal for Coastal and Beach Restoration, North Carolina, U.S. Mineral Management Service - Coastal Engineer/Numerical Modeler
The following is a description of projects a, b, and c:

Key member of a vast multi-disciplinary team conducting large-scale studies to address environmental issues raised by the potential dredging of sand from the inner continental shelf offshore New Jersey, Alabama, and North Carolina. Quantified the potential modifications to waves that cross within identified borrow areas due to offshore dredging. Determined the impacts of offshore dredging and subsequent beach nourishment on local and regional sediment transport patterns, coastal and nearshore sedimentary environments, and local shoreline processes. Performed state-of-the-art spectral wave modeling for assessing modifications to the wave field and input into nearshore circulation and offshore and nearshore sediment transport models. The results of the ongoing studies will enable Minerals Management Service to monitor Key Projects (continued) and assess the potential impacts of offshore dredging activities and to identify ways in which dredging operations can be conducted to minimize or preclude long-term adverse impacts to the environment.

Key Projects (continued)

Observations of Ocean Wave, Tide, and Current Processes Offshore of Little Bay, Montserrat, Montserrat, U.K., Mouchel Consulting, Ltd. - Project Manager/Coastal Engineer/Field Data Collection
Installation and monitoring of a real-time data acquisition system connected via a cable link to the shoreline in Little Bay, Island of Montserrat. Ocean wave, tide, and current data were collected and analyzed. Responsible for QA/QC of collected data. Observations from the one-year deployment will be utilized to develop and design a new harbor on the Island.

San Francisco Airport Expansion Project, San Francisco, CA, URS Corp. - Coastal Engineer
Served as a Team Engineer working on the preparation of an Environmental Impact Report/Environmental Statement (EIR/EIS) for the San Francisco Airport Expansion Project. WHG has deployed a suite of Sediment Transport Monitoring Systems (STMS) to collect seasonal current, wave, and suspended sediment concentration measurements in each of the Bay's characteristic environments. Responsible for analysis and interpretation of hydrodynamic and sediment dynamic measurements, estimation of sediment flux, modeling of sediment transport, and report generation.

Physical Sampling and Sediment Transport Analysis at Weymouth Neck, Weymouth, MA, Massachusetts DEP - Project Manager/Coastal Engineer
In this region, concerns have been raised that the metals (arsenic, copper, lead, and zinc) found in upland areas may have migrated into the sub-tidal area surrounding the peninsula. As a precursor to the chemical sampling, developed an analytical sediment transport model that was geared towards assisting in defining appropriate areas to perform sub-tidal chemical sampling. The model required a field investigation in order to determine the physical characteristics of the sub-tidal sediment within the Weymouth Neck region (including Upper Neck Cove, Lower Neck Cove, and Weymouth Back River), as well as generation of local physical processes (winds, waves, tides, and currents) in the vicinity of Weymouth Neck Peninsula. The analytical model was used to identify areas of erosion and deposition in the sub-tidal regions surrounding the peninsula. The results of the model are used as a tool to assess, justify, and bound the chemical sampling locations around the peninsula.

Evaluation of the Great Creek Outlet Structure, Milford, CT., Fuss & O'Neill, Inc. - Project Manager/Coastal Engineer
In an ongoing project, provided coastal processes analysis, analytical modeling, outlet structure assessment, and design support services for evaluating the impact of an outlet structure on downdrift erosion. Engineering alternatives are being evaluated through sediment transport analytical modeling to determine potential mitigation measures. Wave transformation modeling and sediment transport modeling are focused to assess the parameters of the outlet structure (e.g., height, length, culvert depth, etc.) and provide design guidance for corrective action and potential nourishment.

Key Projects (continued)

Hydrodynamic Modeling and Sediment Transport Analysis During Temporary Tunnel Storage in Fort Point Channel, Boston, MA, Gannett Fleming, Inc. - Coastal Engineer/Project Manager
Conducted a hydrodynamic and sediment transport modeling study of Fort Point Channel, MA to determine the impact caused by temporary storage of floating tunnel sections on existing conditions and industrial water usage. Completed technical report presenting the hydrodynamic and potential sediment transport results, which was utilized to assist in engineering methodology and design.

Analysis and Design of Revetment Structures at Hingham Shipyard, Hingham, MA, Sea Chain, L.L.C. - Coastal Engineer
Completed a fast-track study and design of revetment structures at Hingham Shipyard on Weymouth Back River. The study focused on analyzing the relevant coastal processes, and optimizing the design to gain the most upland area, while minimizing adverse impacts to the nearby salt marsh and other nearshore wetland resource areas. Analysis for the design included wave modeling, storm surge analysis, extremal analysis, wave reflection analysis, wave runup and overtopping analysis, revetment design and stone sizing, and sediment transport analysis.

Power Plant Effluent Mixing Zone, FL, Confidential Client - Coastal Engineer
Project Engineer involved in the investigation of the discharge from a once-through cooling system at a coastal power plant. The cooling water effluent at this station was found to have seasonally low dissolved oxygen. Woods Hole Group's investigation sought to identify the source of the dissolved oxygen depression, investigate regulatory issues, and to examine potential technologies for increasing effluent dissolved oxygen. Specifically, performed numerical particle tracking simulations in order to identify water pathways to the intakes. Additionally, a review of existing data and previous work was conducted. This revealed that the seasonally low dissolved oxygen was a widespread phenomenon in ambient waters. Because the station was not responsible for the overall dissolved oxygen depression, a mixing zone was identified as a potential regulatory solution to any minor impacts from the discharge. Engineering alternatives to raise the effluent's oxygen content were also investigated.

Particle Tracking Analysis and Improvements to the Near-Field Boundary Condition, Hancock's Bridge, NJ, Public Service Electric and Gas Company - Coastal Engineer
Completed a numerically driven particle tracking study for the Delaware Bay and estuary system to identify detrimental sources of detritus within the system. The particle tracking model, utilized in concert with a validated hydrodynamic model, was utilized to statistically evaluate near- and far-field impacts to a cooling water intake. Recommendations were provided to improve management and recycling practices, as well as provide future steps for numerical modeling of appropriate engineered solutions, which would result in safer and more cost-effective operations.

Key Projects (continued)

Ocean Currents Offshore Eastern Trinidad, Trinidad, Amoco Production Company - Coastal Engineer
Developed and performed in-depth data analysis of ocean conditions off the eastern coast of Trinidad based on data collected during recent measurement programs in the area. Observations were utilized to investigate coastal ocean processes active at the site and extrapolate the observations to predict future extremal and operational conditions. Conducted a detailed literature review, assessed the structure and variability of the observed currents, separated the current into specific process components using advanced numerical analysis techniques, formulated an extremal value analysis, and completed technical writing of a final report. Results of the study provided recommendations for design criteria and operational procedures.

Historical Shoreline Change Analysis: Western Town Line to Horton Point, Southold, NY, Town of Southold - Coastal Engineer
Conducted an assessment of the history of storm activity in Long Island Sound. Wind and tide records were analyzed and Generalized Extremal Value (GEV) calculations were completed to determine the historical behavior and return periods of major storm events. Results of the analysis were correlated to historical shoreline change and incorporated to determine the rate and extent of erosion and accretion along the Southold coastline.

Tidal Current Characteristics of St. Lucie Inlet, St. Lucie, FL, Coastal Technologies Corporation - Coastal Engineer
Performed data analysis of observations of tidal currents in the St. Lucie Inlet to map the temporal variation in the spatial structure of flow through several Inlet cross-sections. These high-resolution measurements of tidal current velocities were obtained using a vessel-mounted Acoustic Doppler Current Profiler (ADCP) coupled with a GPS-based integrated navigation (IN) system. Results of the surveys show current energy focused in the deeper southern and center channels of the Inlet. The south channel was characterized as 'flood dominant', with stronger flood currents than ebb currents, which tend to transport sediments into the Inlet interior. The center channel was characterized as 'ebb dominant', with stronger ebb currents than flood currents, tending to move sediments out of the Inlet to form an ebb tide shoal. The geometry of the waterway, hard structures, and the alongshore coastal currents appeared to modify the spatial structure of the tidal currents through the Inlet cross section.

Coastal Flood Protection Structure Evaluation, Chatham, MA, Coastal Engineering, Inc. – Coastal Engineer
Completed an independent review of an existing coastal revetment in Chatham, MA to determine structural integrity related to wave forces. The existing stone revetment structure was evaluated to ensure that adequate design, construction, and maintenance have been undertaken to provide reasonable assurance that the structure can provide durable protection during the 100-yr (base) flood. The analysis included development of the physical parameters that represent the 100-yr flooding event and then evaluated the structural design against the 100-yr flooding physical parameters, including toe protection, backfill protection, pressure distribution and wave forces, structural stability at the minimum and critical water levels, material adequacy, etc.

Publications and Presentations

Bosma, K. and B. Caufield, "Integration of Multiple Wave Models from Generation Scale to Nearshore Scale. A Practical Application in Maine, USA," 8th International Wave Hindcasting and Forecasting Workshop, Oahu, Hawaii, 2004. Keynote Speaker.

Caufield, B.A., and K.F. Bosma, Use of a Large Scale Spectral Wave Generation Model to Define Input into a Nearshore Wave Transformation Model. 8th International Wave Hindcasting and Forecasting Workshop, Oahu, Hawaii, 2004.

Bosma, K.F. 2002. "Coastal Processes Evaluation in Development of a Long-Term Beach Management Plan, Sandwich, Massachusetts." Proc. of Northeast Shore and Beach Preservation Association, Northeast Beaches: A Balancing Act, Woods Hole, MA.

Jachec, S.M. and Kirk F. Bosma. 2001. "Sediment Transport Related to Potential Sand Mining Offshore New Jersey." Proc. of Waves 2001 Conference, San Francisco, CA.

DiMassa, D. and K.F. Bosma. 2000. "Hydroacoustic Measurement of Detritus from the Delaware Bay Estuary." Proc. of Oceans 2000 Conference, Providence, RI.

Wood, J.D., K.F. Bosma, and J.S.Ramsey. 1998. "Tidal Current Characteristics of St. Lucie Inlet." Proc. 11th Annual National Conference on Beach Preservation Technology, Tallahassee, FL.

Bosma, K.F. 1997. "Beach Profile Analysis Along the Delaware Atlantic Coastline." Master's Thesis, University of Delaware, Newark, DE.

Bosma, K.F. and R. A. Dalrymple. 1996. "Beach Profile Analysis Around Indian River Inlet, Delaware, U.S.A." Proc. 25th Intl. Coastal Engineering Conf., ASCE, Orlando, FL.

Chawla, A., Bosma, K.F., Gobbi, M., and M.N. Herrman. 1995. "Gravity Waves on a Gently Sloping Beach." CACR, University of Delaware, Newark, DE.

Bosma, K.F. 1995. "Investigation of Delaware State Profiles." CACR, University of Delaware, Newark, DE.

Qualifications Summary

- Over 23 years of experience in multi-jurisdictional environmental studies
- Specializes in environmental studies of coastal and marine projects, including resource and existing conditions surveys, impact analyses, and mitigation/restoration planning
- Experience with field data collection of sediments, water, plants, fish, and benthic infauna for environmental studies, and with laboratory services required to analyze such samples
- Skilled at utilizing GIS and database technology to display and analyze spatially related data for coastal and marine projects
- Extensive experience with local, state, and federal permitting of coastal projects
- Strong written, communication, and organizational skills, including expert testimony

M. LESLIE FIELDS, M.S., B.S.

Coastal Geologist/Marine Environmental Analyst

Professional Affliations

Marine Outreach Guidance Group, Woods Hole Oceanographic Institution Sea Grant Program (1999-2004)
Member Falmouth Conservation Commission (1990-1997)

Fields of Expertise

Environmental impact analyses, dredged materials management, coastal planning and management studies, shoreline change analyses, coastal hazard evaluations, GIS development, coastal wetland delineations, scientific and technical reporting, and permitting at local, state, and federal levels.

Higher Education

M.S., Geology-Rutgers University (1984)
B.S., Geology-Southern Methodist University (1981)

Employment History

1989-Present	Woods Hole Group, Inc.
2003-2004	Massachusetts Coastal Zone Management
1984-1989	U.S. Army Corps of Engineers, CERC
1981-1984	Rutgers University
1980-1981	Sun Energy and Development Co.

Key Projects

Beach Management Plan for Town of Falmouth Public Beaches; Office of the Town Manager and Falmouth Beach Committee - Project Manager/Coastal Scientist
Managed and prepared a comprehensive Beach Management Plan for 10 public beaches in the Town of Falmouth. The project involved collection of beach profile data, sediment analyses, resource area delineations, and infrastructure assessments. Dominant coastal processes, directions of sediment transport, historical shoreline change, and history of human alterations were all addressed. Recommended management activities were provided for infrastructure maintenance, beach monitoring, routine maintenance, restoration activities, education, enforcement, and fund raising. Results from the Beach Management Plan were used to file for and secure a local permit from the Falmouth Conservation Commission for a number of the recommended management activities.

Key Projects (continued)

Coordination, Design, and Permitting for the Menauhant Beach and Dune Restoration Project, East Falmouth, MA; Town of Falmouth - Project Manager/Regulatory Specialist
Coordinated, designed, and permitted a beneficial reuse dune and beach restoration project at Menauhant Beach in East Falmouth. Through extensive interagency coordination and cooperation, the Town of Falmouth was able to secure sand from a nearby dredging project that created a deepwater port in Great Harbor Woods Hole for a new NOAA research vessel. Dredged sand was dumped at a temporary, nearshore rehandling site offshore of Menauhant Beach, and then hydraulically pumped to Menauhant public beach to form a protective dune. The project required the full range of environmental permits from local, state, and federal agencies. Coordination between local Town of Falmouth representatives, DEP regulatory officials, the Barnstable County Dredge office, NOAA, and USACE project managers was required to construct this beneficial reuse project.

Risk and Vulnerability Assessment for the Martha's Vineyard Hospital, Oak Bluffs, MA; Board of Trustees MV Hospital and MV Commission - Project Manager/Floodplain Analyst
Managed and conducted an extensive risk and vulnerability assessment for reconstruction of the Martha's Vineyard Hospital. The analysis considered risks of the existing hospital site to various natural hazards including storm surge, flooding, wind, snowfall, wildfire, coastal erosion, sea-level rise, and earthquakes. Vulnerability of the site and impacts to critical hospital services were considered. Results from the risk and vulnerability analysis were used to provide recommendations for reconstruction of the hospital facilities.

Environmental Impact and Risk Assessments for Proposed Natural Gas Pipelines Offshore of Trinidad and Tobago; National Gas Company of Trinidad and Tobago Limited - Project Manager/Environmental Analyst
Managed a large-scale environmental impact and risk assessment project for two proposed natural gas pipelines offshore of Trinidad and Tobago. The work involved extensive field data collection and laboratory analysis of oceanographic, coastal, and terrestrial data. Detailed descriptions of the projects were provided along with alternatives analyses, existing conditions reports, and environmental impact analyses. Recommendations were provided to the project applicant and the regulatory agencies of Trinidad and Tobago for minimizing adverse impacts and for long-term monitoring.

Nitrogen Loading Analysis for Forest Cove Housing Development, Falmouth, MA; Abby Real Estate Development, LLC - Project Manager/Coastal Geologist
Managed and conducted a detailed nitrogen loading assessment and regulatory review for the proposed 36-unit Forest Cove housing development in Falmouth, MA. The project involved a quantitative assessment of nitrogen loading from all sources including wastewater, runoff from impervious surfaces, lawns and landscaped areas, atmospheric deposition, and natural areas. Nitrogen contributions to 3 different waterbodies were considered; one a public water supply and two nitrogen sensitive coastal embayments. Resulting nitrogen loadings were compared with state determined total maximum daily loads (TMDLs) for nitrogen.

Key Projects (continued)

Analysis of Historical Shoreline Change and Management Alternatives for Nauset Beach, Orleans, MA; Orleans Parks and Beaches Department - Project Manager/GIS Analyst
Managed and performed a comprehensive analysis of shoreline change and management alternatives for Town of Orleans public beach areas located on Nauset Beach. The project involved a quantitative analysis of historical shoreline change using ArcGIS, as well as an analysis of barrier breaching and inlet formation. Results from the study were utilized to develop recommendations for short- and long-term management of the public beach facilities and the extensive off-road vehicle trails and barrier spit to the south.

Design, Environmental Impact Analysis and Permitting for Chapoquoit Beach Replenishment, West Falmouth, MA; Chapoquoit Associates - Project Manager/Coastal Geologist
Managed a large private/public partnership project to replenish eroding beaches along the Chapoquoit Beach section of West Falmouth, MA using sand dredged from the Cape Cod Canal by the US Army Corps of Engineers. The project involved detailed design computations for the replenishment, as well as wave and sediment transport modeling to evaluate spreading and potential impacts of the project. Extensive project management was required to facilitate permitting on a fast track basis and to coordinate construction with the USACE's schedule.

Design, Environmental Impact Analysis and Permitting for the Centerville River Dredging Project, Centerville, MA; Town of Barnstable - Project Manager/Coastal Geologist
Managed a large-scale municipal project to dredge the Centerville River for the purposes of improving navigation. This project involved extensive field investigations of the physical environment, biology, wetland resources, and sediments within the river. The nature of the sediments required identification of two types of reuse sites for the dredged material. The design included beach replenishment at the adjacent barrier beach for the sand sized material, and a variety of upland reuse sites for the fine-grained sediments. The project required the full range of environmental permits from local, state, and federal agencies.

Design, Environmental Impact Analysis, and Permitting for the Mashpee River Dredging Project, Mashpee, MA; Town of Mashpee - Project Manager/Coastal Geologist
Managed a large-scale municipal project to dredge the Mashpee River for the purposes of improving navigation. This project involved extensive field investigations of the physical environment, biology, wetland resources, and sediments within the river. A detailed alternatives analysis was performed to identify potential dewatering and beneficial reuse sites. The fine-grained nature of the proposed dredge sediments coupled with the lack of nearby staging sites for dewatering and storage has presented a number of unique and difficult challenges to this project. The WHG is currently working with the Town of Mashpee to identify and scope several alternative technologies for dredging and dewatering the sediments.

Federal Emergency Management Agency (FEMA) Flood Insurance Restudy for the Town of Hampton, NH; FEMA - Project Manager/Coastal Geologist

Performed and managed a Flood Insurance Restudy (FIS) for the Town of Hampton, NH. This project involved updating the FEMA Flood Insurance Rate Maps (FIRM) for the Town of

Key Projects (continued)

Hampton by re-establishing the flood zone boundaries. Numerical models were utilized to simulate nearshore wave transformation and wave runup, and were combined with estimates of erosion to determine the location of the flood zones. The FIRMs were updated using quantitative information on waves, wave runup, and flooding, and were graphically displayed within a GIS.

Environmental Impact Statement (EIS) Preparation for LNG Deepwater Port and Pipeline, Massachusetts Bay - US Coast Guard, Marine Mammal Specialist
Developed detailed information on existing uses of Massachusetts Bay by marine mammals and sea turtles as required for the proposed LNG project. The analysis covered all aspects of marine mammal behavior, including seasonal distribution, feeding and foraging, vocalization, population, mating, and threats. A thorough impact analysis on marine mammals and sea turtles from the proposed construction and operation of the project was also conducted. A wide range of impacts was considered including the following: physical harassment, vessel strikes, alteration to habitat, acoustic harassment, alteration of prey species abundance and distribution, entanglement, ingestion of marine debris, fuel spills, impingement and entrainment, and bioaccumulation. Recommendations for minimization and/or mitigation of impacts were included as part of the EIS document.

Historical Shoreline Change Analysis: Western Town Line to Horton Point, Southold, NY; Town of Southold - Project Manager/Coastal Geologist
Managed and performed a comprehensive historical analysis of a 10-mile segment of shoreline within the western portion of the Town of Southold. The analysis was performed using historical T-sheets, traditional aerial photography, and low-altitude, high-resolution digital photography. Rates of shoreline change were computed at 100-ft intervals throughout the study area. The impacts of shoreline protection structures and storms on the historical rates of shoreline change were evaluated. Estimates of longshore transport rates were obtained from the shoreline data.

Assessment of Sand Resources in Northern and Central San Francisco Bay, CA; Hanson Aggregates - GIS Analyst
Worked with a team of WHG professionals to assess sand resources in Northern and Central San Francisco Bay, and to evaluate Hanson Aggregate and RMC leased sand borrow regions to determine their viability as a renewable sand resource. The work was accomplished using available hydrodynamic, geophysical, sediment, and geological data as well as digital terrain modeling tools available with the GIS software ArcInfo. Historical changes in bottom topography were evaluated using an acoustic survey of the bedrock surface, coupled with NOS bathymetric surveys and a high-resolution multibeam survey collected by the USGS. Isopach maps showing changes in sediment thickness were generated and used to compute variations in sediment volume within specified borrow sites.

Publications, Presentations and Reports

Journal Publications	**12**
Technical Reports	**41**

Qualifications Summary

- Provides strategic advice and a high level of service to key clients
- Manages multi-disciplinary projects
- Maintains diverse technical expertise related to coastal and environmental sciences and engineering
- Completes QA/QC review of deliverables
- Possesses strong writing and verbal communication skills
- Delivers short and long-term sales objectives
- Establishes and implements strategic plans for corporate growth

ROBERT P. HAMILTON JR., M.C.E., B.S.

Vice President of Business Development
Coastal Engineer

Professional Affiliations

Northeast Shore and Beach Preservation Association, Director
Marine and Ocean Technology Network, Director
American Society of Civil Engineers

Fields of Expertise

Business and Project Management in Environmental Consulting sector with focus on coastal and oceanographic environments. Business and client development in government, private, power utilities, oil and gas, and manufacturing markets. Technical specialty solving problems and managing projects related to planning, engineering design and environmental permitting for shore protection, dredging, habitat restoration, and infrastructure development (e.g., seawalls, pipelines) in the coastal zone. Advanced technical skills related to numerical modeling, data collection and analysis, and integration with environmental policy and stakeholder requirements to solve complex, multi-disciplinary problems.

Higher Education

M.C.E., Civil Engineering-University of Delaware (1994)
B.S., Civil Engineering-Lehigh University (1992)

Employment History

2003-Present	Vice President, Business Development, Woods Hole Group, Inc.
2001-2003	Vice President, Scientific Operations, Woods Hole Group, Inc.
1998-2001	Business Unit Director, Woods Hole Group, Inc.
1994-1998	Coastal Engineer, Aubrey Consulting, Inc.
1993-1994	Teaching and Research Assistant, University of Delaware
1991-1992	Civil Engineering Assistant, KCI Technologies, Inc.

Key Projects

Environmental Planning and Consulting Services Task Order Contract, US Army Corps of Engineers New England District – Senior Engineer/Corporate Support
Woods Hole Group is the prime contract holder for a Task Order contract with USACE NED that will extend up to 5 years and $15M beginning in November 2008. The scope of work includes a diverse suite of environmental consulting services, such as field data collection and monitoring, laboratory studies, risk assessments, EIS preparation, HTRW site support, and other specialty service areas as required by NED and other Districts within the North Atlantic Division (e.g., oceanography, coastal modeling, environmental economics, archaeology, etc.). Mr. Hamilton developed the team, led the proposal effort, and completed the contract negotiation process. He will support the ongoing Program in a corporate function, and provide project management and technical support for some of the individual Task Orders.

Improving Emissions Estimates and Understanding of Pollutant Dispersal for Impact Analysis of Beach Nourishment and Coastal Restoration Projects, BOEMRE c/o ENVIRON – Senior Engineer/Project Manager
The project will standardize methods and produce an interactive tool for estimating air emissions and air quality impacts associated with offshore sand mining and beach nourishment. BOEMRE anticipates increased utilization of OCS resources, and a commensurate increase in applications and Environmental Impact Studies. Having a standardized tool to estimate air quality impacts will add consistency and streamline the process. Woods Hole Group is contributing expertise related to the beach nourishment process (construction modes – dredging/loading; steaming; pumping/unloading; shore side handling), and beach nourishment parameters for prior projects that utilized outer continental shelf (OCS) sand (e.g., volume, thickness of template, distance to borrow site). The scope also included consultations with dredging contractors at Weeks Marine and Great Lakes Dredge & Dock to obtain specifications on equipment and estimations of fuel consumption.

Hydraulic Study to Assess Feasibility of Tidal Restoration within Stony Brook, Town of Brewster, MA – Coastal Engineer/Project Manager
Completed a field data collection and numerical modeling investigation of the Stony Brook system upstream from Rte. 6A to assess the potential for restoration of salt marsh habitat and the anadromous fish run. The scope of work included collection of synoptic tide and salinity data, calibration of a hydrodynamic and salinity model (EFDC), evaluation of restoration alternatives, and recommendations for conceptual engineering alternatives and potential environmental impacts. Woods Hole Group also made a contribution to the Corporate Wetlands Restoration Partnership (CWRP) in the form of bathymetric data collection, land surveying, and numerical modeling.

Reverse Osmosis Water Treatment Facility Discharge Dilution Analysis and Environmental Impact Assessments, Various Locations in Florida as Prime and Subcontractor– Engineer/Project Manager
Demand for potable drinking water has spurred a need for desalination facilities to supplement the local freshwater supply in Florida. For communities in the Town of Jupiter, Palm Coast, Tarpon Springs, City of Melbourne, and the South Martin Regional Utility, Woods Hole Group has conducted dilution studies of reverse osmosis discharge concentrate. The scopes of work have been diverse, involving field data collection (water quality and circulation parameters), numerical modeling (CORMIX and EFDC), and environmental impact studies. Contaminants of interest have included heavy metals, radionuclides, and overall acute toxicity. Results from the work include

Key Projects (continued)

support for environmental permit approvals, including mixing zones, and engineering recommendations for diffuser configurations to support expansion of water treatment facilities while minimizing environmental impacts.

Optimize the Massachusetts Estuaries Project's Linked Modeling Approach, MA Department of Environmental Protection – Engineer/Project Manager
Woods Hole Group has a contract with the MA DEP to evaluate and optimize the linked modeling approach used by the MA Estuaries Project (MEP). The scope of work includes preparation of a protocol that Towns and stakeholders can implement to obtain appropriate information from the MEP team, and perform independent analysis. Woods Hole Group also is charged with testing the protocol on a particular embayment, ensuring that the protocol can reproduce the MEP results, and testing the sensitivity of the model to certain input parameters. This contract is of high importance to the participating communities that are dependent upon the MEP findings to plan large-scale wastewater facilities improvement projects. The contract is currently expected to be completed in 2009.

Dubai Arabian Canal Design Support and Water Quality Analysis, Confidential Client – Engineer/Project Manager
A private developer is planning to develop the biggest and most complex civil engineering project in the Middle East, called the Dubai Arabian Canal, which is a 75 km man-made waterway that will be a focal point for mixed use development, cultural attractions, and recreation. Woods Hole Group supported the conceptual design by investigating alternatives to improve circulation in the canal and help enhance water quality. A phased numerical modeling approach (RMA-2 and EFDC) was implemented to evaluate flushing times and particle pathways for various alternatives involving flow control structures. The problem was made complex because there is little natural tidal difference between the two ends of the proposed canal. Results were used to recommend a conceptual operational plan for phasing the opening and closing of flow control structures within the canal to optimize net circulation.

Environmental Impact Statement (EIS) for the HubLine Natural Gas Pipeline, Massachusetts Bay, MA, Federal Energy Regulatory Commission (FERC) c/o Foster Wheeler, Inc. – Project Manager
Prepared marine portion of the EIS for the controversial HubLine pipeline working under tight scheduling constraints. Compiled data and formulated environmental impact assessment of impacts related to physical oceanography, sediment transport and geology, marine benthic habitat, as well as marine fisheries and shellfish. The scope included preparation and approval of an expanded Essential Fish Habitat (EFH) Assessment. Close cooperation with Foster Wheeler and FERC was required. The document was accepted by the federal authorities, and provided the basis for the state and local level environmental impact report, permits, and monitoring/mitigation protocols. The project was constructed.

Revetment Reconstruction Planning, Design and Permitting, New Seabury, MA, Private Landowners – Project Advisor
Worked with the community to assemble a cooperative group of individual land owners, condominium associations, and community groups to plan, design, permit, and construct a revetment

Key Projects (continued)

repair project. Special provisions were required to secure environmental permits, as well as access and escrow agreements for utilization of private property for construction vehicles and materials. The coastal engineering design was improved to ensure more lasting protection than previously realized. Contractor bids were selected and screened, and a preferred contractor was selected. The project was constructed.

Beach Nourishment Planning, Siasconset Beach, Nantucket, MA, Siasconset Beach Preservation Fund – Project Manager
Lead technical team to prepare conceptual design, borrow site investigation, and environmental impact assessment for large-scale beach nourishment project. The conceptual design included a design template, plan form layout, and sand volume quantity calculations and cost estimates for a beach nourishment project to include approximately 2 million c.y. of sand. The conceptual design also included an evaluation of various sand retaining structures, designs, and cost estimates to extend the design life of the nourishment. Borrow site identification work included bathymetry, side scan sonar, and sub-bottom surveys, as well as sediment sampling and coring to delineate potential sand sources of sufficient quality and quantity. Environmental assessment field work included collection and analysis of benthic grab samples, fisheries trawls, and bottom habitat mapping, along with compilation of existing fisheries data and statistics and fishermen surveys. Data, interpretations, and conclusions were prepared, and incorporated into a Draft Environmental Impact Report (DEIR).

Scarborough Marsh Restoration, Maine Department of Inland and Marine Fisheries and US Army Corp of Engineers c/o Normandeau Associates, Inc. - Project Manager
Completed data collection, numeral modeling, and alternatives analysis required to develop viable marsh restoration alternatives. Data collection included tides, current and salinity gauge deployments, as well as current (ADCP) and bathymetry surveys. Circulation (RMA-2) and salinity (analytical dispersion) models were developed, including wetting and drying of the marsh plain for existing conditions and restoration alternatives. A conceptual design for marsh restoration, including waterfowl and fisheries habitat enhancements and minimization of *Phragmites* encroachment, was presented. Marsh channels and bridge openings were sized, and the potential for upland flooding was modeled (DYNLET). Design recommendations were incorporated to a USACE cost/benefit analysis to select the preferred alternative. Funding is pending for final design, permitting and construction.

Evaluation of Thermal Discharge and Intake Processes and Regulatory Compliance at Salem and Hope Creek Stations, Newark, NJ, Public Service Electric and Gas Co. - Coastal Engineer/Project Manager
Key member of a multi-disciplinary team conducting 316(a) and 316(b) federal water quality standards regulatory demonstrations. Performed numerical modeling, data analysis, and technical writing to support a comprehensive hydrothermal and biothermal assessment of a cooling water discharge system in an Estuary. Completed analysis of the region of influence of cooling water intake on circulation patterns and waterborne eggs and larvae. Completed extensive and innovative scope of work of unprecedented scientific and engineering defensibility within required fast-track schedule. Excellent communication with team members and the client was essential for the successful completion of this project. NJDEP granted approval based on comprehensive materials that demonstrated compliance with 316(a) and 316(b) requirements.

Key Projects (continued)

Natural Resources and Beach Management Plan for Sandy Neck Beach, Town of Barnstable, MA - Project Scientist and Manager
Lead multi-disciplinary team to develop a management plan for a controversial set of beach users related to ORV use, private property access, endangered species protection (i.e., piping plovers, least terns, and diamondback terrapins), recreational use, and municipal management and revenue needs/objectives. Conducted research, site assessments, public and environmental regulatory workshops; prepared documents; held public hearings; and obtained environmental permits. Final management plan was used to resolve pending appeals of environmental permits, resolve stakeholder conflicts, and secure new permits for beach use.

Beach Profile Monitoring, Siasconset Beach, Nantucket, MA, Siasconset Beach Preservation Fund – Project Manager
Worked with a technical team to conduct quarterly beach profile surveys and annual bathymetry surveys for six (6) years and continuing. Analyzed data to compute beach volume change as basis for evaluating success of shore protection measures. Prepared technical reports for wide range of stakeholders, including regulatory agencies and private landowners.

Peer Review of Comprehensive Coastal Management Plan, Palm Beach, FL, Town of Palm Beach - Coastal Engineer/Project Manager
Served as Town's expert Coastal Engineering Peer Review Consultant. Reviewed long-term comprehensive management plans, and presented targeted recommendations to improve the performance and cost-effectiveness of future shore protection projects. Key recommendations included a phased approach to a 30-year barrier-wide shoreline erosion management plan, including specific beach nourishment and coastal structures projects. An adaptive management and monitoring strategy also was incorporated to improve the design of future projects based on the performance of past projects. The resulting plan allowed for high priority projects to be permitted and constructed in the short-term, and provided the basis for substantial savings of municipal and state tax dollars.

Identification of 1-, 10-, 20-, and 50-Year Design Wave Conditions for the Deer Island Waste Water Treatment Facility Shoreline Protection, Boston, MA, Parsons Brinckerhoff - Coastal Engineer/Project Manager
Completed storm wave modeling and analysis to support the design of extensive shore protection structures for a large wastewater treatment facility in Boston, MA. The scope of work included specification of offshore wave conditions in Massachusetts Bay, wave diffraction/refraction modeling (REF/DIF) into Boston Harbor, and site-specific extremal analysis to calculate design conditions for wave height, period, runup and overtopping. Results were used to size armor stone, and specify revetment toe depth and crest elevation. Maintained long-term support throughout the duration of the project.

Tidal Flushing and Water Quality Assessment of Cape Cod Estuaries, Cape Cod Commission and Municipalities - Coastal Engineer/Project Manager
Designed and participated in field data collection programs related to bathymetric surveying and tide gauging. Completed numerical modeling of tidal circulation (RMA-2) and water quality (RMA-4) processes, and technical report writing. Work was completed within the Three Bays Estuary,

Key Projects (continued)

Popponesset Bay, Centerville River, Upper Bass River, Pleasant Bay, Red Brook Harbor, and West Falmouth Harbor. Presented results at public meetings. Results included residence time calculations that were used by the Cape Cod Commission to determine impacts of current and future developments. Results also provided a basis for the Massachusetts Estuaries Program to evaluate manageable nutrient loading rates and needs for wastewater management facilities.

Historical Investigation of Industrialization and Sediment Contamination, Newark, NJ, Confidential Client - Coastal Engineer/Project Manager
Conducted in-depth historical investigation of industrialization, including identification of the number and types of industries and characteristics of waste streams. Correlated the industrial development history with historical records of contamination in sediment cores. Developed relational database and GIS to query and visualize vast data sets. Used by client as strategic planning tool for managing environmental liabilities.

Field Data Collection and Numerical Modeling of Circulation Patterns in the Delaware Estuary, Salem, MA, Public Service Electric and Gas Co. - Coastal Engineer/Field Data Collection
Completed a large-scale data collection and numerical modeling study of the Delaware Estuary. The data collection program consisted of wave, tide, current, bathymetry, salinity, temperature, and meteorological instrument deployments and surveys. Some data were reported real-time via a cable link to the shoreline. The vast data set was consolidated and used to calibrate a three-dimensional numerical circulation model (RMA-10) of the Estuary-wide processes. Particular emphasis was placed on characterizing circulation patterns in the vicinity of a cooling water intake and discharge system to identify processes contributing to the accumulation of detritus in the intake basin. Recommendations were provided for improving station operations to prevent detritus accumulation, which resulted in safer and more cost-effective operations, and helped reduce operational down time.

Shoreline Erosion and Management Planning and Beach Nourishment Performance Monitoring, Town of Jupiter Island, FL – Coastal Engineer/Project Manager
The Town of Jupiter Island has a long-term commitment to managing coastal erosion through beach nourishment by dredging sand from the offshore regions and placing sand on its beaches. Woods Hole Group worked with the Town to develop a large-scale beach nourishment design. Mr. Hamilton completed the bulk of the technical work for the project, including wave data collection and analysis, wave modeling (REF/DIF), sediment transport modeling, and shoreline change modeling (GENESIS). The models were developed and calibrated to the Jupiter Island coast from St. Lucie Inlet south to Jupiter Inlet. The calibrated models then were applied to simulate a range of shore protection alternatives, including various beach nourishment design configurations, and combinations of coastal structures to hold the sand on the beaches. Beach nourishment projects were constructed in 1996 and in 2003 according to the updated design. Beach profile monitoring data were collected and analyzed, and demonstrated that the new project design provides improved protection, including hurricane flood damage control. Substantial costs were saved by nourishing longer stretches of the shoreline, over-nourishing at historical hot-spots of beach erosion, and insisting on a course grain size. The more robust design also proved effective at minimizing hurricane damage. The design also qualified the project for damage claims from FEMA in response to storm-induced erosion.

Key Projects (continued)

Winthrop Shores Restoration Program - Coastal Engineer/Project Manager
Served as WHG project manager for this public lands improvement project, responsible for the analysis of coastal processes and design of shore protection measures, primarily beach replenishment. Other considerations of the project included roadway and public access, and improvement of a marsh wetland area. The project required a careful combination of technical expertise with practical public considerations.

Offshore Disposal Site Selection, Salisbury, MA, Massachusetts Department of Environmental Management - Coastal Engineer/Project Manager
Collected bathymetry and side scan sonar data. Conducted wave and sediment transport modeling and analyses to select an appropriate nearshore site for dredged material disposal. Data collected under challenging winter marine environmental conditions so that schedules could be maintained. Permits were successfully obtained for the project.

Evaluation of Dissolved Oxygen Processes and Regulatory Compliance at Big Bend Station, Tampa Electric Company - Project Manager
Provided strategic environmental management advice and technical support services for permit applications and consent order implementation. A variety of compliance vehicles were evaluated, including consistency with governing water quality standards, mixing zone definition, and a variance from otherwise applicable standards. Technical aspects included data collection (DO, temperature, currents, tides, bathymetry, sediments), and numerical/analytical modeling of 3-D circulation, water quality, and particle transport. Results provided the technical basis to negotiate with the Florida DEP regarding appropriate water quality monitoring and compliance standards.

Sediment Transport Study - Evaluation of Causeway on Coastal Processes, Westport, Massachusetts, Massachusetts Department of Environmental Management – Coastal Engineer/Modeler
Task leader for comprehensive wave and sediment transport modeling investigation. Completed detailed wave refraction, diffraction and breaking model (REF/DIF) that simulated nearshore wave transformations around a long causeway/island system. Integrated the wave modeling results into a detailed longshore sediment transport model that included sandy and cobble beaches, as well as rocky intertidal shoreline. Completed cross-shore beach profile modeling for a range of average and storm conditions. Calibrated and verified model results with measurements of bathymetry, beach profiles, and historical analysis of shoreline change data. Evaluated a range of shore protection alternatives as the basis for a beach management plan.

Publications and Presentations

Ivanov, L.I., B.A. Magnell, R.A. Catalano, R.P. Hamilton, and L. Fagan. 2007. "Met-Ocean Measurements and Seasonal Variability of the Wind Profile in Nantucket Sound." American Wind Energy Association, Conference Presentation and Proceedings

Hamilton, R.P. Jr., Z. Willis, R. Lunde, R. Rayner, B. Magnell, and H. Kite-Powell. 2007. "Ocean Observing Systems Overview and Business Opportunities." OceanTech Expo. Panel Moderator.

Publications and Presentations (continued)

Hamilton, R.P. Jr. 2006. "Using Real-Time Environmental Data to Manage Maritime Emergencies." Ocean Innovation Conference. Invited Speaker.

Hamilton, R.P. Jr., B. Caufield, L. Ivanov, and C. Johnsen. 2006. "Beach Monitoring and Beach Nourishment Design at Siasconset, MA." National Conference on Beach Preservation Technology, Florida Shore and Beach Preservation Conference Presentation.

Hamilton, R.P. Jr., C. Bryant, J. Spurgeon, and M. Utku. 2000. "Beach Replenishment Performance at Jupiter Island, FL." Florida Shore and Beach Preservation Conference Presentation.

Ramsey, J.S. and R.P. Hamilton Jr. 1997. "Analysis of Sediment Transport Patterns and Shore Protection Alternatives at Westport, MA." National Conference on Beach Preservation Technology, Florida Shore and Beach Association, Conference Proceedings.

Hamilton, R.P. Jr., J.S. Ramsey, and D.G. Aubrey. 1996. "Numerical Predictions of Erosional Hot-Spots and Optimization of Shore Protection Alternatives at Jupiter Island, FL." National Conference on Beach Preservation Technology, Florida Shore and Beach Association, Conference Proceedings.

Ramsey, J.S., R.P. Hamilton, Jr. and D.G. Aubrey. 1995. "Nested Three-Dimensional Hydrodynamic Modeling of the Delaware Estuary." 4th International Conference on Estuarine and Coastal Modeling, ASCE Waterway, Port Coastal and Ocean Division.

Hamilton, R.P. Jr., R.A. Dalrymple, J. Oltman-Shay, and U. Petrevu. 1994. "Wave Group Forcing of Low Frequency Surf Zone Motion." American Geophysical Union, Fall Meeting, San Francisco, CA.

Hamilton, R.P. Jr. and R.A. Dalrymple. 1994. "Estimating Two-Dimensional Wave Spectra: Application of the Maximum Likelihood and Maximum Entropy Methods, CACR." University of Delaware, Newark, DE.

Qualifications Summary

- More than 30 years of experience in the fields of oceanography, coastal engineering, sediment transport, and nearshore processes
- Strong written and verbal skills. Excels in presenting complex information and concepts to non-technical audiences
- Specializes in developing and implementing complex data collection efforts, which require solving detailed and often-diverse logistic problems such as marsh restoration and sediment transport projects
- Excellent project management skills. Excels at managing large projects with multi-discipline investigators
- Specializes in collection, analysis/interpretation, and integration of field data into project design. This includes the design of field studies/programs to measure waves, currents, water levels, and suspended sediment transport at tidal inlets, nearshore, and in estuaries in MA, DE, NC, VA, FL, AL, NY, and Caribbean
- Managed projects which designed and completed investigations to determine the optimum offshore borrow site locations, which maximize grain size, and quantities of borrow material while minimizing project environmental impacts
- Managed and completed longshore sediment transport and examined shoreline response at numerous tidal inlets along the eastern coast of the U.S. Designed and completed large-scale field investigations to examine wave interaction on ebb and flood tidal shoals
- Managed and completed numerical and physical modeling studies for the design of shore protection facilities. Numerical model simulations, water elevations during storms, and shoaling effects of nearshore bathymetry were integrated to determine shore protection design criteria. The model and field data including the shoaling affects of nearshore bathymetry were integrated to develop shore protection design criteria. Cost optimization of the shore protection design resulted in significant cost savings to this phase of the project

LEE L. WEISHAR, Ph.D., M.S., B.S., P.W.S.

Senior Scientist/Coastal Engineer

Professional Certification

Professional Wetlands Scientist (PWS) 2005

Professional Affiliations

Sigma Xi
American Association for the Advancement of Science
American Geophysical Union
Society of Economic Paleontologists and Mineralogists
American Society of Engineers
Society of Wetland Scientist
Estuarine Research Federation
ASCE Wetlands & Sediment Management Committee
Chairman of ASCE Wetlands Engineering Guidelines Subcommittee
Certified as Professional Wetlands Scientist
American Shore & Beach Preservation Association – Board Member

Fields of Expertise

Scientific consulting in marsh ecology and the tidal hydraulics of wetlands. Salt marsh restoration as mitigation for power plant intake impacts (e.g., 316(b) restoration measures), and NRDA. Engineering consulting on the effects of tidal inlet and shore protection structures, longshore sediment transport, shoreline response, marsh hydrology and restoration. Conducted numerical model studies of channel stability, shoaling, and tidal flushing at tidal inlets. Designed field studies and performed numerical and physical modeling of waves, currents, water levels, and suspended sediment transport at tidal inlets. Field collection of oceanographic and geotechnical data. Designed and supervised several large beach nourishment projects requiring dune and beach design, construction oversight, and field monitoring.

Higher Education

Ph.D., Physical Oceanography-Purdue University (1982)
M.S., Geophysical Oceanography-Virginia Institute of Marine Science and College of William and Mary (1976)
B.S., Mechanical Engineering-Michigan State Univ. (1973)

Employment History

1989-Present	Woods Hole Group, Inc.
1983-1989	U.S. Army Corps of Engineers
1973-1982	Purdue University (Research Coordinator, Research Fellow, Research Instructor)
1972-1973	F.W. Amend Company
1969-1972	Michigan State University (Research Assistant)

Key Projects

Monitoring Marsh Restoration in Delaware River Estuary, Public Service Electric and Gas Company –Project Manager
Dr. Weishar is the adaptive management evaluation team leader responsible for an ongoing project evaluating restoration plans, developing and implementing corrective mitigation strategies, required to ensure the successful restoration of 20,000 acres of salt marsh in the Delaware River Estuary. Restoration strategies included restoring tidal hydraulics, marsh creation, and eradication of invasive species. This project requires evaluation and dissemination of complex data to the public regulatory community and scientists.

Evaluation of Wetland Remediation Techniques in an Arid Environment – Project Manager
Dr. Weishar was the project manager for this large remediation project and led the remediation efforts within the Kingdom of Saudi Arabia. This field study extends along the 750 Km of the Kingdom of Saudi Arabia Arabian Gulf shore from the Kuwait border to the industrial city of Al-Jubail. This complex shoreline is composed of an interlaced series of tide flats, beaches, embayments, lagoons, and salt marshes. Much of these ecosystems remain severely impacted from the oil spill. The year-long remediation demonstration project tested remediation technologies at the field scale for these arid ecosystems. The project demonstrated that large-scale marsh restoration was feasible through construction of a marsh remediation project. The project also demonstrated restoration of the other affected biotypes was feasible using indigenous equipment.

Restoration of a Restricted Tidal Marsh: South Cape Beach, MA – Project Manager
South Cape Beach is a high marsh that has been isolated from the tidal source waters by culverts and artificial ditches. The installation of the ditches has muted the tidal range on the marsh plain and as a result *Phragmites* has begun to invade the marsh from the upland fringes. Dr. Weishar led the numerical modeling of the effort that formed the foundation for deriving marsh restoration designs that will help restore tidal circulation and prevent *Phragmites* encroachment onto the marsh plain.

Restoration of a Restricted Tidal Marsh: Nonquitt, MA – Project Manager
Dr. Weishar was the project manager for this project and worked with the Woods Hole group team to develop restoration design alternatives. Nonquitt marsh has been isolated from tidal source waters of Buzzards Bay from approximately 40 years. The isolated pipe leading to the Bay mutes the tidal range from several feet to several inches. As a result the marsh sediments are highly saturated and a fresh water upland community has developed around the marsh perimeter. The preferred restoration alternative incorporated establishing a new tidal inlet in its

Key Projects (continued)

historical footprint. Restoration design alternatives addressed large-scale marsh plain erosion, impacts to the adjacent wetlands, and increased flooding potential.

Marsh Restoration and Estuary Enhancement in Southern New Jersey, Hancock's Bridge, NJ, Public Service Electric and Gas Company - Oceanographer/Project Manager
As part of permit-required mitigation for nuclear facility with a once-through cooling system, Dr. Weishar reviewed feasibility of a program to restore 10,000 acres of degraded salt marshes through on-site visits and analytical analyses. Performed critical investigation using hydraulic modeling, resource area evaluations, design review of marsh channel and tidal inlet design, and investigation and quantification of restoration effects on ground water, septic systems, and private drinking wells. The success of this project required close interaction between Woods Hole Group, Inc., NJ State environmental agencies, NJ Attorney Generals Office, National Fish and Wildlife, US Army Corps of Engineers, National Marine Fisheries, and concerned citizens.

Beach Nourishment Design for Spectacle Island Massachusetts, Boston Harbor, MA, Massachusetts Water Resources Authority - Oceanographer/Project Manager
Completed a detailed beach nourishment design for the shorelines of Spectacle Island. Used refraction/diffraction model, REF/DIF1, to predict transformation of waves in areas where the bathymetry was irregular and diffraction was important. Used wave height results as input to longshore and cross-shore sediment transport models. These models were employed to simulate the performance of several different beach fill designs.

Design and Environmental Permitting for Pier and Dock Reconstruction at US Coast Guard Facility, Provincetown, MA, United States Coast Guard - Oceanographer/Project Manager
Performed coastal engineering analysis for the redesign and rehabilitation of a pier and dock facility and wave barrier for the US Coast Guard Station. Calculated design wave criteria for average and storm-induced conditions.

Beach Nourishment Design and Monitoring for the Southern Shore of Cape Cod, Cape Cod, MA, Great Island, Long Beach, and Dead Neck Homeowners Associations - Oceanographer/Project Manager
Performed shoreline change studies to evaluate rate of erosion and sediment loss for three different sites. Designed and participated in collection of high-resolution bathymetry, vibra cores, beach profiles, and sediment grain size data at each site. Developed and implemented beach nourishment plans for each site. Performed on-site topographic and bathymetric surveying before and after nourishment projects.

Environmental Impact Report (EIR) for Shore Protection Structures Between Aunt Lydia's Cove and Morris Island, Chatham, MA, Town of Chatham - Oceanographer/Project Manager
Prepared EIR to address impacts of revetments and other shore protection structures built to protect the Chatham mainland following the formation of the new inlet through the Nauset barrier, January 1987. Analyzed geologic history of the area, and studied evolution of Nauset

Key Projects (continued)

barrier and tidal inlet system using historical maps, charts, and aerial photographs. Used a combination of existing studies and numerical analysis to quantify wave, tidal, storm surge and sediment transport processes. Prepared a plan of short-term action, long-term action, and short-term optional management alternatives for the Town of Chatham, property owners, and permitting agencies.

Numerical Model Analysis of Wave Climatology and Storm Surge for Seawall Design, Deer Island, MA, Massachusetts Water Resources Authority via Metcalf and Eddy, Inc. - Oceanography/Project Manager
Conducted numerical and physical model analyses of wave climatology, storm water levels, and wave run-up so that an effective and cost efficient shore protection plan could be developed for the island. Results from models runs were used to predict nearshore wave heights and water levels for 5-, 10-, 25-, 50-, and 100-year storm events and to optimize seawall design specifications. Two-dimensional physical modeling of the seawall design was performed using a test facility to evaluate the proposed structural design.

Bathymetric and Side Scan Surveys of Fort Point Channel, Boston Harbor, MA, BSC Group, Oceanographer/Project Manager
Performed bathymetric and side scan sonar survey for part of the Central Artery/Tunnel Project. Bathymetry was plotted on the area basemap to ensure water depths were adequate for floating construction barges into the channel. Side scan data were reviewed for possible bottom debris or hazards. During the survey, field operations were restricted due to bridges crossing the channel, and barge and boat activity within the channel. Despite the navigational problems, full coverage of the channel was obtained.

Directional Wave and Current Meter Installation and Data Analysis, Townsend and Absecon Inlets, NJ, Offshore & Coastal Technologies, Inc. - Oceanographer/Project Manager
Collected wave and current data at the entrances to and nearshore region downdrift of the Townsend and Absecon inlets. Analyzed data for directional spectral parameters including significant wave height, wave direction, mean water depth, and the variance of water surface elevation.

Particle Tracking Analysis at the Salem Nuclear Generating Station, Hancock's Bridge, NJ, Public Service Electric and Gas Company - Oceanographer/Project Manager
Evaluated near- and far-field impacts to a nuclear generating station's intake basin using a particle tracking numerical model. Identified portions of the estuary providing potential detritus sources to the intake basin and evaluated the migration of detritus cleaned from the intake screens and dumped back into the estuary. Results of the particle tracking were collected in an effort to design a program to reduce and eliminate the detritus problem.

Key Projects (continued)

Bathymetry, Geophysical Survey, and Wave Refraction Analysis for Sand Borrow Site Analysis, Siasconset, MA, Town of Nantucket - Oceanographer/Project Manager
Completed a reconnaissance survey and analysis of two offshore sand borrow sites for a proposed beach nourishment project. Collected regional bathymetry, coring, beach sediment sampling, side-scan sonar, sub-bottom profiling, and magnetometer surveys. Modeled the wave climatology using collected data. Used model results to calculate sediment transport potentials and gradients in sediment transport to determine dredging from the proposed borrow sites.

Sub-bottom Investigations and Detrital Flux Analysis at the Salem and Hope Creek Nuclear Power Plant, Hancock's Bridge, NJ, Public Service Electric and Gas Company - Oceanographer/Project Manager
Designed a phased field data collection program to evaluate potential causes of detrital loading at the Salem and Hope Creek Nuclear Power Plant after detrital loading had forced the operating plant to shut down. Collected bathymetric data, conducted a sub-bottom survey, and monitored physical conditions: temperature, conductivity and current profile at the power plant. Conducted additional surveys to the north and south of the power plant to identify potential sources of the detritus.

Data Collection and Analysis of Tidal Current Characteristics at St. Lucie Inlet and Adjacent Waterways, Martin County, FL, Coastal Technologies Corporation - Oceanographer/Project Manager
Designed a survey to obtained high-resolution measurements of tidal current velocities and to map temporal variations in the spatial structure of flow through the Inlet and waterway cross sections. Calibrated a numerical model of Inlet dynamics using survey results. Quantified the effect of Inlet geometry on the spatial structure of tidal flow and explained sediment accretion/scour characteristics within the Inlet.

Publications and Presentations: 104

Presentations	**41**
Publications	**63**

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 32-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, Florida, Awarding a Contract to Coastal Planning & Engineering, Inc. (A Shaw Group Company), in the Amount of $37,396 for Review of the Groin Rehabilitation Plan; Approving a Task Budget of $43,000 for This Work; and Authorizing the Town Manager to Execute a Purchase Order on Behalf of the Town to Effectuate Said Coastal Engineering Services.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated March 30, 2012, from H. Paul Brazil, Director of Public Works.
- Resolution No. 32-2012
- CP&E Proposal dated March 30, 2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Award of Contract for Review of the Groin Rehabilitation Plan
Resolution No. 32-2012

Date: March 30, 2012

STAFF RECOMMENDATION

The Shore Protection Board and Town staff recommend that the Town Council award the Review of the Groin Rehabilitation Plan to Coastal Planning & Engineering, Inc., A Shaw Group Company, for the hourly, not-to-exceed, fee of $37,396, and establish a total task budget of $43,000.

GENERAL INFORMATION

Members of the Shore Protection Board (SPB) have expressed the desire for a second opinion regarding the potential improvements and Townwide benefits of a groin rehabilitation program.

In order to fully evaluate the findings by Coastal Technology Corporation (Coastal Tech), the Town must utilize a coastal engineering firm with extensive modeling capabilities. Coastal Planning & Engineering, Inc. (CPE) does have the necessary technical experience to conduct a thorough review of the priorities outlined in the *Coastal Structures Plan* by Coastal Tech.

A proposal by CPE, in the amount of $37,396, has been provided to the SPB. On March 22, 2012, the SPB requested specific revisions to the proposal and unanimously recommended approval of an amended proposal. The amended proposal, dated March 30, 2012, specifically states that the report will set out to answer questions related to storm protection vs. recreational benefits, the value and costs of maintaining, modifying, or improving groins, identification of most effective groin locations, and any potential safety issues. The attached amended proposal is consistent with the SPB recommendation.

On February 23, 2012, the SPB unanimously approved both the FY 2013 coastal program budget and a 10-year plan. However, the 10-year plan being recommended by the SPB may require amendment following further consideration of several items. One of the items to be considered further is groin rehabilitation. This review by CPE should provide assistance to the SPB for complete their consideration and recommendation of the groin rehabilitation item.

The review, if approved by Town Council, will take approximately three (3) months to complete.

FUNDING/FISCAL IMPACT

Sufficient funds exist in the Coastal Management Fund for CPE to conduct a review of the potential groin rehabilitation plan. Should the SPB and Town Council be supportive of a groin rehabilitation program, the FY 2013 SPB Recommended Coastal Management Budget and 10-Year Forecast will need to be reconsidered. An appropriation of $500,000 per year for a groin rehabilitation capital improvement program would have a 10-year cost of $5 million. However, groin work could be bonded which may influence the annual cost and timing of the improvements.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

The resolution for this item is a standard form that has been previously reviewed and approved by the Town Attorney.

Attachments

cc: Jane Struder, Director of Finance
Robert Weber, Coastal Coordinator
Lynda Venne, Purchasing Agent

RESOLUTION NO. 32-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO COASTAL PLANNING & ENGINEERING, INC. (A SHAW GROUP COMPANY), IN THE AMOUNT OF $37,396 FOR REVIEW OF THE GROIN REHABILITATION PLAN; APPROVING A TASK BUDGET OF $43,000 FOR THIS WORK; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A PURCHASE ORDER ON BEHALF OF THE TOWN TO EFFECTUATE SAID COASTAL ENGINEERING SERVICES.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. A peer review of the Groin Rehabilitation Plan, specifically the *Coastal Structures Plan*, dated March 9, 2011, by Coastal Technology Corporation, is hereby awarded in the not-to-exceed amount of $37,396 to Coastal Planning & Engineering, Inc, A Shaw Group Company, in accordance with their attached proposal, dated March 30, 2012, with a total task budget of $43,000.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order with Coastal Planning & Engineering, Inc., A Shaw Group Company.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the peer review of the Groin Rehabilitation Plan.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of April 2012.

Gail L. Coniglio, Mayor	David A. Rosow, Town Council President
	Robert N. Wildrick, Council President Pro Tem
	William J. Diamond, Town Council Member
ATTEST:	Richard M. Kleid, Town Council Member
Susan A. Owens, MMC,Town Clerk	Michael J. Pucillo, Town Council Member

March 30, 2012

Mr. Robert Weber
Coastal Coordinator
Town of Palm Beach
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

Re: Proposal for Coastal Structures Assessment Peer Review

Dear Rob:

This proposal is provided at your request for Coastal Planning & Engineering, Inc. (CPE) to perform a peer review of recent coastal structure assessments prepared for the Town of Palm Beach (Town). This scope of services includes project administration and coordination, literature review of existing available reports, a site visit to observe the current condition of existing groins, and a report and presentation of recommendations from this peer review study.

This Scope of Services includes the following tasks:

1. **Administration and Coordination:**

   This task includes administrative services associated with the various aspects of the project and project management from the time of approval thorough completion and presentation of the study. CPE's project manager will administer the project and maintain an open line of communication with Town staff. The project manager will be responsible for assuring the project is completed within the proposed budget and schedule. Up to two (2) meetings will be held with Town staff during the course of the work to discuss specific objectives and the findings of the study.

2. **Literature and Modeling Data Review:**

   CPE will obtain from the Town and review recent studies related to coastal structures and performance monitoring of the beaches from Reach 2 through Reach 6. In particular, the 2011 study titled "Coastal Structures Plan" by Coastal Technology Corp. (Coastal Tech) will be reviewed in a substantive manner to provide the Town with a better understanding of the overall implications and develop a combined approach for the coastal structure management. The preceding study conducted by Isminger & Stubbs Engineering, Inc. (I&S) in 2010 titled: "Town of Palm Beach Groin and Armoring Inventory" will also be reviewed as a basis for the assessment. Storm impact assessments conducted as part of the 1998 Comprehensive Coastal Management Plan (CCMP) will be reviewed to evaluate the existing level of storm protection by comparing the changes in beach width over time. Our review will be primarily focused on the coastal groins within the Town limits, but will also include a cursory review of select seawalls and revetments from the perspective of how they relate to groin performance and vice-versa.

   The 2011 Coastal Tech report summarizes findings relative to an assessment of the effectiveness of existing groins in the Town and a conceptual Plan for the Town to improve, maintain, remove, or take "no action" relative to the existing groins and/or add new groins in the vicinity of existing groins within the Town. The priority list identified in the report will be reviewed in terms of existing conditions, potential for removal, rehabilitation or improvements, storm protection enhancements for existing structures and seawalls, and the listed probable costs. The numerical modeling inputs, data analysis and results described in the 2011 Coastal Tech study will also be reviewed in context of the overall assessment and included in the peer review. The

conclusions of the existing studies will be summarized and compared to CPE's independent assessment as they relate to the regional management of the Town's beaches.

It is assumed that the reports, data and GIS/CAD files previously made available to Coastal Tech will be similarly provided to CPE for use in this peer review study. No physical measurements or quantitative surveys, data collection or numerical modeling is included in this scope of work.

3. **Site Visit:**

The 2011 Coastal Tech report cites 87 groins and 2 shore-parallel-submerged-structures that interact with the beach-dune system along the Town's beaches that vary in condition and effectiveness. CPE will perform a site visit to observe the current conditions of these existing structures and document any changes since Coastal Tech's field observations in June 2010.

Based on the number of structures previously located, the site visit is expected to be performed over the course of two (2) days by a coastal engineer from CPE's Boca Raton office in Palm Beach County. Depending on tides, weather and sea state conditions, the site visit may occur on non-consecutive days. We will attempt to assess the conditions both above and below the mean high water line, if conditions allow. Observations will be limited to exposed sections of the groins. We will evaluate each structure from a coastal processes standpoint based on the priority list in the 2011 Coastal Tech report.

Comments regarding the structures visual condition and effectiveness will be recorded for comparisons with the previous observations by I&S and Coastal Tech. Observable differences from the previously reported conditions will be noted and provided as an update to previous observations. This information will be documented in an observation report and used to ascertain any trends in deterioration of physical condition or effectiveness that can be identified.

4. **Report and Presentation:**

CPE will prepare the results of the peer review, site visit and recommendations in a report for submittal to the Town. The report will be organized to consolidate findings of the previous studies and the conclusions of the peer review. Specifically, the report will set out to answer questions related to storm protection vs. recreational benefits, the value and costs of maintaining, modifying or improving groins, identification of most effective groin locations, and any potential safety issues observed during the site visit. The report will be provided as a draft to the Town for review and discussion prior to finalizing. Upon completion of the final report, CPE will prepare a presentation for the Town of Palm Beach Shore Protection Board, if requested, to discuss the results of the study on behalf of Town staff.

The fee for the services contained in this proposal is not to exceed $37,936, and will be billed monthly on a time and materials basis. The billing rates for services rendered under this proposal will be based on direct labor costs multiplied by a factor of 3.0 as defined in Section 5.A. of the Professional Services Agreement. Attached please find a spreadsheet which delineates the various phases of the work estimated with CPE standard rates and classifications. Although this proposal is divided into separable items and estimated by specific staff and categories, it is anticipated that some work elements will exceed the estimate while others fall below the estimate to complete. Our staff will be used as needed to achieve the scope of work and to meet the Town's objectives and timelines.

The services proposed herein will be performed in accordance with this proposal and the Professional Services Agreement between The Town of Palm Beach and Coastal Planning & Engineering, Inc. dated July 15, 2009. The time frame estimated to complete this work is three (3) months, barring any unforeseen circumstances. We will commence work upon receipt of a Purchase Order from the Town of Palm Beach.

Thank you for the opportunity to serve the Town of Palm Beach.

If you should have any questions, please call me.

Sincerely,

COASTAL PLANNING & ENGINEERING, INC.

Thomas P. Pierro, P.E., D.CE
Senior Coastal Engineer

cc: Michelle Rees, CPE
Sheri Dindial, CPE

G. Thomson
Authorized Corporate Signature

Gordon Thomson
Printed Name

Director
Title

CLIENT: TOWN OF PALM BEACH
Acknowledgement and Acceptance

Authorized Representative Signature

Printed Name

Title

Date

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TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Regular Agenda - New Business

Agenda Title

Development of a Lake Worth Lagoon Dredging Project and Preparation of a Grant Request for Florida Inland Navigation District (FIND) Participation

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated March 30, 2012, from H. Paul Brazil, Director of Public Works.

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Development of a Lake Worth Lagoon Dredging Project and Preparation of a Grant Request for Florida Inland Navigation District (FIND) Participation

Date: March 30, 2012

STAFF RECOMMENDATION

Staff requests direction from Town Council regarding a Florida Inland Navigation District Waterways Assistance Program (WAP) grant application.

GENERAL INFORMATION

At the January 10, 2012, Town Council meeting, Town Council President Pro Tem Wildrick expressed concerns regarding a reduction in navigability within the eastern portion of the Lake Worth Lagoon, emphasizing a section between Southern Boulevard and Everglades Island. A request was made for Town staff to review the matter and consider options to restore navigation accessibility.

Town staff recommended to Mayor Gail Coniglio to reach out to the Florida Inland Navigation District (FIND) for assistance in identifying potential actions to correct navigable restrictions. A letter was submitted to FIND Commissioner Donn Colee (representing Palm Beach County) on February 15, 2012.

FIND staff corresponded with Town staff and requested additional information. Town staff provided the details requested and a map. Town staff met with FIND staff and they were receptive to discussing a conceptual project with Commissioner Colee.

On March 26, 2012, FIND staff contacted Town staff and urged the Town to consider submitting a Waterway Assistance Grant application. On March 30, 2012, Commissioner Colee initialed the Town's application form acknowledging review of the conceptual project.

On March 28, 2012, Town staff received a proposal from Applied Technology & Management, Inc. (ATM), to provide the Town support with development of the WAP application and presentation. The two (2) task proposal totals $6,189. Town Manager Peter Elwell approved a purchase order with ATM in the amount of $2,066 to expedite submittal of the WAP application before close of business on April 2, 2012, the deadline for the Town to remain eligible for consideration to be awarded a Waterways Assistance Grant this year.

All additional application required items are to be provided to FIND no later than June 1, 2012.

Due to the early conceptual phase of a potential dredging project in the Lake Worth Lagoon, Town staff, with support from ATM, will submit a grant request to cost share 50% of the project's engineering, design, and permitting costs. These costs are anticipated to be roughly $80,000. Construction costs would be estimated during the engineering and design process once the specific project components have been identified.

Conceptual design includes dredging of three (3) ancillary east-west channels from the Intracoastal Waterway to a secondary north-south channel between approximately Southern Boulevard and Everglades Island and between approximately John's Island and the Bingham Islands. Permits would be requested to dredge to a cut depth of -6.0 ft Mean Low Water (MLW), consistent with other secondary navigable channels within the Lake Worth Lagoon. While depth conditions based on the most recent survey data available indicate that the ancillary channels are much less than -6.0 ft MLW, the secondary channel has sections that are between -5.0 ft and -6.0 ft MLW. The purpose of a dredging event would be to maintain a consistent navigable water depth of -6.0 ft throughout a marked channel.

If Town Council decides to continue moving forward with this conceptual project, Town staff will prepare a resolution for Town Council consideration, required by FIND, for adoption at the May 8, 2012, Town Council meeting. Town Manager Peter Elwell will authorize expenditure from the General Coastal Engineering Fund for ATM's proposal for Task 2 in the amount of $4,123 to assist Town staff in completing the WAP application and supporting Town staff with a presentation to FIND.

If FIND Commissioners approve the Town's application in July 2012, the project can be initiated on October 1, 2012, and related activities will be eligible for FIND reimbursement.

Town staff anticipates that if the engineering, design, and permitting elements begin on October 1, 2012, specific project parameters can be determined to accurately estimate construction costs in preparation for both a WAP grant application submittal to FIND on April 1, 2013, and for FY 2014 budget preparations of the Town's Coastal Management Program.

FUNDING/FISCAL IMPACT

The application and presentation support by ATM is to be expended from the General Coastal Engineering account (line item #5 of the SPB's FY 2012 Coastal Management Program) in the total amount of $6,189 (of which $2,066 already was expended for Task 1).

A line item in the FY 2013 budget would need to be added in the amount of $80,000 to cover the Town's anticipated cost of engineering, design, and permitting.

cc: Shore Protection Board
Jane Struder, Director of Finance
Robert Weber, Coastal Coordinator

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Regular Agenda - New Business

Agenda Title

Code Enforcement Board Appointments.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- Memorandum dated 3/30/2012 from Kirk W. Blouin, Director of Public Safety
- Current Roster
- 2012 Attendance Record
- 2012 Voting Conflict Record
- Ballot

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Code Enforcement Board Appointment

Date: March 30, 2012

STAFF RECOMMENDATION

Staff recommends Town Council appoint three (3) members and one (1) alternate member to the Code Enforcement Board to fill the seats vacated as a result of the term expirations of Larry Ochstein, Cynthia Van Buren, James M. Ballentine, Jr. and W. Anthony Dowell in April, 2012.

GENERAL INFORMATION

There are three (3) vacancies for regular members and one (1) vacancy for an alternate member on the Code Enforcement Board as a result of the term expirations of Larry Ochstein, Cynthia Van Buren, James M. Ballentine, Jr. and W. Anthony Dowell.

Larry Ochstein has completed two terms as a regular member of the Code Enforcement Board and is eligible for reappointment. Mr. Ochstein has submitted written verification of his interest in continuing to serve as well as an updated application.

Cynthia Van Buren has completed one term as a regular member and is eligible for reappointment. Ms. Van Buren has submitted written verification of her interest in continuing to serve as well as an updated application.

James M. Ballentine, Jr. has completed one term as a regular member and is eligible for reappointment. Mr. Ballentine has submitted written verification of his interest in continuing to serve as well as an updated application.

W. Anthony Dowell has completed one term as an alternate member and is eligible for reappointment. Staff has confirmed that Mr. Dowell, who submitted an application and written verification of his interest in continuing to serve as an alternate member is not interested at this time in applying for promotion to regular member status.

Pursuant to the news release notifying the public of the upcoming vacancies on the Code Enforcement Board, Richard A. Raffo submitted an "Application for Service" on a Town Board or Commission along with other appropriate qualifying information.

The Code of Ordinances does not provide for a maximum number of terms of service for members of the Code Enforcement Board. Pursuant to Section 2-402 (b), any member may be reappointed from term to term upon the approval of the Town Council.

Pursuant to Section 2-401 (b), the membership of the Code Enforcement Board shall, whenever possible, include: (1) an architect, (2) a businessperson, (3) an engineer, (4) a general contractor, (5) a realtor, (6) a subcontractor, and (7) a general member.

KB/rh

TOWN OF PALM BEACH
POLICE DEPARTMENT

DEDICATED TO EXCELLENCE

CODE ENFORCEMENT BOARD ROSTER/April 2012

Name/Address	Profession	Date Appt/Exp	Term #
Timothy Hoffman, Chairman	**Architect**	**04/2010 – 04/2013 [R]**	**3**
		04/2007 – 04/2010 [R]	**2**
		04/2004 – 04/2007 [R]	**1**
		01/2003 – 04/2004 [R]	**0**
		04/2002 – 01/2003 [A]	**0**
Harris S. Fried, Vice Chairman	**Attorney**	**04/2010 – 04/2013 [R]**	**2**
		04/2007 – 04/2010 [R]	**1**
		07/2006 – 04/2007 [R]	**0**
		04/2006 – 07/2006 [A]	**0**
Joel P. Koeppel, Member	**Attorney**	**04/2011 – 04/2014 [R]**	**4**
		04/2008 – 04/2011 [R]	**3**
		04/2005 – 04/2008 [R]	**2**
		04/2002 – 04/2005 [R]	**1**
Larry Ochstein, Member	**Business Person**	**04/2009 – 04/2012 [R]**	**2**
		04/2006 – 04/2009 [R]	**1**
		06/2003 – 04/2006 [A]	**1**
Madelyn Greenberg, Member	**General Member**	**04/2011 – 04/2014 [R]**	**1**
		04/2008 – 04/2011 [R]	**1**
		07/2006 – 04/2008 [A]	**1**
Cynthia Van Buren, Member	**Attorney**	**04/2009 – 04/2012 [R]**	**1**
		04/2008 – 04/2009 [R]	**0**
		04/2007 – 04/2008 [A]	**0**
James M. Ballentine, Jr.	**Engineer**	**08/2009 – 04/2012 [R]**	**1**
		04/2008 – 08/2009 [A]	**0**
W. Anthony Dowell, Alternate	**General Member**	**04/2009 – 04/2012[A]**	**1**
Scotch Peloso, Alternate	**Business Person**	**04/2011 – 04/2014 [A]**	**1**
		08/2009 – 04/2011 [A]	**0**

345 South County Road • Palm Beach, FL 33480-4443 • (561) 227-7080 • Fax (561) 835-4736 • www.palmbeachpolice.com

Town of Palm Beach

Code Enforcement Board — Attendance Record 2012

Member	1/19	2/23	3/22	4/19	5/17	6/21	7/19	8/16	9/20	10/18	11/15	12/20
Timothy Hoffman			*(Regular Member as of 1/2003)*									
	P	**P**	**P**									
Harris S. Fried			*(Regular Member as of 7/2006)*									
	P	**P**	**P**									
Joel Koeppel			*(Regular Member as of 4/2002)*									
	P	**P**	**P**									
Larry Ochstein			*(Regular Member as of 4/2006)*									
	P	**P**	**P**									
Madelyn Greenberg			*(Regular Member as of 4/2008)*									
	P	**P**	**P**									
Cynthia Van Buren			*(Regular Member as of 4/2008)*									
	P	**P**	**P**									
James M. Ballentine, Jr.			*(Regular Member as of 8/2009)*									
	P	**P**	**P**									
W. Anthony Dowell			*(Alternate Member as of 6/2009)*									
	P	**P**	**E**									
Scotch Peloso			*(Alternate Member as of 8/2009)*									
	P	**U**	**P**									

LEGEND: P= Present
E- Excused
U= Unexcused Absence
A= Absence pending classification as excused or unexcused
X= No meeting date

Town of Palm Beach

Code Enforcement Board — Voting Conflict Record 2012

Member	1/19	2/23	3/22	4/19	5/17	6/21	7/19	8/16	9/20	10/18	11/15	12/20
Timothy Hoffman			*(Regular Member as of 1/2003)*									
	*	*	*									
Harris S. Fried			*(Regular Member as of 7/2006)*									
	*	*	*									
Joel P. Koeppel			*(Regular Member as of 4/2002)*									
	*	*	*									
Larry Ochstein			*(Regular Member as of 4/2006)*									
	*	*	*									
Madelyn Greenberg			*(Regular Member as of 04/2008)*									
	*	*	*									
Cynthia Van Buren			*(Regular Member as of 4/2008)*									
	*	*	*									
James M. Ballentine, Jr.			*(Regular Member as of 8/2009)*									
	*	*	*									
W. Anthony Dowell			*(Alternate Member as of 6/2009)*									
	*	*	*									
Scotch Peloso			*(Alternate Member as of 8/2009)*									
	*	*	*									

LEGEND: V = One Voting Conflict during a meeting
V2 = Two Voting Conflicts during a meeting
V3 = Three Voting Conflicts during a meeting
VPD = Voting Conflict Previously Declared (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing renovation project.
ONLY COUNT ORIGINAL DECLARED CONFLICT FOR ONGOING PROJECTS PER JOHN C. RANDOLPH, TOWN ATTORNEY

BALLOT FOR APPOINTMENT OF REGULAR MEMBERS(S) TO THE CODE ENFORCEMENT BOARD

Town Council Meeting on April 10, 2012

Position(s) to be filled:

3 Regular Members — Terms to expire April 2015 (Due to the term expiration of Larry Ochstein, Cynthia Van Buren and James M. Ballentine, Jr.

Please circle **3** name(s) from the list of names appearing below:

Regular Member(s) Applying for Re-Appointment

Larry Ochstein

Cynthia Van Buren

James M. Ballentine, Jr.

Others Who Have Submitted Applications

Richard A. Raffo

Signature of Town Council Member: _____

Ballot April 10, 2012

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Regular Agenda - New Business

Agenda Title

Recreation Advisory Commission Appointments.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated April 4, 2012, from Jay Boodheshwar, Director of Recreation and Special Projects
- Ballot for Appointment of Members to the Recreation Advisory Commission (RAC)
- Roster of Current Members on the RAC
- Attendance and Voting Conflict Records for the RAC
- Letter Dated March 28, 2012, from Roberta Mambrino

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Appointments to the Recreation Advisory Commission - 2 Regular Members and 1 Alternate Member

Date: April 4, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council appoint a regular member to the Recreation Advisory Commission to fill the seat being vacated as a result of the term expiration of Mr. Daniel McDonnell.

Staff recommends that Town Council appoint a regular member to the Recreation Advisory Commission to fill the seat being vacated as a result of the term expiration of Mr. Timothy O'Hara.

Staff recommends that Town Council appoint an alternate member to the Recreation Advisory Commission to fill the seat being vacated as a result of the term expiration of Mrs. Roberta Mambrino.

Staff recommends that Town Council make any appointments to the Recreation Advisory Commission which may become necessary as a result of making the aforementioned appointments.

GENERAL INFORMATION

Mr. Daniel McDonnell is currently a regular member on the Recreation Advisory Commission and **is eligible for re-appointment**. Mr. McDonnell was first appointed in 2008 as an alternate member and served 2 years of a 3 year term. He was then appointed to his current term in 2009 as a regular member, which will expire April of 2012. Mr. McDonnell has submitted written verification of his interest in continuing to serve on the Recreation Advisory Commission.

Mr. Timothy O'Hara is currently a regular member on the Recreation Advisory Commission and **is eligible for re-appointment**. Mr. O'Hara was first appointed in 2008 as a regular member and served 1 year of a 3 year term. He was then re-appointed to his current term in 2009 as a regular member, which will expire April of 2012. Mr. O'Hara has submitted written verification of his interest in continuing to serve on the Recreation Advisory Commission.

Mrs. Roberta Mambrino is currently an alternate member on the Recreation Advisory Commission and **is eligible for re-appointment**. Mrs. Mambrino was first appointed in 2011 and served 10 months of a 3 year term that was left vacant when Mrs. Pamela McIver was appointed as a regular member. Mrs. Mambrino has also requested to be considered for promotion to regular member status and has submitted written verification of her interest in continuing to serve on the Recreation Advisory Commission.

Dr. G. Ellen Howe, an alternate member on the Recreation Advisory Commission, has requested to be considered for promotion to regular member status. Dr. Howe was first appointed in 2010 and is serving her first term as an alternate member which will expire in April of 2013. If Dr. Howe is appointed to regular member status, a second vote will be required to fill one additional alternate member position.

Attachments

JB:lw

c: Susan Owens, Town Clerk

BALLOT FOR APPOINTMENT OF MEMBERS
TO THE RECREATION ADVISORY COMMISSION
Town Council Meeting On April 10, 2012

Position(s) to be filled: __2__ **Regular Members** (Term to expire April 2015)

Please circle __2__ names from the list appearing below.

Regular Member(s) Applying for Re-appointment

Mr. Daniel McDonnell (Completed Term 1)

Mr. Timothy O'Hara (Completed Term 1)

Alternate Member(s) Applying for Promotion to Regular Member

*Dr. G. Ellen Howe (Serving Term 1)

Mrs. Roberta Mambrino (Completed Partial Term 1)

Signature of Town Council Member: _____

**Any currently serving Alternate member who is not elevated to the position of Regular member shall retain his/her current position*

RECREATION ADVISORY COMMISSION MEMBERS

	Appointed	Term Expires
Khooshe Aiken 145 Seagate Road	4/2011	4/2014 (Term 1 – Regular Member
Stephen D. Hall 230 El Dorado Lane	4/2008	4/2010 (Term 1 - Alternate)*
	**fulfilling the unexpired term of Joseph Della Giustina (more than 50%)*	
	4/2010	4/2013 (Term 1 – Regular Member)
Pamela McIver 695 Island Drive	4/2009	4/2011 (Term 1 - Alternate)
	4/2011	4/2014 (Term 1 – Regular Member
Daniel McDonnell 2784 S. Ocean Blvd. #206N	4/2008	4/2010 (Term 1- Alternate)*
	**fulfilling the unexpired term of Henry Jamison (more than 50%)*	
	4/2009	4/2012 (Term 1 – Regular Member)
Timothy O'Hara 222 Everglades Ave.	04/2008	04/2009 (Term 1 – Regular Member)*
	**fulfilling the unexpired term of Ken Schechet (less than 50%)*	
	04/2009	4/2012 (Term 2 – Regular Member)
Stuart Shulman 2280 S. Ocean Blvd.	4/2011	4/2014 (Term 1 – Regular Member)
Donald Singer 2295 S. Ocean Blvd, #303	6/2009	4/2010 (Term 1- Alternate)*
	**fulfilling the unexpired term of Daniel McDonnell (less than 50%)*	
	4/2010	4/2013 (Term 1 – Regular Member)
G. Ellen Howe 2295 S. Ocean Blvd., #PH-20	4/2010	4/2013 (Term 1 - Alternate)
Roberta Mambrino 2545 S. Ocean Blvd, #407	6/2011	4/2012 (Term 1 - Alternate)
	**fulfilling the unexpired term of Pamela McIver(less than 50%)*	
Chris Stokerson 302 N. Woods Road	4/2010	4/2013 (Term 1 - Alternate)

Recreation Advisory Commission Attendance Record 2011-2012

	1/5	3/2	5/4	9/7	11/2	1/4	3/7	5/2	9/5	11/7
Mrs. Kooshe Aiken			U	P	P	P	P			
Mr. Stephen Hall	P	P	P	P	P	P	P			
Dr. G. Ellen Howe	P	P	P	U	P	E	P			
Mrs. Roberta Mambrino				U	P	P	P			
Mr. Daniel McDonnell	P	P	P	P	P	P	P			
Mrs. Pamela McIver	P	P	P	P	P	P	P			
Mr. Timothy O'Hara	U	U	P	P	P	P	P			
Mr. Stuart Shulman			P	P	P	P	P			
Mr. Donald Singer	P	P	U	P	P	P	P			
Mr. Chris Stokerson	P	P	P	P	P	P	U			
Mr. Joseph Della Giustina	P	P								
Mr. Henry Jamison	P	P	P							
Mrs. Danielle Moore	P	P								

Recreation Advisory Commission Voting Conflict 2011 - 2012

	1/5	3/2	5/4	9/7	11/2	1/4	3/7	5/2	9/5	11/7
Mrs. Kooshe Aiken										
Mr. Stephen Hall										
Dr. G. Ellen Howe										
Mrs. Roberta Mambrino										
Mr. Daniel McDonnell										
Mrs. Pamela McIver										
Mr. Timothy O'Hara										
Mr. Stuart Shulman										
Mr. Donald Singer										
Mr. Chris Stokerson										
Mr. Joseph Della Giustina										
Mr. Henry Jamison										
Mrs. Danielle Moore										

X = Voting Conflict

March 28, 2012

Dear Peter + Town Council -

I would appreciate your consideration for my appoint as an alternate or regular member of the P.B. Recreation Committee.

My family and I will be vacationing in the Keys on that day of your meeting and I trust you will excuse me.

Thank you so much for your consideration.

Sincerely,

Roberta Mambrino

TOWN OF PALM BEACH
MAR 30 2012
Town Manager's Office

TOWN OF PALM BEACH

Town Council Meeting on: April 10, 2012

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 6-2012 Implementation of Changes in the Town's Retirement Programs.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated April 4, 2012, from Peter Elwell, Town Manager
- Letter dated April 4, 2012, from Jeffrey Mandel
- Letter dated March 23, 2012, from Mark Floyd
- Ordinance No. 6-2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2012

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Implementation of Changes in the Town's Retirement Programs

Date: April 4, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council take the following actions at your April 10 meeting:

- Approve Ordinance No. 6-2012 on first reading.
- Schedule a special Town Council meeting to consider Ordinance No. 6-2012 on second reading on Tuesday, April 24, at 9:00 a.m. in the Town Council Chambers.

GENERAL INFORMATION

On February 16, Town Council adopted Resolution No. 22-2012, creating the 401(a) defined contribution pension plan that will commence on May 1. Training and enrollment to implement that portion of the Town's modified retirement system is well underway.

On March 14, Town Council adopted Ordinance No. 1-2012 (to withdraw from participation in the premium tax revenue sharing program established by Chapters 175 and 185, Florida Statutes) and Ordinance No. 4-2012 (to consolidate the Town's 3 retirement boards into one), and appointed the 5 Town resident members of the consolidated Retirement Board of Trustees. The 3 prior boards were "sunsetted" on March 31 and the consolidated board held its first meeting on April 2. Ray Snow, formerly the chair of the Police Officers' Retirement Board, was chosen by the members of the consolidated board to be their chair. The board is scheduled to meet again on May 18 and then at least quarterly thereafter.

Now it is time to approve Ordinance No. 6-2012, modifying the Town's defined benefit pension plan. That document is attached hereto. It shows in legislative draft format (using underlining to identify additions and ~~strikethrough~~ to identify deletions) all proposed changes to the existing Town Code of Ordinances at Chapter 82, Article II, Division 2, "Retirement System." The proposed changes will implement pension related matters decided through the collective bargaining process with IAFF Local 2928 and the Fraternal Order of Police, all other applicable direction provided through previous Town Council decisions, and modifications necessary to provide clarity and proper administration of the Town's modified retirement system.

We currently are on schedule to implement the retirement system modifications on May 1. The final action Town Council must take in order to stay on this schedule will be to hold a brief

special Town Council meeting on Tuesday, April 24, for second reading and final adoption of Ordinance No. 6-2012.

SPECIAL CONSIDERATIONS

In the latter stages of the collective bargaining process with the Fraternal Order of Police, based on advice I had received from legal counsel, I modified my recommendation for reform of the Town's retirement system to provide continued accrual of pension benefits under the existing defined benefit program for active employees who, as of May 1, 2012, have attained eligibility to receive a normal pension and have not yet entered the DROP program. Town Council approved this "grandfather" provision for the Town's police officers at the impasse resolution hearing on January 18. The same provision is recommended for the Town's general employees and lifeguards, because the advice of legal counsel related to this matter is equally applicable to those employees. It is, of course, equally applicable also to the Town's firefighters. Therefore, to comply with the requirements of the collective bargaining process, Town labor counsel Jeff Mandel asked Mark Floyd, attorney for IAFF Local 2928, to confirm the IAFF's consent for the Town to extend this same consideration to its members. To our surprise, Mr. Floyd stated in a letter dated March 23 (copy attached) "that Local 2928 will not agree to amend the current collective bargaining agreement … to create some sort of grandfather provision to accommodate those employees who qualify for a normal retirement." Nevertheless, Town staff and Mr. Mandel strongly recommend that we allow continued accrual of pension benefits under the existing defined benefit program for any applicable members of Local 2928. Mr. Mandel stated in his reply to Mr. Floyd dated April 4 (copy attached) that "[t]o avoid litigation over this issue … the Town has no choice but to invoke the Savings Clause articles of the collective bargaining agreements and not apply the retirement benefit changes to the Local 2928 bargaining unit members who have attained the qualifications for normal retirement prior to the date of implementation of the changes."

TOWN ATTORNEY REVIEW

The Town Attorney and special counsel retained to assist in the pension plan transition collaborated on the preparation of Ordinance No. 6-2012.

PBE:
Attachment
c: Retirement Board
William P. Hanes, Retirement Plan Administrator
Kennie Wells, Acting Director of Human Resources
Jane Struder, Director of Finance

FISHER & PHILLIPS LLP
ATTORNEYS AT LAW
www.laborlawyers.com

Orlando
200 South Orange Avenue
Suite 1100
Orlando, FL 32801

(407) 541-0888 Tel
(407) 541-0887 Fax

Writer's Direct Dial:
(407) 541-0850

Writer's E-mail:
jmandel@laborlawyers.com

April 4, 2012

VIA ELECTRONIC MAIL
Mark W. Floyd, Esquire
Mierzwa & Associates, P.A.
3900 Woodlake Blvd., Ste. 212
Lake Worth, FL 33463

Re: *Town of Palm Beach and Professional Firefighters/Paramedics of Palm Beach County, Local 2928*

Dear Mr. Floyd:

I am in receipt of your March 23, 2012 correspondence regarding retirement benefits for Local 2928 bargaining unit employees. Frankly, I am surprised by its content.

As you are undoubtedly aware, at the time the Town and Local 2928 negotiated over changes to the retirement benefits for Local 2928 bargaining unit employees, there were no active bargaining unit employees outside the DROP program who met the qualifications for normal retirement. This continued to hold true through the special magistrate hearing and the impasse resolution hearing before the Town Council. As such, the parties never addressed whether the retirement benefit changes would apply to active bargaining unit employees outside the DROP program who met the qualifications for normal retirement. However, since that time, and prior to the implementation of the retirement benefit changes, one or two active bargaining unit employees outside the DROP program have attained the qualifications for normal retirement. Given this, the Town has proposed to Local 2928 that the retirement benefit changes not apply to the active bargaining unit employees outside the DROP program who have attained the qualifications for normal retirement prior to the date of implementation of the changes. As I understand your correspondence, Local 2928 has rejected this and desires that the Town apply the retirement benefit changes to these bargaining unit employees.

As you are also undoubtedly aware, unions across the State, including the IAFF, have taken the position that it is illegal to apply pension benefit changes to employees who have attained the qualifications for normal retirement prior to the date of implementation of the changes. To avoid litigation over this issue, the Town has adopted the unions' position and is not applying the pension benefit changes to employees who have attained the qualifications for

normal retirement prior to the date of implementation of the changes. Unless Local 2928 and the impacted employees are willing to waive any potential claims against the Town, we have no choice but to take the same position with respect to the Local 2928 bargaining unit employees.

In light of Local 2928's position on this issue, the Town has no choice but to invoke the Savings Clause articles of the collective bargaining agreements and not apply the retirement benefit changes to the Local 2928 bargaining unit employees who have attained the qualifications for normal retirement prior to the date of implementation of the changes. The Town will be moving forward with the retirement benefit changes in this manner.

Please do not hesitate to contact me if you would like to discuss the foregoing.

Very truly yours,

Jeffrey E. Mandel

Jeffrey E. Mandel

cc: Peter B. Elwell, Town Manager

LAW OFFICES
MIERZWA & ASSOCIATES, P.A.

MATTHEW J. MIERZWA, JR.
MARK W. FLOYD
BRAM A. MARAVENT
MARIA S. MELIUS
SHELLIE L. SEWELL

3900 WOODLAKE BOULEVARD
SUITE 212
LAKE WORTH, FLORIDA 33463
TELEPHONE: (561) 966-1200
FACSIMILE: (561) 966-1231

March 23, 2012

VIA FACSIMILE TO 407-541-0887 & U.S. MAIL

Jeffrey E. Mandel, Esquire
Fisher & Phillips LLP
300 S. Orange Ave. Ste 1250
Orlando, FL 32801-3392

Re: Professional Firefighters/Paramedics of Palm Beach County, Local 2928, Inc.
Palm Beach: Pension Modifications
File No.: 121866.2121

Dear Mr. Mandel:

As you know, this firm represents the Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc.

You inquired as to whether Local 2928 would be willing to entertain or consider amending the current collective bargaining agreement to allow the Town to create a sort of grandfather provision to accommodate those employees who qualify for a normal retirement. I have discussed this matter with Local 2928 and am writing to inform you that Local 2928 will not agree to amend the current collective bargaining agreement. The Town can address this matter in our next round of bargaining.

If you have any questions or comments, please feel free to contact me.

Sincerely,

Mark W. Floyd

MWF/am

c Ricardo Grau, 1st Executive Vice President, Local 2928

ORDINANCE NO. 6-2012

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM, AMENDING SUBDIVISION I, IN GENERAL, BY AMENDING SECTION 82-51, GENERAL, AS AMENDED BY ORDINANCE NO. 4-2012, ADOPTED MARCH 13, 2012; BY AMENDING SECTION 82-52, DEFINITIONS; BY AMENDING SECTION 82-54, CREDITED SERVICE; LOSS OF CREDITED SERVICE; REINSTATEMENT OF CREDITED SERVICE; BY AMENDING SECTION 82-56, BENEFIT GROUPS; BY AMENDING SECTION 82-59, TRANSFER OF SERVICE BETWEEN TOWN PLANS; BY AMENDING SECTION 82-63, AMOUNT OF POST-RETIREMENT REDETERMINATION OF PENSIONS; BY AMENDING SECTION 82-65, ALLOWANCE OF INTEREST; RATES OF INTEREST; BY AMENDING SECTION 82-66, REFUND OF MEMBER'S ACCUMULATED CONTRIBUTIONS; BY AMENDING SECTION 82-69, ADMINISTRATIVE EXPENSES; BY AMENDING SECTION 82-70, ASSIGNMENTS PROHIBITED; BY AMENDING SECTION 82-72, ROLLOVER DISTRIBUTIONS; BY AMENDING SECTION 82-73, METHOD OF MAKING PAYMENTS; AMENDING SUBDIVISION II, RESERVE ACCOUNTS, BY AMENDING SECTION 82-80, RESERVE FOR MEMBER CONTRIBUTIONS; BY AMENDING SECTION 82-83, RESERVE FOR UNDISTRIBUTED INVESTMENT INCOME; BY DELETING SECTION 82-85, PLANS AND ASSETS SEGREGATED; BY DELETING SECTION 82-86, CHAPTERS 175 AND 185, FLORIDA STATUTES; AMENDING SUBDIVISION III, FIREFIGHTERS, BY DELETING SECTION 82-90, FIREFIGHTER BOARD OF TRUSTEES; BY DELETING SECTION 82-91, TERM OF OFFICE; OATH OF OFFICE; VACANCY; BY DELETING SECTION 82-92, OFFICERS, ADMINISTRATIVE SERVICES; BY DELETING SECTION 82-93, INVESTMENT LIMITATIONS; BY AMENDING SECTION 82-94, RETIREMENT AGE AND SERVICE CONDITIONS; BY AMENDING SECTION 82-95, AMOUNT OF PENSION; BY AMENDING SECTION 82-96, OPTIONAL FORMS OF PAYMENT OF A PENSION; BY DELETING SECTION 82-97, SUPPLEMENTAL PENSION DISTRIBUTIONS; BY AMENDING SECTION 82-98, CHAPTER SHARE ACCOUNTS; BY AMENDING SECTION 82-99, DEFERRED RETIREMENT OPTION PROGRAM; BY AMENDING SECTION 82-100, DISABILITY RETIREMENT; BY AMENDING SECTION 82-102, CONTINUATION SUBJECT TO RE-EXAMINATION; RETURN TO EMPLOYMENT; EFFECT OF GAINFUL EMPLOYMENT; BY AMENDING SECTION 82-103, DEATH AFTER RETIREMENT; AUTOMATIC SURVIVOR PENSION TO MINOR CHILDREN AND/OR SURVIVING SPOUSE; BY AMENDING SECTION 82-104, DEATH WHILE AN EMPLOYEE OF THE

TOWN; AUTOMATIC SURVIVOR PENSION TO MINOR CHILDREN AND/OR SPOUSE; BY AMENDING SECTION 82-105, ELECTIVE SURVIVOR PENSION; AMENDING SUBDIVISION IV , POLICE OFFICERS, BY DELETING SECTION 82-110, POLICE OFFICER BOARD OF TRUSTEES; BY DELETING SECTION 82-111, TERM OF OFFICE; OATH OF OFFICE; VACANCY; BY DELETING SECTION 82-112, OFFICERS, ADMINISTRATIVE SERVICES; BY DELETING SECTION 82-113, INVESTMENT LIMITATIONS; BY AMENDING SECTION 82-114, RETIREMENT AGE AND SERVICE CONDITIONS; BY AMENDING SECTION 82-115, AMOUNT OF PENSION; BY AMENDING SECTION 82-116, OPTIONAL FORMS OF PAYMENT OF A PENSION; BY DELETING SECTION 82-117, SUPPLEMENTAL PENSION DISTRIBUTIONS; BY AMENDING SECTION 82-119, DEFERRED RETIREMENT OPTION PROGRAM; BY AMENDING SECTION 82-120, DISABILITY RETIREMENT; BY AMENDING SECTION 82-122, CONTINUATION SUBJECT TO RE-EXAMINATION; RETURN TO EMPLOYMENT; EFFECT OF GAINFUL EMPLOYMENT; BY AMENDING SECTION 82-123, DEATH AFTER RETIREMENT; AUTOMATIC SURVIVOR PENSION TO MINOR CHILDREN AND/OR SURVIVING SPOUSE; BY AMENDING SECTION 82-124, DEATH WHILE AN EMPLOYEE OF THE TOWN; AUTOMATIC SURVIVOR PENSION TO MINOR CHILDREN AND/OR SPOUSE; BY AMENDING SECTION 82-125, ELECTIVE SURVIVOR PENSION; AMENDING SUBDIVISION V, GENERAL EMPLOYEES AND LIFEGUARDS, BY DELETING SECTION 82-130, GENERAL EMPLOYEE BOARD OF TRUSTEES; BY DELETING SECTION 82-131, TERM OF OFFICE; OATH OF OFFICE; VACANCY; BY DELETING SECTION 82-132, OFFICERS, ADMINISTRATIVE SERVICES; BY AMENDING SECTION 82-134, RETIREMENT AGE AND SERVICE CONDITIONS; BY AMENDING SECTION 82-135, AMOUNT OF PENSION; BY AMENDING SECTION 82-136, OPTIONAL FORMS OF PAYMENT OF A PENSION; BY DELETING SECTION 82-137, SUPPLEMENTAL PENSION DISTRIBUTIONS; BY AMENDING SECTION 82-139, DEFERRED RETIREMENT OPTION PROGRAM; BY AMENDING SECTION 82-140, DISABILITY RETIREMENT; BY AMENDING SECTION 82-143, DEATH AFTER RETIREMENT; AUTOMATIC SURVIVOR PENSION TO MINOR CHILDREN AND/OR SURVIVING SPOUSE; BY AMENDING SECTION 82-144, DEATH WHILE AN EMPLOYEE OF THE TOWN; AUTOMATIC SURVIVOR PENSION TO MINOR CHILDREN AND/OR SPOUSE; AMENDING SECTION 82-145, ELECTIVE SURVIVOR PENSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-51, **as amended by Ordinance No. 4-2012 adopted March 13, 2012,** to read as follows:

"**Sec. 82-51. General.**

(a) The town retirement system established as of July 1, 1947, as amended, is continued for the purpose of providing retirement income to certain employees and former employees, and survivor income to certain of their beneficiaries. Effective April 1, 2012, the retirement system shall be administered by a board of trustees as provided in subsection (b) below. Such board shall operate in the manner provided by this division, and in accordance with applicable provisions of by the United States Internal Revenue Code and Florida Statutes as they may be amended from time to time. The retirement system shall be operated for the exclusive benefit of members, retirants and their beneficiaries.

(b) Notwithstanding any other provision of this Division II, and effective March 14, 2012 ~~upon the adoption of this ordinance~~:

(1) A new board of trustees is created as provided in section 82-57. The members of the new board of trustees shall be selected no later than March 29, 2012, and shall be sworn in on or before March 30, 2012. The existing boards of trustees of the firefighter, police officer and general/lifeguard retirement plans shall continue to operate through March 31, 2012, for the primary purpose of facilitating the transfer of contracts, investment holdings, assets and liabilities of the existing firefighter, police officer and general/lifeguard retirement plans, as well as all documents and records of those plans, to the new board of trustees. The existing boards of trustees shall take all necessary and appropriate action to carry out this purpose in a timely manner.

(2) All existing contracts, investment holdings, assets and liabilities of the existing firefighter, police officer and general/lifeguard retirement plans shall be transferred to and become contracts, investment holdings, assets and liabilities of the new board of trustees on April 1, 2012, or as soon thereafter as administratively possible. The existing firefighter, police officer and general/lifeguard retirement funds shall be separately managed by the new board of trustees for up to six months following April 1, 2012, until such time as the new board of trustees determines that it is prudent to consolidate one or more of the funds. The existing firefighter, police officer and general/lifeguard retirement funds shall be consolidated into one retirement fund on or before October 1, 2012. Notwithstanding the consolidation of the retirement funds, the new board of trustees shall provide for a separate accounting of the assets and liabilities attributable to the firefighter, police officer and general/lifeguard employee benefit groups, and all actuarial valuations and studies performed on and after April 1, 2012 shall include a separate accounting of the assets and liabilities attributable to the firefighter, police officer and general/lifeguard employee benefit groups.

(3) The plan administrators for the existing firefighter, police officer and general/lifeguard retirement plans are authorized to implement and facilitate the provisions of this subsection (b), and to act as plan administrators for the consolidated retirement plan until otherwise determined by the new board of trustees. During the period prior to April 1, 2012 the boards of trustees of the existing firefighter, police officer and general/lifeguard retirement plans and the plan administrators shall take all necessary and appropriate action to ensure that the benefits due retired plan members are not interrupted, and that any benefit applications submitted by plan members are processed in a timely manner. Commencing April 1, 2012, the new board of trustees and the plan administrators shall take all necessary and appropriate action to ensure that the benefits due retired plan members are not interrupted, and that any benefit applications submitted by plan members are processed in a timely manner.

(c) Effective May 1, 2012, and notwithstanding any other provision of this Division 2:

(1) The accrued benefits of all members of the retirement system who have not attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who are employed by the town and not participating in the DROP on May 1, 2012, shall be frozen. All such members shall be 100% vested in their frozen accrued benefit as of May 1, 2012 regardless of length of service. The value of each member's frozen accrued benefit shall be calculated in accordance with the provisions of the retirement system in effect on April 30 2012 and based on the member's credited service and average final compensation on April 30, 2012, and such frozen accrued benefit shall be payable to the member upon attaining eligibility for receipt of retirement benefits under the provisions of the system in effect on April 30 2012, and termination of town employment. For service on and after May 1, 2012, all members of the retirement system who have not attained normal retirement eligibility as of May 1, 2012 based on credited service, excluding credited service purchased pursuant to section 82-54, and who are employed by the town and not participating in the DROP on May 1, 2012 shall accrue benefits in accordance with the provisions of the retirement system as amended by this ordinance. Members of the retirement system who have not attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who are employed by the town and not participating in the DROP on May 1, 2012 shall, upon retirement, be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service and average final compensation prior to May 1, 2012, payable upon attaining eligibility for receipt of retirement benefits under the provisions of the system in effect on April 30 2012, and entry into the DROP or termination of employment; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable upon attaining age 65 with 10 or more years of credited service, and entry into the DROP or termination of employment.

(2) Members of the retirement system who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on May 1, 2012 shall continue to accrue benefits in accordance with the provisions of the system in effect on April 30, 2012 for as long as they are employed by the town and eligible to accrue benefits under the system.

(3) Members of the retirement system who retired or entered the DROP prior to May 1, 2012 shall continue to receive benefits in accordance with the provisions of the system in effect on the date of their retirement or DROP entry.

(4) Members of the retirement system who terminated employment with ten or more years of credited service prior to May 1, 2012 and did not receive a refund of accumulated member contributions shall be eligible to receive benefits in accordance with the provisions of the system in effect on the date of their termination."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-52, to read as follows:

"**Sec. 82-52. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accumulated member contributions means the sum of all amounts credited to a member's individual account in the reserve for employee contributions.

Average final compensation means:

(a) For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, half the total amount of compensation paid a member during the 24 consecutive months of credited service in which the total amount of compensation paid a member is greatest. The greatest 24 consecutive months of credited service must fall within the member's last five years of credited service prior to retirement, termination, or death.

(b) For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, average final compensation for benefits based on credited service prior to May 1, 2012, means half the total amount of compensation paid a member during the 24 consecutive months of credited service in which the total amount of compensation paid a member is greatest. The greatest 24 consecutive months of credited service must fall within the member's last five years of credited service prior to May 1, 2012.

(c) For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, and for members hired on or after that date, average final compensation for benefits based on credited service on or after May 1, 2012 means the total amount of compensation paid a member during the final 60 consecutive months of credited service, divided by five. Provided, if a member terminates town employment or enters the DROP after May 1, 2012 with less than 60 months of credited service after that date, average final compensation for benefits based on credited service on or after May 1, 2012 shall be based on the total amount of compensation paid on and after May 1, 2012, divided by the total months of credited service on and after date, multiplied by twelve.

(d) In applying the above definition of average final compensation, periods of credited service granted while being on long-term disability and/or worker's compensation shall not be considered, nor shall it interrupt consecutive months for the purpose of computing average final compensation.

Beneficiary means an individual who is being paid or who has entitlement to the future payment of a pension or other benefit by the retirement system for a reason other than the individual's membership in the retirement system.

Board of trustees or *board* means the ~~relevant~~ board of trustees responsible for managing this retirement system ~~retirement benefits for the group of employees to which the member belongs, either the general employee board, the firefighter board or the police officer board, or, if applicable, all three boards~~.

~~*Chapter 175* means F.S. ch. 175, Firefighters' Pension Trust Fund, as may be amended from time to time.~~

~~*Chapter 185* means F.S. ch. 185, Police Officers' Retirement Trust Fund, as may be amended from time to time.~~

Child means the natural and adopted children of the member.

Compensation means the salary or wages paid a member for personal service rendered the town while a member of the retirement system, as follows:.

(a) Compensation for members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall include base salary or wages; longevity pay; cost-of-living allowances; salary or wages while absent from work on account of vacation, holiday or illness; overtime pay; special assignment overtime pay; shift premiums; educational incentive payments; and the value of housing furnished a member by the town. Compensation shall not include lump sum payments for accumulated leave paid to or at the direction of a member. Special detail pay shall not be included as compensation.

(b) Compensation for members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, for credited service prior to May 1, 2012, shall include base salary or wages; longevity pay; cost-of-living allowances; salary or wages while absent from work on account of vacation, holiday or illness; overtime pay; special assignment overtime pay; shift premiums; educational incentive payments; and the value of housing furnished a member by the town. Compensation shall not include lump sum payments for accumulated leave paid to or at the direction of a member. Special detail pay shall not be included as compensation.

(c) Compensation for members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and for members hired on or after May 1, 2012, for credited service on and after May 1, 2012, shall include only base salary and shall exclude any other compensation that is not base salary.

Defined contribution plan means the retirement plan established by Resolution No. 22-2012.

DROP means deferred retirement option program.

DROP participant means any member who elects to retire and participate in the deferred retirement option program as provided for his or her employee group.

~~*Firefighter board* means the firefighter board of trustees established by Florida Statutes and by section 82-90 which is established to administer the retirement system for benefit group firefighter and retirants from such group.~~

~~*General employee board* means the general employee board of trustees as established by section 82-130 which is established to administer the retirement system for benefit group general, benefit group lifeguard and retirants from such groups.~~

Pension means a series of monthly payments by the retirement system, for a temporary period or throughout the life of a retirant or beneficiary.

~~*Police officer board* means the police officer board of trustees established by Florida Statutes and by section 82-110 which is established to administer the retirement system for benefit group police officer and retirants from such group.~~

Retirant means an individual who is being paid a pension on account of credited service acquired by the individual as a member of the retirement system.

Retirement system means the Town of Palm Beach Retirement System.

Service means personal service rendered the town while a member of the retirement system and military service qualifying under section 82-55.

Town means Town of Palm Beach, Florida.

Vesting or vested status means the attainment of ten or more years of credited service. Notwithstanding the preceding sentence, all members of the retirement system who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date shall be 100% vested in their frozen accrued benefit as of May 1, 2012, regardless of length of credited service."

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-54, to read as follows:

"**Sec. 82-54 Credited service; loss of credited service; reinstatement of credited service.**

(a) Service rendered by a member shall be credited to the member's individual credited service account in accordance with rules the board~~s~~ of trustees shall from time to time prescribe. In no case shall more than one year of credited service be credited on account of all service rendered by a member in any one year, nor shall less than 85 hours of service in a calendar month be credited as 1/12 year of credited service. Service shall be credited to the nearest 1/12 year.

(b) Except as provided in section 82-80, credited service shall be forfeited and no longer in force if an individual has a break in town employment of more than 12 months or if an

individual's accumulated member contributions are withdrawn from the reserve for employee contributions and paid to the individual or a beneficiary (including an estate).

(c) A member may have forfeited credited service restored upon satisfaction of each of the following conditions:

(1) The break in town employment is not more than 12 months; and

(2) The retirement system is paid the total amount of accumulated member contributions previously withdrawn, plus interest from the date of withdrawal to the date of repayment. Repayment shall be made in accordance with rules the boards shall from time to time prescribe. Repayment must be completed within one year of recommencement of membership.

(d) Unless otherwise prohibited by law, a vested member who has not purchased service credit under section 82-64, may purchase years or fractional parts of years of service to be added to years of credited service provided that:

(1) The member contributes to the retirement system the sum that would have been contributed, based on the applicable employee contribution rate in effect at the time that the credited service is requested for the years or fractional parts of years for which the credit is requested, plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service, plus the amount actuarially determined so that the crediting of service does not result in any costs to the retirement system.

(2) Payment by the member of the required amount may be made within six months of the request for credit and in one lump sum payment, or over a period equal to the length of time being purchased or five years, whichever is less, at an interest rate which is equal to the interest rate determined under section 82-65. No credit shall be given for any service until all years of service which are to be purchased, have been purchased.

(3) The credited service purchased under this section shall count for all purposes except vesting. No more than five years of credited service may be purchased.

(4) If a member who is in the process of purchasing service terminates before completing the purchase, the unpaid purchase price due from the former member may be set-off against benefits payable to the former member.

(5) A purchase of service may be made no more than three times during the course of employment and no purchase may be made until any previous purchase is fully paid.

(6) Purchases of service by members of benefit group firefighter may only be based upon actual prior service as a firefighter or service in the military and purchases of service by a member of benefit group police officer may only be based upon actual prior service as a police officer or service in the military. "

Section 4. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-56, to read as follows:

"**Sec. 82-56. Benefit groups.**

(a) The following benefit groups are designated for the purpose of determining benefit conditions, benefit amounts and contribution amounts applicable to a member:

(1) Benefit group general, consisting of all members not included in benefit groups firefighter, police officer or lifeguard.

(2) Benefit group firefighter, consisting of members employed in the fire-rescue department who hold the rank of firefighter, paramedic, or higher (including probationary firefighters), provided that they are certified pursuant to F.S. § 633.35.

(3) Benefit group police officer, consisting of members employed in the police department who hold the rank of police officer or higher (including probationary police officers), provided that they are certified pursuant to F.S. § 943.1395.

(4) Benefit group lifeguard, consisting of members employed in the ocean rescue unit ~~beach patrol department~~ who hold the rank of lifeguard or higher, including probationary lifeguards.

(b) Benefit eligibility conditions shall be those applicable to the benefit group under which the member has the largest amount of credited service.

(c) Pension amounts shall be separately determined for each benefit group based on retirement system provisions in effect at time of termination of membership."

Section 5. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-59, to read as follows:

"**Sec. 82-59. Transfer of service between town plans.**

In the event that a member changes his or her job status after October 4, 2007 and prior to May 1, 2012, such that he or she becomes a member of a different benefit group, he or she shall be subject to the following:

(1) If he or she is not fully vested, the accumulated contributions in the previous benefit group, if any, will be retained by the plan for such benefit group. The member shall be treated the same as terminated vested member of such plan and, therefore, entitled to benefits in existence in such plan on the date of transfer to the new benefit group, provided that the member attains at least ten years of credited service credited service. Credited service up to the date of transfer to the new benefit group will be counted for purposes of determining eligibility for benefits in the new benefit group, but not for purposes of pension calculations. Service in the first benefit group shall be credited with the multiplier for that benefit group at the time of transfer, and service in the new benefit group shall be credited with the multiplier for that benefit group. Upon retirement, the member shall receive pension payments from each benefit group using the average final compensation at the time of transfer or retirement, whichever is applicable, based upon the service and multiplier of each benefit group at the time of termination from participation in the plan of such benefit group, and pension payments shall become due and payable on the early or normal retirement date of the benefit group in which the member most recently participated.

(2) If already vested in a benefit group, the member shall be entitled to all of the rights and benefits according to the plan for that benefit group, and, upon transferring into a different benefit group, shall be entitled to all rights and benefits as a new employee in such benefit group.

(3) To become eligible for a pension from both plans, the member must have satisfied the service requirements for vesting, that is, ten years of total combined service credited service.

~~(4) This section is effective for employees who transfer benefit groups after the effective date of this section~~."

Section 6. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-63, to read as follows:

"**Sec. 82-63. Amount of post-retirement redetermination of pensions.**

(a) The amount of each pension that became effective after September 30, 1968, and prior to October 1, 1990, shall be increased each October 1, starting with the October 1 that is at least 12 full months after the effective date. The amount of increase shall be one percent of the base amount of pension that would be payable had no increases been granted under the provisions of this section.

(b) The amount of each pension that became effective after September 30, 1990 for members who retired, entered the DROP or terminated employment with 10 or more years of credited service prior to May 1, 2012, and members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be increased on the first day of the month which is at least 36 full months after the effective date and shall be further increased on an annual basis thereafter. The amount of annual increase shall be two percent.

(c) The amount of each pension that became effective after September 30, 1990 based on credited service prior to May 1, 2012 for members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be increased on the first day of the month which is at least 36 full months after the effective date and shall be further increased on an annual basis thereafter. The amount of annual increase applicable to the pension based on credited service prior to May 1, 2012 shall be two percent.

(d) There shall be no post-retirement increase applied to any pension based on credited service on and after May 1, 2012 for members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and for members hired on or after May 1, 2012."

Section 7. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-65, to read as follows:

"**Sec. 82-65. Allowance of interest; rates of interest.**

The boards of trustees of the retirement system shall, at the end of each fiscal year, credit interest on the individual balances in the reserve for member contributions, and on the balances in the reserve for employer contributions and the reserve for retired benefit payments. The amounts so credited shall be charged to the reserve for undistributed investment income. The boards shall determine the rate of interest to be used in the crediting and charging of interest."

Section 8. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-66, to read as follows:

"**Sec. 82-66. Refund of member's accumulated contributions.**

(a) An individual who ceases to be a member for any reason except retirement or death prior to satisfying any of the applicable age and service requirements for retirement shall be paid his accumulated member contributions upon written request filed with the plan administrator ~~board of trustees~~.

(b) If an individual dies and no pension becomes or will become payable by the retirement system on account of the death, the deceased individual's accumulated member contributions shall be paid to such individual or individuals as the deceased individual shall have named by written designation duly executed and filed with the board. If there is no such named individual surviving the deceased individual, the accumulated member contributions shall be paid to the deceased individual's estate.

(c) Payment of accumulated contributions as provided in this section may be made in installments."

Section 9. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-69, to read as follows:

"**Sec. 82-69. Administrative expenses.**

The administrative expenses of the retirement system shall be borne by the plan, and allocated to each employee benefit group in proportion to the assets attributable to each group as of the end of the most recent plan year. ~~with those generated by the boards or for the benefit of the employee groups allocated to such boards or employee groups~~."

Section 10. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-70, to read as follows:

"**Sec. 82-70. Assignments prohibited.**

(a) The right of an individual to a pension, to the return of accumulated contributions, the pension itself, any optional benefit, any other right accrued or accruing to any individual under the provisions of the retirement system, and any moneys belonging to the retirement system shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process or law whatsoever, and shall be unassignable, except as is otherwise specifically provided in this section.

(b) If a member is covered by a group insurance or prepayment plan participated in by the town, and should the member be permitted to and elect to continue such coverage as a retirant, the member may authorize the relevant board of trustees to have deducted from his pension the payments, if any, required of the retirant to continue coverage under such group insurance or prepayment plan. The town shall have the right of setoff for any claim arising from embezzlement or fraud by a member, retirant or beneficiary, unless prohibited by law ~~chapter 175 or chapter 185~~."

Section 11 The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-72, to read as follows:

"**Sec. 82-72. Rollover distributions.**

(a) *General.* Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this subsection, a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) *Definitions.*

(1) *Eligible rollover distribution.* An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Internal Revenue Code ("code"); and the portion of any distribution that is not includible in gross income. Any portion of any distribution which would be includible in gross income will be an eligible rollover distribution if the distribution is made to an individual retirement account described in code section 408(a), to an individual retirement annuity described in code section 408(b) or to a qualified defined contribution plan described in code section 401(a) or 403(a) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is not so includible.

(2) *Eligible retirement plan.* An eligible retirement plan is an individual retirement account described in section 408(a) of the code, an individual retirement annuity described in section 408(b) of the code, an annuity plan described in section 403(a) of the code, an eligible deferred compensation plan described in section 457(b) of the code which is maintained by an eligible employer described in section 457(e)(1)(A) of the code and which agrees to separately account for amounts transferred into such plan from this plan, an annuity contract described in section 403(b) of the code, or a qualified trust described in section 401(a) of the code, that accepts the distributee's eligible rollover distribution. This definition shall also apply in the case of an eligible rollover distribution to the surviving spouse.

(3) *Distributee.* A distributee includes a member or former member. In addition, the member's or former member's surviving spouse is a distributee with regard to the interest of the spouse.

(4) *Direct rollover.* A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee, or a payment to the plan from an eligible retirement plan for the purchase of credited service under the plan."

Section 12. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-73, to read as follows:

"**Sec. 82-73. Method of making payments.**

All payments from moneys of the retirement system shall be made according to procedures governing the disbursement of town general fund moneys. No payment shall be made unless it shall have been previously authorized by a specific or continuing resolution of ~~one of~~ the board~~s~~ of trustees. Benefits shall accrue from the day following the date of retirement, death, or disability and shall be payable monthly."

Section 13. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision II, Reserve Accounts; Section 82-80, to read as follows:

"**Sec. 82-80. Reserve for member contributions.**

(a) The reserve for member contributions is the account in which is accumulated the contributions deducted from the compensation of members, or otherwise paid to the retirement system by the member or on the member's behalf, and from which shall be made refunds and transfers of accumulated member contributions.

(b) For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to Section 82-54, and who were employed by the Town and not participating in the DROP on that date, their contribution rate both before and after May 1, 2012 shall be 7.21% for benefit group lifeguard, 6.98% for benefit group police officer, 6.82% for benefit group firefighter, and 6.47% for benefit group general.

(~~b~~c) For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to Section 82-54, ~~M~~member contributions to the retirement system shall be at the applicable following rates:

Benefit Group	Contribution Rate (percent) Before May 1, 2012	Contribution Rate (percent) On and After May 1, 2012
Benefit group general – hired before May 1, 1992	6.47	4.47
Benefit group general – hired on or after May 1, 1992	6.47	2.47
Benefit group firefighter	6.82	4.82
Benefit group police officer	6.98	4.98
Benefit group lifeguard – hired before May 1, 1992	7.21	5.21
Benefit group lifeguard – hired on or after May 1, 1992	7.21	3.21

(~~c~~d) The individual responsible for preparing the town payroll shall cause the contributions provided for in subsection (b) of this section to be deducted from the compensation of each member on each payroll. The deducted contributions shall be paid to the retirement system and shall be credited to the member's individual accounts in the reserve for member contributions. Member's contributions shall be made notwithstanding that the minimum compensation provided by law for any member shall be changed thereby. Every member shall be deemed to consent and agree to the deductions made and provided herein. Payment of compensation, less the deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered by the member during the period covered by such payment, except as to benefits provided by the retirement system.

(~~d~~e) The accumulated contributions of a member shall be transferred from the reserve for member contributions to the reserve for retired benefit payments upon a member's retirement or death. At the expiration of a period of four years from the date an individual without entitlement to a vested termination pension provided in section 82-94, 82-114, or 82-134 ceases to be a member, any balance in the reserve for member contributions unclaimed by the individual or the individual's legal representative shall be transferred to the reserve for undistributed investment income. Provided, however, that a former firefighter member or a former police officer member may voluntarily leave his or her contributions in the fund for a period of five years after leaving the employ of the town, pending the possibility of being rehired by the same department, without losing credit for the time he or she has participated actively as a member. If such former member is not re-employed as such with the same department within five years, his or her contributions shall be returned without interest."

Section 14. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision II, Reserve Accounts; Section 82-83, to read as follows:

"**Sec. 82-83. Reserve for undistributed investment income.**

The reserve for undistributed investment income is the account to which is credited all interest, dividends and other income from the investment of retirement system assets; all gifts and bequests received by the retirement system; all unclaimed accumulated contributions and pensions; and all other moneys received by the retirement system the disposition of which is not specifically provided. There shall be transferred from the reserve for undistributed investment income all amounts required to credit interest to the reserve for member contributions, reserve for employer contributions, and the reserve for retired benefit payments. Whenever the board~~s~~ of trustees determines the balance in the reserve for undistributed investment income is more than sufficient to cover current charges to the account, the excess or any part thereof may be used to provide contingency reserves or to meet special requirements of the other reserve accounts of the retirement system~~; provided, however, that the reserves and accounts of each board of trustees shall not be commingled and no transfer shall be made to the reserves or accounts of another board~~. Whenever the balance in the reserve for undistributed investment income is insufficient to meet the current charges to the account, the amount of the insufficiency shall be transferred from the reserve for employer contributions."

Section 15. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision II, Reserve Accounts, by deleting Sections 82-85 and 82-86 in their entirety.

~~**Sec. 82-85. Plans and assets segregated.**~~

~~The plan, money or assets for the benefit of benefit groups shall be segregated from those of other benefit groups (except benefit group general and benefit group lifeguard, which shall be commingled), and the segregation, investment, safekeeping and disbursement of such money or assets shall be the responsibility of the trustees of the relevant boards.~~

~~**Sec. 82-86. Chapters 175 and 185, Florida Statutes.**~~

~~If any terms or conditions of this chapter applicable to the firefighter board, benefit group firefighter, or the police officer board, benefit group police officer, are inconsistent with F.S. chs. 175 or 185, as amended from time to time, F.S. chs. 175 and 185, as amended from time to time, shall control.~~

Section 16. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; by deleting Sections 82-90, 82-91, 82-92 and 82-93 in their entirety.

~~**Sec. 82-90. Firefighter board of trustees.**~~

~~(a) The firefighter board of trustees (the "firefighter board" or the "board") shall consist of the following individuals:~~

~~(1) Two members covered by benefit group firefighter, to be elected by members of that benefit group.~~

~~(2) Two legal residents of the town, to be appointed by the town council.~~

~~(3) The fifth member of the firefighter board shall be chosen by a majority of the previous four members and such person's name shall be submitted to the town council which, as a ministerial duty, shall appoint such person to the firefighter board as its fifth member.~~

~~(b) Elections of member trustees shall be held in accordance with rules adopted by the firefighter board and with F.S. ch. 175.~~

~~(c) The firefighter board shall meet at least bi-monthly, shall adopt its own rules of procedure and shall keep records of its proceedings. Three trustees shall constitute a quorum at any meeting of the board, and at least three concurring votes shall be necessary for a decision by the board. Each trustee shall be entitled to one vote on each question before the board. The trustees shall not receive any compensation but may receive expenses and per diem as provided by state law.~~

~~(d) The firefighter board shall be a legal entity with, in addition to other powers and responsibilities contained herein and the powers and responsibilities set forth in F.S. ch. 175, the power to bring and defend lawsuits of every kind, nature and description, and to administer separate plans for the benefit of its members and retirants.~~

~~(e) If a claim for benefits is denied by the firefighter board, the claimant shall be notified of the denial, in writing, within 30 days of the board's action. The notification shall set forth the reasons~~

~~for denial. The claimant may appeal the denial and request a hearing before the board. The appeal shall be in writing to the town clerk and filed within 90 days of the board's denial. The request shall contain a written statement of the claimant's position regarding the claim. The board shall schedule a hearing within 60 days of receipt of the appeal.~~

~~Sec. 82-91. Term of office; oath of office; vacancy.~~

~~(a) The regular term of office of member-elected trustees of the firefighter board and appointed trustees shall be two years and they may succeed themselves in office.~~

~~(b) Each trustee shall, before assuming the duties of trustee, qualify by taking an oath of office to be administered by the town clerk.~~

~~(c) A vacancy shall occur on the firefighter board if:~~

~~(1) A member-elected trustee ceases to be a member of benefit group firefighter;~~

~~(2) Any member-elected trustee or the fifth member of the firefighter board fails to attend three consecutive meetings of the firefighter board unless in each case excused for cause by the trustees attending the meeting;~~

~~(3) Any town citizen or legal resident appointed by the town council fails to remain such; and~~

~~(4) Any trustee resigns or is removed from office.~~

~~(d) If a vacancy occurs on the firefighter board, the vacancy shall be filled within 30 days, for the unexpired term, in the same manner as the position was previously filled.~~

~~Sec. 82-92. Officers, administrative services.~~

~~The officers and employed services of the firefighter board shall be as follows:~~

~~(1) *Chair.* The firefighter board shall annually elect a chair and a chair pro term from its members.~~

~~(2) *Secretary.* The firefighter board shall annually elect a secretary from among its members.~~

~~(3) *Finance director and treasurer.* The town finance director and treasurer shall be finance director and treasurer of the firefighter board, unless the firefighter board delegates such authority to a plan administrator. The assets, other than operating accounts, shall be placed in the custody of a nationally chartered bank or trust company. The board may appoint a plan administrator to administer the operating accounts at the fund's expense.~~

~~(4) *Legal advisor.* The firefighter board may employ legal counsel at the fund's expense.~~

~~(5) *Actuary.* The firefighter board shall appoint and compensate an actuary who shall be the technical advisor to the board regarding the operation of the retirement system on an actuarial basis, and who shall perform such services as are required in that connection. The term "actuary" as used in this article shall mean a member of the American Academy of Actuaries, or a person who has demonstrated an educational background necessary for the practice of actuarial science and has at least five years of relevant pension actuarial experience. A partnership or corporation may be appointed actuary if the duties of actuary are performed by or under the direct supervision of an individual who meets the preceding qualifications.~~

~~(6) *Services.* The firefighter board may employ such professional and other services as are required for the proper administration of the retirement system at the fund's expense.~~

~~(7) *Investment consultant.* The firefighter board shall employ an investment consultant at the fund's expense.~~

~~**Sec. 82-93. Investment limitations.**~~

~~Upon consultation with its investment advisors and staff, the board may exceed the limitations on investments in common stock and capital stock specified in F.S. ch. 175.~~

Section 17. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; Section 82-94, to read as follows:

"**Sec. 82-94. Retirement age and service conditions for firefighters.**

(a) A firefighter may retire upon satisfaction of each of the following requirements:

(1) The firefighter has filed written application for retirement with the board setting forth the date, not less than 30 days nor more than 120 days subsequent to the execution and filing thereof, retirement is to be effective.

(2) Unless the firefighter is an applicant for a DROP, the firefighter terminates all town employment prior to the date retirement is to be effective.

(3) The firefighter has met an applicable age and service condition for retirement.

(b) The age and service conditions for normal retirement are as follows:

1. Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining ~~the firefighter has attained~~ age 50 with ~~years or older and has~~ ten or more years of credited service; or when the ~~firefighter's~~ member's age to last completed month plus credited service totals 65 years or more and the member ~~individual~~has ten or more years of credited service; or when the member ~~firefighter~~has 20 or more years of credited service.

2. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50, or when the member's age to last completed month plus credited service totals 65 years or more, or upon completion of 20 years of credited service regardless of age, and upon such retirement shall be eligible to receive the frozen accrued benefit based on credited service and average final compensation on April 30, 2012. Such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 65 with ten or more years of credited service.

3. Members hired on or after May 1, 2012, shall be eligible for normal retirement upon attaining age 65 with ten or more years of credited service."

Section 18. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; Section 82-95, to read as follows:

"**Sec. 82-95. Amount of pension - firefighters.**

(a) The amount of a member's or a vested former member's pension under the standard form of payment shall be equal to the sum of separately determined amounts for which the individual has credited service in force, and in no event shall the amount of a member's or a vested former member's pension under the standard form of payment be less than $1,200.00 per annum.

(b) The amount of pension attributable to a member who has credited service under another benefit group shall be the amount determined by calculating credited service in this benefit group plus the amount determined by calculating credited service in such other benefit group.

(c) The benefit formula for firefighters is:

1. For pension payments payable after October 1, 2005 to firefighters who were actively employed on and after October 1, 2005 and who retired, entered the DROP, or terminated employment with 10 or more years of credited service prior to May 1, 2012, and to firefighters who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the benefit formula shall be~~such date,~~ average final compensation multiplied by the sum of 3.5 percent of credited service to a maximum of 87.5 percent, plus two percent of average final compensation for credited service, if any, in excess of 43.75 years. The standard form of payment for such benefit shall be life and ten years certain (i.e., ~~Provided further that,~~ unless a retirant chooses an optional form of payment under section 82-96, payments for the benefit of a retirant who dies within ten years of retirement shall continue to the retirant's designated beneficiary until the tenth anniversary of the retirant's retirement date.

2. For firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the benefit formula shall be 3.5 percent of average final compensation on April 30, 2012, multiplied by credited service on that date. The accrued benefit of all such firefighters shall be frozen on May 1, 2012. The standard form of payment for the frozen accrued benefit shall be life and ten years certain.

3. For credited service on and after May 1, 2012, except as such service may be credited to members who qualify under Section 82-95 (c) 1 above, the benefit formula shall be 1.25 percent of average final compensation multiplied by years of credited service on and after that date. The standard form of payment for benefits based on credited service on and after May 1, 2012 shall be a straight life annuity, payable for the member's lifetime.

4. Firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on May 1, 2012 shall, upon retirement, be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service prior to May 1, 2012, payable upon entry into the DROP or termination of employment and attaining eligibility for receipt of retirement benefits under the provisions of

the system in effect on April 30 2012 and ; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable upon attaining age 65 with 10 or more years of credited service and entry into the DROP or termination of employment."

Section 19. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; Section 82-96, to read as follows:

"**Sec. 82-96. Optional forms of payment of a pension for firefighters.**

(a) Firefighters who terminated employment with 10 or more years of credited service prior to May 1, 2012, and firefighters who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, ~~A member or vested member~~ may elect to be paid under one of the following optional forms of payment. The election shall be in writing and filed with the board prior to the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made.

(1) *Optional form of payment A100--100 percent survivor pension.* Under optional form of payment A100, a retirant is paid a reduced pension for life. Upon the retirant's death the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a percentage of the amount of pension under the standard form of payment (SL). The percentage is 80 percent if the retirant and designated beneficiary are the same age on their last birthdays. The 80 percent is reduced by 0.5 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 60 percent for differences in age of 40 or more years. The 80 percent is increased by 0.5 percent for each year the age of the designated beneficiary exceeds the age of the retired member, to a maximum of 90 percent for differences in age of 20 or more years.

(2) *Optional form of payment A50--50 percent survivor pension.* Under optional form of payment A50, a retirant is paid a reduced pension for life. Upon the retirant's death, 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a percentage of the amount of pension under the standard form of payment. The latter percentage is 90 percent if the retirant and designated beneficiary are the same age at their last birthdays. The 90 percent is reduced by 0.25 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 80 percent for differences in age of 40 or more years. The 90 percent is increased by 0.25 percent for each year the age of the designated beneficiary exceeds the age of the retired member, to a maximum of 95 percent for differences in age of 20 or more years.

(3) *Form of payment (SL)--Straight life pension.* Under form of payment (SL) the retirant is paid a pension for life. The (SL) payment amount is an increased amount based on the actuarial equivalent of the life with ten-year guarantee standard form of payment computed pursuant to section 82-95(c).

(4) Such members may also elect to receive the following optional benefit forms:

a. *A75--75 percent survivor pension.* Under optional form of payment A75, a retirant is paid a reduced pension for life. Upon the retirant's death, 75 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary, or upon the tenth anniversary of the retirant's retirement date, if later. The amount of the reduced pension is based on the actuarial equivalent of the standard form of payment.

b. *A66-2/3--66 2/3 percent survivor pension.* Under optional form of payment A66-2/3, a retirant is paid a reduced pension for life. Upon the retirant's death, 66 2/3 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary, or upon the tenth anniversary of the retirant's retirement date, if later. The amount of the reduced pension is based on the actuarial equivalent of the standard form of payment.

(b) Firefighters who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on May 1, 2012, may elect to receive the frozen accrued benefit based on credited service prior to May 1, 2012 under one of the following optional forms of payment. The election shall be in writing and filed with the board prior to the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made.

(1) *Optional form of payment A100--100 percent survivor pension.* Under optional form of payment A100, a retirant is paid a reduced pension for life. Upon the retirant's death the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a percentage of the amount of pension under the standard form of payment (SL). The percentage is 80 percent if the retirant and designated beneficiary are the same age on their last birthdays. The 80 percent is reduced by 0.5 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 60 percent for differences in age of 40 or more years. The 80 percent is increased by 0.5 percent for each year the age of the designated beneficiary exceeds the age of the retired member, to a maximum of 90 percent for differences in age of 20 or more years.

(2) *Optional form of payment A50--50 percent survivor pension.* Under optional form of payment A50, a retirant is paid a reduced pension for life. Upon the retirant's death, 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a percentage of the amount of pension under the standard form of payment. The latter percentage is 90 percent if the retirant and designated beneficiary are the same age at their last birthdays. The 90 percent is reduced by 0.25 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 80 percent for differences in age of 40 or

more years. The 90 percent is increased by 0.25 percent for each year the age of the designated beneficiary exceeds the age of the retired member, to a maximum of 95 percent for differences in age of 20 or more years.

(3) *Form of payment (SL)--Straight life pension.* Under form of payment (SL) the retirant is paid a pension for life. The (SL) payment amount is an increased amount based on the actuarial equivalent of the life with ten-year guarantee standard form of payment computed pursuant to section 82-95(c).

(4) *A75--75 percent survivor pension.* Under optional form of payment A75, a retirant is paid a reduced pension for life. Upon the retirant's death, 75 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary, or upon the tenth anniversary of the retirant's retirement date, if later. The amount of the reduced pension is based on the actuarial equivalent of the standard form of payment.

(5) *A66-2/3--66 2/3 percent survivor pension.* Under optional form of payment A66-2/3, a retirant is paid a reduced pension for life. Upon the retirant's death, 66 2/3 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary, or upon the tenth anniversary of the retirant's retirement date, if later. The amount of the reduced pension is based on the actuarial equivalent of the standard form of payment.

(c) A firefighter may elect to receive the accrued benefit based on credited service on and after May 1, 2012 as follows: the member may elect to receive a reduced pension for life, and upon the retirant's death 100 percent, 75 percent, 66 and 2/3 percent or 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of the reduced pension payable to the retirant shall reflect an actuarial reduction in the standard form of payment based on the age of the member and the age of the beneficiary, such that the total value of the benefit payable to the retirant and beneficiary is actuarially equivalent to the standard form of payment to the retirant. The election of an optional form of payment under this subsection (c) must be in writing and filed with the board prior to the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made."

Section 20. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; by deleting Section 82-97 in its entirety.

~~**Sec. 82-97. Supplemental pension distributions.**~~

~~(a) The board of trustees may annually authorize supplemental pension distributions to eligible persons, the amount of which shall be determined as of each September 30, beginning September 30, 2001. The amount of the supplemental pension distribution of an eligible person will be determined as follows:~~

~~(1) The amount shall be equal to the total eligible persons from benefit group firefighter, divided into the positive amount of investment return, if any, earned during the fiscal year ending September 30 on the reserve for retired benefit payment assets of benefit group firefighter which exceeds eight percent but does not exceed ten percent.~~

~~(2) The board shall determine whether there may be a supplemental pension distribution based on the following factors:~~

~~a. The actuary or plan administrator shall determine the rates of investment return during the fiscal year ending each September 30. The rates determined shall be the rate reported on the most recent actuarial reports submitted pursuant to F.S. ch. 112, pt. VII.~~

~~b. The actuary or plan administrator shall, as of September 30, determine the amount, if any, of investment return which, after expenses, exceeds eight percent of the reserve for retired benefit payment assets but does not exceed ten percent of such assets.~~

~~(3) If the investment return on these assets is less than eight percent, such amounts shall be carried forward to be charged against calculations of supplemental pension distributions during the next year and shall continue to carry forward until such carry forwards are offset by investment returns exceeding eight percent. If the net experiences are unfavorable, cumulatively, commencing with the experience for the year ended September 30, 2001, and thereafter, no supplemental distributions may be made until the net experiences are favorable, and the town must amortize the losses until it is offset by cumulative favorable experiences. If the next experience is favorable, cumulatively, commencing with the experience for the year ending September 30, 2001, after offset for all prior supplemental pension distributions, the supplemental pension distributions may be made to eligible persons of the benefit group.~~

~~If a supplemental pension distribution report or reports is or are not state accepted prior to distributions, and if a deficiency to the fund results, the deficiency shall be made up by withholding and charging such deficiency against the next available supplemental pension distribution, unless sooner made up by agreement between the board and the town. No such deficiency shall be permitted to continue for a period greater than three years from the date of payment of a supplemental distribution which resulted in a deficiency.~~

~~(b) If the actuary or plan administrator determines that there may be a supplemental distribution, then the board of trustees shall authorize supplemental pension distributions unless the administrative expenses of distribution exceed the amount available for the distribution, in which event, no distribution may be authorized or made.~~

~~(c) "Eligible persons" are:~~

~~(1) Retirants;~~

~~(2) Surviving spouses;~~

~~(3) Surviving dependent children of retirants; and~~

~~(4) Retirants' estates.~~

~~(d) The supplemental pension distribution, if any, shall be made on or about May 1 annually. Eligible persons retired for less than one year are entitled to a prorata share of their supplemental pension distribution based on the number of months retired. A retirant's estate is entitled to a~~

~~prorata share of the deceased retirant's supplemental pension distribution based on the number of months that the deceased retirant received a pension during the year ending the September 30 prior to the retirant's death.~~

~~(e) Supplemental pension distributions payable to eligible persons who are participants in the DROP at the time of payment shall be added to such eligible person's DROP account.~~

~~(f) Supplemental pension distributions to beneficiaries of deceased retirants shall have their supplemental pension distributions reduced in the same proportion as are their pension payments.~~

Section 21. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; Section 82-98, to read as follows:

"Sec. 82-98. Chapter 175 share accounts.

(a) *Individual member accounts.* A separate individual member account shall be established and maintained in each group firefighter member's name effective on or after October 1, 1998. Firefighter DROP participants shall participate or continue to participate in this supplemental plan and the accounts for such participants shall be treated as individual member accounts under this section 82-98.

(b) *Share account funding.*

(1) Each individual member account shall be credited with a share in accordance with the formula set forth in subsection (3) below of all available tax revenues received from F.S. ch. 175, from October 1, 1998, and thereafter.

(2) Available tax revenues shall be those moneys received pursuant to F.S. ch. 175, which, according to the board actuary, have not been otherwise committed for benefits for members. Notwithstanding any other provision of this section 82-98, in the event there are no available tax revenues or no monies received pursuant to F.S. ch. 175 after May 1, 2012, the then-existing member share accounts shall be administered by the board in accordance with this section 82-98, except that there shall be no annual allocations of ch. 175 tax revenues to the existing member accounts. No new member accounts shall be established on or after May 1, 2012.

(3) In addition, any forfeitures as provided in subsection (e) below shall be credited to the individual member accounts in like manner.

(c) *Annual allocation of accounts.*

(1) Moneys shall be credited to each individual member account in an amount directly proportionate to the number of pay periods for which the member or DROP participant was paid compared to the total number of pay periods for which all members and DROP participants were paid, counting the pay periods in the calendar year preceding the date for which F.S. ch. 175, tax revenues were received.

(2) Upon receipt of the annual disbursement of tax revenues from F.S. ch. 175 each individual member account shall be adjusted to reflect the earnings or losses resulting from investment, as well as reflecting costs, fees and expenses of administration.

(3) Until a member becomes vested, the investment earnings or losses credited to or debited from the individual member accounts shall be in the same percentage as are earned or lost by the

total investment earnings or losses of the retirement plan for benefit group firefighter members as a whole as reported by the fund's investment monitor/consultant less administrative expenses, unless the board dedicates a separate investment portfolio for F.S. ch. 175, share accounts, in which case the investment earnings or losses shall be measured by the investment earnings or losses of the separate investment portfolio. Once vested, a member may, on a semi-annual basis, chose for his/her share account assets to be invested in the system investment method or the self-directed investment method. The board shall by policy establish the procedure for such elections. The two investment methods are:

a. *The system investment method.* The share accounts shall accrue in the retirement system on behalf of the member, plus earnings (losses) at the rate of investment return earned (or lost) on pension fund assets as reported by the fund's investment monitor/consultant for the period that the share account assets remain in the plan. Earnings are credited on a quarterly basis. Share account assets are commingled with the pension fund assets for investment purposes and are subject to payment of prorata share of the fund's administrative expenses.

b. *The self-directed investment method.* For members who are vested in the share account benefit on or after May 12, 2009, each member shall have an individual investment account to which his or her share account benefits shall be transferred. The board shall select a third-party administrator or provider for this purpose. After such selection, each member shall direct the manner in which the amounts in his or her individual investment account shall be invested from an array of options selected by the board. The assets invested in the self-directed method are subject to the administrative and investment management fees assessed by the third-party administrator or provider.

(4) Costs, fees, and expenses of administration shall be debited from the individual member accounts on a proportionate basis, taking the cost, fees, and expenses of administration of the retirement system for firefighter members as a whole, multiplied by a fraction, the numerator of which is the total assets in all individual member accounts and the denominator of which is the total assets of the fund as a whole. The proportionate share of the costs, fees, and expenses shall be debited from each individual member account on a pro rata basis in the same manner as set forth in subsection (3)a.

(5) If the entire balance of an individual member account is withdrawn before September 30 of any year, there will be no adjustment made to that individual member account to reflect either investment earnings, losses, costs, fees, or expenses of administration.

(d) *Eligibility for benefits.* Any member or DROP participant who terminates employment shall, upon application filed with the ~~firefighter~~ board, be entitled to be paid 100 percent of the value of his individual member account, provided the member meets any of the following criteria:

(1) The member is eligible to receive a pension; or

(2) The member has ten or more years of credited service and is eligible to receive either:

a. A disability pension as provided in section 82-100; or

b. A duty disability pension as provided in section 82-101.

(e) *Forfeitures.* Any member who has less than ten years of credited service and who is not eligible for payment of benefits after termination of employment credited service shall forfeit his or her individual member account. The amounts credited to said individual member account shall be redistributed to the other individual member accounts as set forth in subsection (c)(1) above.

(f) *Payment of benefits.* The normal form of benefit payment shall be a lump sum payment of the entire balance of the individual member account: or, upon the written election of the member or DROP participant, upon a form prescribed by the board, payment may be made either over three years in annual installments or in the form of a monthly annuity.

(g) *Death of a member.* If a member or DROP participant dies and is eligible for benefits from the individual member account, the entire balance of the individual member account shall be paid in a lump sum to the member's beneficiaries.

(h) *Rollovers from qualified plans.* A member of benefit group firefighter may roll over all or part of his or her assets in another qualified plan to his or her chapter share account provided all of the following requirements are met:

(1) Some or all of the amount distributed from the other plan is rolled over to this plan no later than the 60th day after distribution was made from such plan or, if distributions are made in installments, no later than the 60th day after the last distribution was made.

(2) The amount rolled over to the share account does not include any amounts contributed by the member to such plan on a post-tax basis.

(3) The rollover is made in cash.

(4) The member certifies that the distribution is eligible for a rollover.

(5) Amounts which are accepted as a rollover to this retirement system shall, along with any earnings allocated to the share account, be fully vested at all times.

The rollover may also be made to a member's individual share account from individual retirement accounts qualified under Internal Revenue Code section 408 when the individual retirement account was merely used as a conduit for funds from another qualified plan and the rollover is made in accordance with the rules provided in subsections (1)--(5) above. Amounts rolled over may be segregated from other retirement plan assets. The ~~firefighter~~ board shall separately account for gains, losses, and administrative expenses on rollovers. In addition, the retirement system may accept the direct transfer of a member's benefits from another qualified retirement plan. The retirement system shall account for direct transfers in the same manner as a rollover and shall obtain certification from the member that the amounts are eligible for a rollover or direct transfer to this retirement system.

(i) *Administration and Interpretation.* The share accounts shall be administered by a third-party administrator as directed by the ~~firefighter~~ board. The expense of such third-party administrator shall be paid from employee accounts~~moneys received pursuant to F.S. ch. 175~~. Interpretation of this part by such administrator or administrators shall be resolved as directed by the ~~firefighter~~ board."

Section 22. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; Section 82-99, to read as follows:

"Sec. 82-99. Deferred retirement option program for firefighters.

(a) *Generally.* In general, and subject to the provisions of this section, the deferred retirement option program, hereinafter referred to as the DROP, is a program under which an eligible firefighter~~member of the retirement system~~ may elect to retire, participate, and become a retirant of the retirement system, deferring receipt of retirement benefits while continuing employment credited service. For members who are DROP participants or have entered the DROP after May 12, 2009, a member may, on a semi-annual basis, chose for his/her DROP account assets to be invested in the system investment method or the self-directed investment method. The board shall by~~e~~ policy establish the procedure for such elections. The two investment methods are:

(1) The system investment method. The deferred monthly benefits of a DROP participant shall accrue in the retirement system on behalf of the DROP participant, plus earnings (losses) at the rate of investment return earned (or lost) on pension fund assets as reported by the fund's investment monitor/consultant during the period of DROP participation. Earnings are credited on a quarterly basis. DROP assets are commingled with the pension fund assets for investment purposes and are subject to payment of pro-rata share of the fund's administrative expenses.

(2) The self-directed investment method. For members entering the DROP after May 12, 2009, each DROP participant may choose to have a self directed individual investment account to which his or her monthly benefits shall be transferred. The board shall select a third-party administrator or provider for this purpose. After such selection, each participant shall direct the manner in which the amounts in his or her self-directed individual investment account shall be invested from an array of options selected by the board. DROP assets invested under the self-directed investment method shall receive DROP statements as prepared and distributed by the third party administrator or provider. The assets invested in the self-directed method are subject to the administrative and investment management fees assessed by the third-party administrator or provider.

(3) During the period of DROP participation, neither the town nor the DROP participant is obligated to make additional contributions to the retirement system on behalf of the DROP participant. Upon termination of employment and participation in the DROP, the DROP participant shall receive his or her total DROP benefits and begin to receive his or her previously determined normal retirement benefits. Employment while participating in the DROP does not guarantee employment for any specified period. A DROP participant is a retirant of the retirement system.

(b) *Eligibility of member to participate in the DROP.* Retirement system members are eligible to elect participation in the DROP provided that they elect to retire and provided that:

(1) Election to participate may be made when the member first reaches normal retirement date or age, as follows:.

a. Members who were employed by the town and not participating in the DROP on May 1, 2012 shall be eligible to participate in the DROP upon attaining age 50; or the date on which the member's age to last completed month plus credited service totals 65 years or more; or 20 years of credited service regardless of age. Upon entry into the DROP the benefit payable to such member's DROP account shall be the frozen accrued benefit based on credited service prior to

May 1, 2012. The accrued benefit based on credited service on and after May 1, 2012 shall be payable to the member's DROP account, or directly to the member if DROP participation has ceased, upon attaining age 65.~~, or for a member who first reached normal retirement date or age prior to the effective date of the ordinance from which this section is derived, election to participate may be made within 84 months of the effective date of the ordinance from which this section is derived; provided, however,a~~ Such member who fails to make an election within 84 months after the member has 20 years of credited service shall forfeit all rights to participate in the DROP.

b. Members hired on or after May 1, 2012 shall be eligible to participate in the DROP upon attaining age 65 with 10 or more years of service

(2) There is no break in service to the town between the member's last working day as an employee and first day as a retirant and DROP participant.

(c) *Participation in the DROP.*

(1) The date on which participation in the DROP must terminate is within 120 months of the commencement of the election period provided in subsection (b)(1) of this section. Participation in the DROP may not exceed a maximum of 60 months. No DROP participant may continue to be eligible to participate in the DROP for more than 60 months or for any time after 120 months following the date on which the member first reaches normal retirement age or date, unless the member first reached normal retirement age or date prior to the effective date of the ordinance from which this section derives.

(2) *Submission of required information.* Upon electing to participate in the DROP, the member shall submit on forms required by the retirement system and/or the third-party administrator:

a. A written election to retire;

b. A written election to participate in the DROP;

c. An irrevocable resignation from service to the town and withdrawal from the DROP effective after no more than 60 months participation in the DROP;

d. A properly completed DROP application for service retirement as provided in this section; and

e. Any other information required by the retirement system or by the third-party administrator.

(3) *Re-employed retirants.* Re-employed retirants of the town's retirement system are not eligible to participate in DROP.

(d) *Compensation for work performed while participating in* ~~*Benefits payable under*~~ *the DROP.* Starting pay shall be at the base pay rate in effect on the employee's last working day of employment, prior to participation in the DROP. Job performance will be evaluated under the town's pay for performance system, and performance pay increases will be permitted as established by town policy. General pay increases shall also be awarded, as approved by the town council and the town manager. Performance pay increases and general pay increases

awarded to DROP participants will be reflected in their salary but will not be reflected in pension payments made to DROP accounts or made after DROP participation.

(1) Effective with the date of DROP participation, the member's initial normal monthly pension benefit, calculated in accordance with section 82-95 and based on creditable service and average final compensation and the effective date of retirement, shall be fixed. Retirement system amendments which become effective after the establishment date of participation in the DROP will not be applicable to the DROP participant, unless so stated by the amendment. The monthly pension benefit (minus any reduction as determined by the board of trustees as provided by subsection (h) of this section), cost of living adjustments, interest and earnings thereon, if any, shall accrue monthly in the retirement system or the individual investment account as applicable. Interest under the system investment method only shall accrue at an effective annual rate to be determined hereunder as set forth in subsection (h) of this section, and will be compounded monthly, on the prior month's accumulated ending balance, up to the month of termination of the DROP or death.

(2) The monthly pension benefits payable to the DROP (minus any reduction as determined by the board of trustees as provided by subsection (h)) and interest thereon, if any, shall continue to accrue in the DROP until the established termination date of the DROP, or until the DROP participant terminates employment or dies prior to such date. For DROP participants who are invested under the system investment method described above in subsection (a)(1), a separate accounting of each DROP participant's accrued benefits under the DROP shall be calculated and provided to DROP participants at least quarterly. DROP assets invested under the self-directed investment method shall receive DROP statements as prepared and distributed by the third party administrator or provider.

(3) Employee benefits, other than benefits under the retirement system, which are normally granted to employees, will be provided to DROP participants. Such DROP participants are not members of the retirement system.

(4) At the conclusion of the participant's DROP, any credits made to a DROP participant's account will cease. Membership in the DROP will automatically terminate 60 months after the effective date of participation in the DROP, except as provided in subsection (c)(1) above. DROP participants may elect to discontinue membership in the DROP at any time, provided a two-week written notice of termination of employment has been submitted to the town and notice has been submitted to the plan administrator and the third-party administrator.

(5) At the conclusion of the participant's DROP, participants in the self-directed investment method shall exercise such options as provided by the third-party administrator's plan; or for participants in the system investment method, the retirement system may distribute the participant's total accumulated DROP benefits, subject to the following provisions:

a. The retirement system shall receive verification that such DROP participant has terminated membership in the DROP.

b. The terminated DROP participant, or if deceased, such DROP participant's named beneficiary, shall elect on forms provided by the retirement system to receive payment of the DROP benefits in accordance with one of the options listed below.

1. *Lump sum.* All accrued DROP benefits, plus interest and earnings, if any, less withholding taxes remitted to the United States Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.

2. *Direct rollover.* All accrued DROP benefits, plus interest and earnings, if any, shall be paid from the DROP directly to the custodian of an eligible retirement plan as defined in section 402(c)(8)(B) of the United States Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased DROP participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in section 402(c)(9) of the United States Internal Revenue Code.

3. *Partial lump sum.* A portion of the accrued DROP benefits shall be paid to the DROP participant or surviving spouse, less withholding taxes remitted to the United States Internal Revenue Service, and the remaining DROP benefits shall be transferred directly to the custodian of an eligible retirement plan as defined in section 402(c)(8)(B) of the United States Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased DROP participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in section 402(c)(9) of the United States Internal Revenue Code. The proportions shall be specified by the DROP participant or surviving beneficiary.

c. The form of payment selected by the DROP participant or surviving beneficiary complies with the minimum distribution requirements of the United States Internal Revenue Code and payments begin no later than the date on which the participant reaches age 70 years and six months.

(6) The accrued benefits of any DROP participant, and any contributions accumulated under such program, shall not be subject to assignment, execution, attachment, or to any legal process whatsoever, except for income deduction orders and federal income tax levies.

(7) DROP participants shall not be eligible for disability retirement benefits as provided in sections 82-100 or 82-101. In the event a DROP participant becomes incapacitated for employment by the town as defined under sections 82-100 or 82-101, the DROP participation will terminate, and the former DROP participant will elect one of the alternatives under subsection (d)(5)b of this section.

(8) The effective date of retirement of a DROP participant shall be the day selected by the member to begin participation in the DROP.

(e) *Death benefits under the DROP.*

(1) Upon the death of a DROP participant, the named beneficiary shall be entitled to apply for and receive the accrued benefits in the DROP as provided under subsection (d)(5)b of this section.

(2) The pension benefit paid to the DROP during the month of a DROP participant's death shall be the final pension benefit credited for such DROP participant.

(3) Eligibility to participate in the DROP terminates upon the death of a DROP participant. If the DROP participant dies on or after the effective date of enrollment in the DROP, but prior to

the first monthly benefit being credited to the DROP, retirement system benefits shall be paid in accordance with section 82-103.

(4) A DROP participant's survivor shall not be eligible for retirement system death benefits as provided in section 82-104.

(f) *Cost of living adjustment.* The DROP participants' normal pension benefit shall be increased as provided in section 82-63(b).

(g) *Renewed membership.* Participants of the DROP will not be permitted to be members of the town's retirement system. Contributions that normally would be made by the employee and the town will not be paid into the retirement system upon an individual's election to participate in the DROP.

(h) *Administration of the program.* The board of trustees shall make such rules as are necessary for the effective and efficient administration of this subsection. The board of trustees shall not be required to advise participants of the federal tax consequences of an election related to the DROP but may advise participants to seek independent advice.

(1) The DROP will be cost-neutral to the town. To maintain the cost-neutral basis to the town, the earnings (losses) and any reduction in the DROP participants' monthly pension benefits payable to the DROP will be reviewed by the board of trustees from time to time as other actuarial assumptions are reviewed. All costs of the DROP and any increase or decrease in the cost of administering the DROP will be absorbed by:

a. A change of the or establishment of a reduction of the DROP participants' monthly pension benefits payable to the DROP; and/or

b. An increase in the fees charged by the third-party administrator to the individual investment accounts;

As determined by the board of trustees with approval by the town council.

(2) Administrative expenses shall be debited from the individual member accounts on a proportionate basis, taking the cost, fees, and expenses of administration of the fund as a whole, multiplied by a fraction, the numerator of which is the total assets in all individual member accounts and the denominator of which is the total assets of the fund as a whole.

(3) Notwithstanding any other provision of this section 82-99 or the Code, a member who receives any DROP benefits for the portion of their pension benefits earned on or after May 1, 2012 shall be an at-will employee for the entire DROP period."

Section 23. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; Section 82-100, to read as follows:

"Sec. 82-100. Firefighters: Disability retirement.

(a) Upon the application of a member or the member's department head, a firefighter~~member~~ who becomes incapacitated for employment by the town by reason of a personal injury or disease may be retired by the board of trustees subject to the following conditions:

(1) The member has ten or more years of credited service in force or was employed by the town and not participating in the DROP on May 1, 2012;

(2) The member is medically examined by a duly-qualified physician or surgeon selected by the ~~relevant~~ board of trustees for that purpose;

(3) The physician or surgeon certifies to the ~~firefighter~~ board that the member is wholly prevented from rendering useful and efficient service as a firefighter, and he is likely to remain so disabled continuously and permanently; and

(4) The board of trustees concurs with the certification of the physician or surgeon.

(b) Upon disability retirement, a member shall be paid a pension computed according to section 82-95, provided that the disability pension benefit payable to a member of the benefit group firefighter shall not be less than 30 percent of the member's average final compensation at the time of disability, which minimum amount shall be applicable for at least five years if the member attains such age for retirement less than five years after disability benefits commence.

(c) A member shall not be entitled to receive disability pension benefits if the disability is a result of:

(1) Excessive or habitual use of drugs, intoxicants or narcotics by the member;

(2) Injury or disease sustained by the member while willfully and illegally participating in fights, riots or civil insurrections, or while committing a crime;

(3) Injury or disease sustained by the member while serving in any armed forces;

(4) Injury or disease sustained by the member after his employment has terminated."

Section 24. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; Section 82-102, to read as follows:

"Sec. 82-102. Continuation subject to re-examination; return to employment; effect of gainful employment.

(a) The board of trustees may require a disability retirant to undergo periodic medical examination by or under the direction of a physician selected by the board of trustees if the disability retirant has not attained the age for retirement required in section 82-94. If a disability retirant refuses to submit to a medical examination, payment of the pension may be suspended by the board until withdrawal of the refusal. Should refusal continue for one year, all the disability retirant's rights in and to a disability pension may be revoked by the board. The terminated disability retirant may be restored to active employment credited service. A disability pension shall be discontinued if, following the medical examination, the physician certifies that the disability retirant is no longer disabled, and the board concurs in the certification of the physician. The town shall be allowed reasonable latitude in placing the terminated disability retirant in a position commensurate with the position held at time of disability retirement.

(b) A disability retirant who has been restored to employment credited service as provided in subsection (a) of this section shall again become a member of the retirement system if employed in a membership position. The disability retirant's credited service at time of retirement shall be restored to full force. Service shall be credited for the period the disability retirant was being

paid a disability pension, if the provisions of section 82-101 were applicable; otherwise credited service shall not be given for the period of disability retirement.

(c) A terminated disability retirant who does not return to town employment and who had ten or more years of credited service at time of disability retirement shall become a vested former member and entitled to deferred retirement as provided in section 82-58.

(d) ~~Except to the extent prohibited by F.S. ch. 175, i~~If a disability retirant is or becomes engaged in gainful occupation, business or employment, paying more than the difference between the retirant's average final compensation and the amount of pension, the disability pension shall be reduced to the amount of the difference. Should the retirant's earnings later change, the disability pension shall be adjusted. The limitation of this subsection shall apply until the retirant meets an age and service requirement for retirement as provided in section 82-94."

Section 25. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; Section 82-103, to read as follows:

"**Sec. 82-103. Firefighters: Death after retirement; automatic survivor pension to minor children and/or surviving spouse.**

(a) For members who retired or entered the DROP after September 30, 1995 and prior to May 1, 2012, members who terminated employment with 10 or more years of credited service prior to May 1, 2012, and members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, death benefits after retirement shall be payable as follows:

(1) Surviving children.

a.~~(1)~~ The surviving children of a deceased retirant shall be paid a pension terminating upon the attainment of age 18 or death, if the following conditions are satisfied:

1~~a~~. The retirant retired after September 30, 1995.

2~~b~~. A valid election of optional form of payment under section 82-105 is not in effect.

b.~~(2)~~ Payment of the pension shall be made for months beyond age 18 years, but not beyond the month in which age 25 is attained, if a pension payment would not otherwise be made for the month under the provisions of subsection (b) of this section.

c.~~(3)~~ The amount of each surviving child's pension is 25 percent of the retirant's pension at time of death, not to exceed an equal share of 75 percent of the retirant's pension when there are four or more surviving children being paid. Pension payments shall be made to the legal guardian of each child.

(2~~b~~) *Surviving spouse.* The surviving spouse of a deceased retirant shall be paid a pension terminating upon death. The amount of a surviving spouse's pension for a month is the difference, if any, between 75 percent of the retirant's pension and the aggregate amount paid to surviving children for the month.

(3e) *Ten year certain.* If a retirant dies within ten years of retirement, the total monthly payments due under subsection (a) and/or (b) above shall not be reduced from that which may have been due to the retirant until the tenth anniversary of the retirant's retirement date.

(b) For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, who were employed by the town and not participating in the DROP on that date, death benefits after retirement shall be payable as follows:

(1) Surviving children.

a. The surviving children of a deceased retirant shall be paid a pension terminating upon the attainment of age 18 or death, if the following conditions are satisfied:

1. The retirant was employed and not participating in the DROP on May 1, 2012 and retired thereafter.

2. A valid election of optional form of payment under section 82-105 is not in effect.

b. Payment of the pension shall be made for months beyond age 18 years, but not beyond the month in which age 25 is attained, if a pension payment would not otherwise be made for the month under the provisions of subsection (b) of this section.

c. The amount of each surviving child's pension is 25 percent of the retirant's pension based on the retirant's frozen accrued benefit as of May 1, 2012, not to exceed an equal share of 75 percent of the retirant's pension when there are four or more surviving children being paid. Pension payments shall be made to the legal guardian of each child.

(2) *Surviving spouse.* The surviving spouse of a deceased retirant shall be paid a pension terminating upon death. The amount of a surviving spouse's pension for a month is the difference, if any, between 75 percent of the retirant's pension based on the retirant's frozen accrued benefit as of May 1, 2012, and the aggregate amount paid to surviving children for the month.

(3) *Ten year certain.* If a retirant dies within ten years of retirement, the total monthly payments due under subsection (a) and/or (b) above shall not be reduced from that which may have been due to the retirant until the tenth anniversary of the retirant's retirement date.

(c) Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or after May 1, 2012, may elect an optional form of benefit pursuant to section 82-96(c) for benefits based on credited service on and after May 1, 2012, but there shall be no automatic survivor pension for death after retirement based on such credited service on and after May 1, 2012."

Section 26. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; Section 82-104, to read as follows:

"Sec. 82-104. Firefighters: Death while an employee of the town; automatic survivor pension to minor children and/or spouse.

(a) *Surviving children.*

(1) The surviving children of a deceased member shall be paid a pension terminating upon the attainment of age 18 or death if the following conditions are satisfied:

a. The member has ten or more years of credited service, or was employed by the Town and not participating in the DROP on May 1, 2012, and dies while in the employ of the town ~~after September 30, 1995~~; and

b. A valid election of optional form of payment under section 82-105 is not in effect.

(2) Payment of the pension shall be made for months beyond such a beneficiary age of 18 years, but not beyond the month in which the age 25 is attained, if a pension payment would not otherwise be made for the month under the provisions of subsection (b) of this section.

(3) The amount of each surviving child's pension, which shall be paid to the legal guardian of each child, is:

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, 25 percent of the amount of pension computed according to section 82-95, based on the deceased member's average final compensation and credited service at time of death. A child's pension shall not exceed an equal share of 75 percent of the amount of pension computed according to section 82-95, based on the deceased member's average final compensation and credited service at time of death, where there are four or more surviving children being paid.

b. For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, 25 percent of the amount of pension computed according to section 82-95, based on the deceased member's frozen accrued benefit as of May 1, 2012, plus 25 percent of the amount of pension computed according to section 82-95, based on the deceased member's accrued benefit for credited service on or after May 1, 2012. A child's pension shall not exceed an equal share of 75 percent of the amount of pension computed according to section 82-95, based on the deceased member's frozen accrued benefit as of May 1, 2012, plus 75 percent of the amount of pension computed according to section 82-95, based on the deceased member's accrued benefit for credited service on or after May 1, 2012, where there are four or more surviving children being paid.

c. For members hired on or after May 1, 2012, 25 percent of the amount of pension computed according to section 82-95, based on the deceased member's accrued benefit for credited service on or after May 1, 2012. A child's pension shall not exceed an equal share of 75 percent of the amount of pension computed according to section 82-95, based on the deceased member's accrued benefit for credited service on or after May 1, 2012, where there are four or more surviving children being paid.

~~Pension payments shall be made to the legal guardian of each child.~~

(b) *Surviving spouse.*

(1) The surviving spouse of a deceased member shall be paid a pension terminating upon death if the following conditions are satisfied:

a. The member has ten or more years of credited service, or was employed by the Town and not participating in the DROP on May 1, 2012, and dies while in the employ of the town;

b. A valid election of optional form of payment under section 82-105 is not in effect; and

c. The member was married to the surviving spouse at the time of death.

(2) Payment of a surviving spouse's pension shall commence the first day of the month following the date the deceased member would have met an age and service condition for normal retirement in the absence of death.

(3) The amount of a surviving spouse's pension is:

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the difference, if any, between 75 percent of the retirant's pension computed according to section 82-95, based on the deceased member's average final compensation and credited service at time of death, and the aggregate amount paid to surviving children for the month.

b. For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the difference, if any, between 75 percent of the retirant's pension computed according to section 82-95, based on the deceased member's frozen accrued benefit as of May 1, 2012, plus 75 percent of the retirant's pension computed according to section 82-95, based on the deceased member's accrued benefit for credited service on and after of May 1, 2012, and the aggregate amount paid to surviving children for the month.

c. For members hired on or after May 1, 2012, the difference, if any, between 75 percent of the retirant's pension computed according to section 82-95, based on the deceased member's accrued benefit for credited service on and after May 1, 2012, and the aggregate amount paid to surviving children for the month.

(c) *Ten year certain.* If survivors of a deceased member are due payments under subsection (a) and/or (b) above, they shall not be reduced until the tenth anniversary of the commencement of payments."

Section 27. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III, Firefighters; Section 82-105, to read as follows:

"Sec. 82-105. Firefighters: Elective survivor pension.

(a) The elected surviving beneficiary of a deceased member shall be paid a pension terminating upon death if the following conditions are satisfied:

(1) The member has elected a survivor beneficiary.

(2) The member dies while in the employ of the town with at least ten years of credited service, or the member was employed by the Town and not participating in the DROP on May 1, 2012 and thereafter dies while in the employ of the town.

(b) The election of a survivor beneficiary shall be in writing and filed with the human resources department~~retirement system~~. The election of a survivor beneficiary shall be null and void upon the member's retirement or prior termination of town employment. A member may revoke a nomination of survivor beneficiary at any time and again elect a survivor beneficiary.

(c) The amount of a surviving dependent elected beneficiary's pension shall be:

(1) For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, a benefit computed according to section 82-95 as if the deceased member had elected optional form of payment A100 provided in section 82-96 and retired the day preceding death, notwithstanding that the deceased member may not have satisfied the section 82-94 conditions for retirement.

(2) For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, a benefit computed according to section 82-95, based on the member's frozen accrued benefit as of May 1, 2012 plus the benefit based on the member's credited service on and after that date, as if the deceased member had elected optional form of payment A100 provided in section 82-96 and retired the day preceding death, notwithstanding that the deceased member may not have satisfied the section 82-94 conditions for retirement.

(3) For members hired on or after May 1, 2012, a benefit computed according to section 82-95 based on credited service on and after that date computed as if the deceased member had elected optional form of payment A100 provided in section 82-96 and retired the day preceding death, notwithstanding that the deceased member may not have satisfied the section 82-94 conditions for retirement."

Section 28. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers, by deleting Sections 82-110, 82-111, 82-112 and 82-113 in their entirety.

~~**Sec. 82-110. Police officer board of trustees.**~~

~~(a) The police officer board of trustees (the "police officer board" or the "board") shall consist of the following individuals:~~

~~(1) Two members covered by benefit group police officer, to be elected by members of that benefit group.~~

~~(2) Two legal residents of the town, to be appointed by the town council.~~

~~(3) The fifth member of the police officer board shall be chosen by a majority of the previous four members and such person's name shall be submitted to the town council which, as a ministerial duty, shall appoint such person to the police officer board as its fifth member.~~

~~(b) Elections of member trustees shall be held in accordance with rules adopted by the police officer board and with F.S. ch. 185.~~

~~(c) The police officer board shall meet at least bi-monthly, shall adopt its own rules of procedure and shall keep records of its proceedings. Three trustees shall constitute a quorum at any meeting of the board, and at least three concurring votes shall be necessary for a decision by the board. Each trustee shall be entitled to one vote on each question before the board. The trustees shall not receive any compensation but may receive expenses and per diem as provided by state law.~~

~~(d) The police officer board shall be a legal entity with, in addition to other powers and responsibilities contained herein and the powers and responsibilities set forth in F.S. ch. 185, the power to bring and defend lawsuits of every kind, nature and description, and to administer separate plans for the benefit of its members and retirants.~~

~~(e) If a claim for benefits is denied by the police officer board, the claimant shall be notified of the denial, in writing, within 30 days of the board's action. The notification shall set forth the reasons for denial. The claimant may appeal the denial and request a hearing before the board. The appeal shall be in writing to the town clerk and filed within 90 days of the board's denial. The request shall contain a written statement of the claimant's position regarding the claim. The board shall schedule a hearing within 60 days of receipt of the appeal.~~

~~Sec. 82-111. Term of office; oath of office; vacancy.~~

~~(a) The regular term of office of member-elected trustees of the police officer board and appointed trustees shall be two years and they may succeed themselves in office.~~

~~(b) Each trustee shall, before assuming the duties of trustee, qualify by taking an oath of office to be administered by the town clerk.~~

~~(c) A vacancy shall occur on the police officer board if:~~

~~(1) A member-elected trustee ceases to be a member of benefit group police officer;~~

~~(2) Any member-elected trustee or the fifth member of the police officer board fails to attend three consecutive meetings of the board unless in each case excused for cause by the trustees attending the meeting;~~

~~(3) Any town citizen or legal resident appointed by the town council fails to remain such; and~~

~~(4) Any trustee resigns or is removed from office.~~

~~(d) If a vacancy occurs on the police officer board, the vacancy shall be filled within 30 days, for the unexpired term, in the same manner as the position was previously filled.~~

~~Sec. 82-112. Officers, administrative services.~~

~~The officers and employed services of the police officer board shall be as follows:~~

~~(1) *Chair.* The police officer board shall annually elect a chair and a chair pro tem from its members.~~

~~(2) *Secretary.* The police officer board shall annually elect a secretary from among its members.~~

~~(3) *Finance director and treasurer.* The town finance director and treasurer shall be finance director and treasurer of the police officer board, unless the police officer board delegates such~~

~~authority to a plan administrator. The assets, other than operating accounts, shall be placed in the custody of a nationally chartered bank or trust company. The board may appoint a plan administrator to administer the operating accounts at the fund's expense.~~

~~(4) *Legal advisor.* The police officer board may employ legal counsel at the fund's expense.~~

~~(5) *Actuary.* The police officer board shall appoint and compensate an actuary who shall be the technical advisor to the board regarding the operation of the retirement system on an actuarial basis, and who shall perform such services as are required in that connection. The term "actuary" as used in this article shall mean a member of the American Academy of Actuaries, or a person who has demonstrated an educational background necessary for the practice of actuarial science and has at least five years of relevant pension actuarial experience. A partnership or corporation may be appointed actuary if the duties of actuary are performed by or under the direct supervision of an individual who meets the preceding qualifications.~~

~~(6) *Services.* The police officer board may employ such professional and other services as are required for the proper administration of the retirement system at the fund's expense.~~

~~(7) *Investment consultant.* The police officer board shall employ an investment consultant at the fund's expense.~~

~~**Sec. 82-113. Investment limitations.**~~

~~Upon consultation with its investment advisors and staff, the board may exceed the limitations on investments in common stock and capital stock specified in F.S. ch. 185.~~

Section 29. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers; Section 82-114, to read as follows:

"**Sec. 82-114. Retirement age and service conditions for police officers.**

(a) A police officer may retire upon satisfaction of each of the following requirements:

(1) The police officer has filed written application for retirement with the board setting forth the date, not less than 30 days nor more than 120 days subsequent to the execution and filing thereof, retirement is to be effective.

(2) Unless the police officer is an applicant for a DROP, the police officer terminates all town employment prior to the date retirement is to be effective.

(3) The police officer has met an applicable age and service condition for retirement.

(b) The age and service conditions for normal retirement are as follows:

1. Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining ~~the police officer has attained~~ age 50 with ~~years or older and has~~ ten or more years of credited service; or when the ~~police officer's~~ member's age to last completed month plus credited service totals 65 years or more and the member~~individual~~ has ten or more years of credited service; or when the member~~police officer~~ has 20 or more years of credited service.

2. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50, or when the member's age to last completed month plus credited service totals 65 years or more, or upon completion of 20 years of credited service regardless of age, and upon such retirement shall be eligible to receive the frozen accrued benefit based on credited service and average final compensation on April 30, 2012. Such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 65 with ten or more years of credited service.

3. Members hired on or after May 1, 2012, shall be eligible for normal retirement upon attaining age 65 with ten or more years of credited service."

Section 30. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers; Section 82-115, to read as follows:

"**Sec. 82-115. Amount of pension – police officers.**

(a) The amount of a member's or a vested former member's pension under the standard form of payment shall be equal to the sum of separately determined amounts for which the police officer has credited service in force, and in no event shall the amount of a member's or a vested former member's pension under the standard form of payment be less than $1,200.00 per annum.

(b) The amount of pension attributable to a member who has credited service under another benefit group shall be the amount determined by calculating credited service in this benefit group plus the amount determined by calculating credited service in such other benefit group.

(c) The benefit formula for police officers is:

1. For pension payments payable after October 1, 2005 to police officers who were actively employed on and after October 1, 2005 and who retired, entered the DROP, or terminated employment with 10 or more years of credited service prior to May 1, 2012, and to police officers who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the benefit formula shall be~~such date,~~ average final compensation multiplied by the sum of 3.5 percent of credited service rendered to a maximum of 87.5 percent, plus two percent of average final compensation for credited service, if any, in excess of 43.75 years. The standard form of payment for such benefit shall be life and ten years certain (i.e., ~~Provided further that,~~ unless a retirant chooses an optional form of payment under section 82-96, payments for the benefit of a retirant who dies within ten years of retirement shall continue to the retirant's designated beneficiary until the tenth anniversary of the retirant's retirement date.

2. For police officers who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the benefit formula shall be 3.5 percent of average final compensation on April 30, 2012 multiplied by credited service on that date. The accrued benefit of all such police officers shall be frozen on

May 1, 2012. The standard form of payment for the frozen accrued benefit shall be life and ten years certain.

3. For credited service on and after May 1, 2012, except as such service may be credited to members who qualify under Section 82-115 (c) 1 above, the benefit formula shall be 1.25 percent of average final compensation multiplied by years of credited service on and after that date. The standard form of payment for benefits based on credited service on and after May 1, 2012 shall be a straight life annuity, payable for the member's lifetime.

4. Police officers who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on May 1, 2012 shall, upon retirement, be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service and average final compensation prior to May 1, 2012, payable upon entry into the DROP or termination of employment and attaining eligibility for receipt of retirement benefits under the provisions of the system in effect on April 30 2012; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable upon attaining age 65 with 10 or more years of credited service, and termination of employment or entry into the DROP."

Section 31. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers; Section 82-116, to read as follows:

"**Sec. 82-116. Optional forms of payment of a pension for police officers.**

(a) Police officers who terminated employment with 10 or more years of credited service prior to May 1, 2012, and police officers who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, ~~A member or a vested former member~~ may elect to be paid under one of the following optional forms of payment. The election shall be in writing and filed with the board prior to the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made.

(1) *Optional form of payment A100--100 percent survivor pension.* Under optional form of payment A100, a retirant is paid a reduced pension for life. Upon the retirant's death, the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a percentage of the amount of pension under the standard form of payment (SL). The percentage is 80 percent if the retirant and designated beneficiary are the same age on their last birthdays. The 80 percent is reduced by 0.5 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 60 percent for differences in age of 40 or more years. The 80 percent is increased by 0.5 percent for each year the age of the designated beneficiary exceeds the age of the retired member, to a maximum of 90 percent for differences in age of 20 or more years.

(2) *Optional form of payment A50--50 percent survivor pension.* Under optional form of payment A50, a retirant is paid a reduced pension for life. Upon the retirant's death, 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a percentage of the amount of pension under the standard form of payment. The latter percentage is 90 percent if the retirant and designated beneficiary are the same age at their last birthdays. The 90 percent is reduced by 0.25 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 80 percent for differences in age of 40 or more years. The 90 percent is increased by 0.25 percent for each year the age of the designated beneficiary exceeds the age of the retired member, to a maximum of 95 percent for differences in age of 20 or more years.

(3) *Form of payment (SL)--Straight life pension.* Under form of payment (SL), the retirant is paid a pension for life. The (SL) payment amount is an increased amount based on the actuarial equivalent of the life with ten-year guarantee standard form of payment computed pursuant to section 82-115(c).

(4) Members may also elect to receive the following optional benefit forms:

a. *A75--75 percent survivor pension.* Under optional form of payment A75, a retirant is paid a reduced pension for life. Upon the retirant's death, 75 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary, or upon the tenth anniversary of the retirant's retirement date, if later. The amount of the reduced pension is based on the actuarial equivalent of the standard form of payment.

b. *A66-2/3--66 2/3 percent survivor pension.* Under optional form of payment A66-2/3, a retirant is paid a reduced pension for life. Upon the retirant's death, 66 2/3 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary, or upon the tenth anniversary of the retirant's retirement date, if later. The amount of the reduced pension is based on the actuarial equivalent of the standard form of payment.

(b) Police officers who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on May 1, 2012, may elect to receive the frozen accrued benefit based on credited service prior to May 1, 2012 under one of the following optional forms of payment. The election shall be in writing and filed with the board prior to the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made.

(1) *Optional form of payment A100--100 percent survivor pension.* Under optional form of payment A100, a retirant is paid a reduced pension for life. Upon the retirant's death the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a

percentage of the amount of pension under the standard form of payment (SL). The percentage is 80 percent if the retirant and designated beneficiary are the same age on their last birthdays. The 80 percent is reduced by 0.5 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 60 percent for differences in age of 40 or more years. The 80 percent is increased by 0.5 percent for each year the age of the designated beneficiary exceeds the age of the retired member, to a maximum of 90 percent for differences in age of 20 or more years.

(2) *Optional form of payment A50--50 percent survivor pension.* Under optional form of payment A50, a retirant is paid a reduced pension for life. Upon the retirant's death, 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a percentage of the amount of pension under the standard form of payment. The latter percentage is 90 percent if the retirant and designated beneficiary are the same age at their last birthdays. The 90 percent is reduced by 0.25 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 80 percent for differences in age of 40 or more years. The 90 percent is increased by 0.25 percent for each year the age of the designated beneficiary exceeds the age of the retired member, to a maximum of 95 percent for differences in age of 20 or more years.

(3) *Form of payment (SL)--Straight life pension.* Under form of payment (SL) the retirant is paid a pension for life. The (SL) payment amount is an increased amount based on the actuarial equivalent of the life with ten-year guarantee standard form of payment computed pursuant to section 82-95(c).

(4) *A75--75 percent survivor pension.* Under optional form of payment A75, a retirant is paid a reduced pension for life. Upon the retirant's death, 75 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary, or upon the tenth anniversary of the retirant's retirement date, if later. The amount of the reduced pension is based on the actuarial equivalent of the standard form of payment.

(5) *A66-2/3--66 2/3 percent survivor pension.* Under optional form of payment A66-2/3, a retirant is paid a reduced pension for life. Upon the retirant's death, 66 2/3 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary, or upon the tenth anniversary of the retirant's retirement date, if later. The amount of the reduced pension is based on the actuarial equivalent of the standard form of payment.

(c) A police officer may elect to receive the accrued benefit based on credited service on and after May 1, 2012 as follows: the member may elect to receive a reduced pension for life, and upon the retirant's death 100 percent, 75 percent, 66 and 2/3 percent or 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of the reduced pension

payable to the retirant shall reflect an actuarial reduction in the standard form of payment based on the age of the member and the age of the beneficiary, such that the total value of the benefit payable to the retirant and beneficiary is actuarially equivalent to the standard form of payment to the retirant. The election of an optional form of payment under this subsection (b) shall be in writing and filed with the board prior to the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made."

Section 32. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers by deleting Section 82-117 in its entirety.

~~**Sec. 82-117. Supplemental pension distributions.**~~

~~(a) The board of trustees may annually authorize supplemental pension distributions to eligible persons, the amount of which shall be determined as of each September 30, beginning September 30, 2001. The amount of the supplemental pension distribution of an eligible person made prior will be determined as follows:~~

~~(1) The amount shall be his or her prorata share, based upon the years of service of the retirant to the town, up to a maximum years of service credit of 25, of the positive amount of investment return, if any, earned during fiscal years ending September 30 on the reserve for retired benefit payment assets which exceed eight percent but do not exceed ten percent.~~

~~(2) The board shall determine whether there may be a supplemental pension distribution based on the following factors:~~

~~a. The actuary or plan administrator shall determine the rates of investment return during the fiscal year ending each September 30. The rates determined shall be the rate reported on the most recent actuarial reports submitted pursuant to F.S., ch. 112, pt. VII.~~

~~b. The actuary or plan administrator shall, as of September 30, determine the amount, if any, of investment return which, after expenses, exceeds eight percent of the reserve for retired benefit payment assets but does not exceed ten percent of such assets.~~

~~(3) If the investment return on these assets is less than eight percent, such amounts shall be carried forward to be charged against calculations of supplemental pension distributions during the next year and shall continue to carry forward until such carry forwards are offset by investment returns exceeding eight percent. If the net experiences are unfavorable, cumulatively, commencing with the experience for the year ended September 30, 2001, and thereafter, no supplemental distributions may be made until the net experiences are favorable, and the town must amortize the losses until it is offset by cumulative favorable experiences. If the next experience is favorable, cumulatively, commencing with the experience for the year ending September 30, 2001, after offset for all prior supplemental pension distributions, the supplemental pension distributions may be made to eligible persons of the benefit group.~~

~~If a supplemental pension distribution report or reports is or are not state accepted prior to distributions, and if a deficiency to the fund results, the deficiency shall be made up by withholding and charging such deficiency against the next available supplemental pension distribution, unless sooner made up by agreement between the board and the town. No such~~

~~deficiency shall be permitted to continue for a period greater than three years from the date of payment of a supplemental distribution which resulted in a deficiency.~~

~~(b) If the actuary or plan administrator determines that there may be a supplemental distribution, then the board of trustees shall authorize supplemental pension distributions unless the administrative expenses of distribution exceed the amount available for the distribution, in which event, no distribution may be authorized or made.~~

~~(c) "Eligible persons" are:~~

~~(1) Retirants;~~

~~(2) Surviving spouses;~~

~~(3) Surviving dependent children of retirants; and~~

~~(4) Retirants' estates.~~

~~(d) The supplemental pension distribution, if any, shall be made on or about May 1 annually. Eligible persons retired for less than one year are entitled to a prorata share of their supplemental pension distribution based on the number of months retired. A retirant's estate is entitled to a prorata share of the deceased retirant's supplemental pension distribution based on the number of months that the deceased retirant received a pension during the year ending the September 30 prior to the retirant's death.~~

~~(e) Supplemental pension distributions payable to eligible persons who are participants in the DROP at the time of payment shall be added to such eligible person's DROP account.~~

~~(f) Supplemental pension distributions to beneficiaries of deceased retirants shall have their supplemental pension distributions reduced in the same proportion as are their pension payments.~~

Section 33. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers; Section 82-119, to read as follows:

"**Sec. 82-119. Deferred retirement option program for police officers.**

(a) *Generally.* In general, and subject to the provisions of this section, the deferred retirement option program, hereinafter referred to as the DROP, is a program under which an eligible police officer~~member of the retirement system~~ may elect to retire, participate, and become a retirant of the retirement system, deferring receipt of retirement benefits while continuing employment credited service.

(1) *The system investment method.* For participants who entered the DROP prior to January 1, 2003, unless the self-directed investment method was chosen by the participant, the deferred monthly benefits of a DROP participant shall accrue in the retirement system on behalf of the DROP participant, plus interest, compounded monthly, for the specified period of DROP participation.

(2) *The self-directed investment method.* For participants entering the DROP after January 1, 2003, each DROP participant shall have an individual investment account to which his or her monthly benefits shall be transferred. The board shall select a third-party administrator or provider for this purpose. After such selection, each participant shall direct the manner in which

the amounts in his or her individual investment account shall be invested from an array of options selected by the board.

(3) During the period of DROP participation, neither the town nor the DROP participant is obligated to make additional contributions to the retirement system on behalf of the DROP participant. Upon termination of employment and participation in the DROP, the DROP participant shall receive his or her total DROP benefits and begin to receive his or her previously determined normal retirement benefits. Employment while participating in the DROP does not guarantee employment for any specified period. A DROP participant is a retirant of the retirement system.

(b) *Eligibility of member to participate in the DROP.* Retirement system members are eligible to elect participation in the DROP provided that they elect to retire and provided that:

(1) Election to participate may be made when the member first reaches normal retirement date or age as follows:

a. Members who were employed by the town and not participating in the DROP on May 1, 2012 shall be eligible to participate in the DROP upon attaining age 50; or the date on which the member's age to last completed month plus credited service totals 65 years or more; or 20 years of credited service regardless of age; and upon entry into the DROP the benefit payable to such member's DROP account shall be the frozen accrued benefit based on credited service prior to May 1, 2012. The accrued benefit based on credited service on and after May 1, 2012 shall be payable to the member's DROP account, or directly to the member if DROP participation has ceased, upon attaining age 65.~~, or for a member who first reached normal retirement date or age prior to the effective date of the ordinance from which this section is derived, election to participate may be made within 84 months of the effective date of the ordinance from which this section is derived; provided, however, a~~ Such member who fails to make an election within 84 months after the member has 20 years of credited service shall forfeit all rights to participate in the DROP.

b. Members hired on or after May 1, 2012 shall be eligible to participate in the DROP upon attaining age 65 with 10 or more years of service.

(2) There is no break in service to the town between the member's last working day as an employee and first day as a retirant and DROP participant.

(c) *Participation in the DROP.*

(1) The date on which participation in the DROP must terminate is within 120 months of the commencement of the election period provided in subsection (b)(1) of this section. Participation in the DROP may not exceed a maximum of 60 months. No DROP participant may continue to be eligible to participate in the DROP for more than 60 months or for any time after 120 months following the date on which the member first reaches normal retirement age or date, unless the member first reached normal retirement age or date prior to the effective date of the ordinance from which this section derives.

(2) *Submission of required information.* Upon electing to participate in the DROP, the member shall submit on forms required by the retirement system and/or the third-party administrator:

a. A written election to retire;

b. A written election to participate in the DROP;

c. An irrevocable resignation from service to the town and withdrawal from the DROP effective after no more than 60 months participation in the DROP;

d. A properly completed DROP application for service retirement as provided in this section; and

e. Any other information required by the retirement system or by the third-party administrator.

(3) *Re-employed retirants.* Re-employed retirants of the town's retirement system are not eligible to participate in DROP.

(d) *Compensation for work performed while participating in ~~Benefits payable under~~ the DROP.* Starting pay shall be at the base pay rate in effect on the employee's last working day of employment, prior to participation in the DROP. Job performance will be evaluated under the town's pay for performance system, and performance pay increases will be permitted as established by town policy. General pay increases shall also be awarded, as approved by the town council and the town manager. Performance pay increases and general pay increases awarded to DROP participants will be reflected in their salary but will not be reflected in pension payments made to DROP accounts or made after DROP participation.

(1) Effective with the date of DROP participation, the member's initial normal monthly pension benefit, calculated in accordance with section 82-115 and based on creditable service and average final compensation and the effective date of retirement, shall be fixed. Retirement system amendments which become effective after the establishment date of participation in the DROP will not be applicable to the DROP participant, unless so stated by the amendment. The monthly pension benefit (minus any reduction as determined by the board of trustees as provided by subsection (h) of this section), cost of living adjustments, interest and earnings thereon, if any, shall accrue monthly in the retirement system or the individual investment account as applicable. Interest under the system investment method only shall accrue at an effective annual rate to be determined hereunder as set forth in subsection (h) of this section, and will be compounded monthly, on the prior month's accumulated ending balance, up to the month of termination of the DROP or death.

(2) The monthly pension benefits payable to the DROP (minus any reduction as determined by the board of trustees as provided by subsection (h) of this section) and interest thereon, if any, shall continue to accrue in the DROP until the established termination date of the DROP, or until the DROP participant terminates employment or dies prior to such date. Although individual DROP accounts shall not be established under the system investment method described above in subsection (a)(1), a separate accounting of each DROP participant's accrued benefits under the DROP shall be calculated and provided to DROP participants annually.

(3) Employee benefits, other than benefits under the retirement system, which are normally granted to employees, will be provided to DROP participants. Such DROP participants are not members of the retirement system.

(4) At the conclusion of the participant's DROP, any credits made to a DROP participant's account will cease. Membership in the DROP will automatically terminate 60 months after the effective date of participation in the DROP, except as provided in subsection (c)(1) above. DROP participants may elect to discontinue membership in the DROP at any time, provided a two-week written notice of termination of employment has been submitted to the town, and notice has been submitted to the plan administrator and the third-party administrator.

(5) At the conclusion of the participant's DROP, participants in the self-directed investment method shall exercise such options as provided by the third-party administrator's plan; or for participants in the system investment method, the retirement system shall distribute the participant's total accumulated DROP benefits, subject to the following provisions:

a. The retirement system shall receive verification that such DROP participant has terminated membership in the DROP.

b. The terminated DROP participant, or if deceased, such DROP participant's named beneficiary, shall elect on forms provided by the retirement system to receive payment of the DROP benefits in accordance with one of the options listed below. For a DROP participant or beneficiary who fails to elect a method of payment at least 60 days prior to termination of the DROP, the retirement system will pay a lump sum as provided in subsection (d)(5)b.1. of this section.

1. *Lump sum.* All accrued DROP benefits, plus interest and earnings, if any, less withholding taxes remitted to the United States Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.

2. *Direct rollover.* All accrued DROP benefits, plus interest and earnings, if any, shall be paid from the DROP directly to the custodian of an eligible retirement plan as defined in section 402(c)(8)(B) of the United States Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased DROP participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in section 402(c)(9) of the United States Internal Revenue Code.

3. *Partial lump sum.* A portion of the accrued DROP benefits shall be paid to the DROP participant or surviving spouse, less withholding taxes remitted to the United States Internal Revenue Service, and the remaining DROP benefits shall be transferred directly to the custodian of an eligible retirement plan as defined in section 402(c)(8)(B) of the United States Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased DROP participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in section 402(c)(9) of the United States Internal Revenue Code. The proportions shall be specified by the DROP participant or surviving beneficiary.

c. The form of payment selected by the DROP participant or surviving beneficiary complies with the minimum distribution requirements of the United States Internal Revenue Code and payments begin no later than the date on which the participant reaches age 70 years and six months.

(6) The accrued benefits of any DROP participant, and any contributions accumulated under such program, shall not be subject to assignment, execution, attachment, or to any legal process whatsoever, except for income deduction orders and federal income tax levies.

(7) DROP participants shall not be eligible for disability retirement benefits as provided in section 82-120 or section 82-121. In the event a DROP participant becomes incapacitated for employment by the town as defined under section 82-120 or section 82-121, the DROP participation will terminate, and the former DROP participant will elect one of the alternatives under subsection (d)(5)b of this section.

(8) The effective date of retirement of a DROP participant shall be the day selected by the member to begin participation in the DROP.

(e) *Death benefits under the DROP.*

(1) Upon the death of a DROP participant, the named beneficiary shall be entitled to apply for and receive the accrued benefits in the DROP as provided under subsection (d)(5)b of this section.

(2) The pension benefit paid to the DROP during the month of a DROP participant's death shall be the final pension benefit credited for such DROP participant.

(3) Eligibility to participate in the DROP terminates upon the death of a DROP participant. If the DROP participant dies on or after the effective date of enrollment in the DROP, but prior to the first monthly benefit being credited to the DROP, retirement system benefits shall be paid in accordance with section 82-123.

(4) A DROP participant's survivor shall not be eligible for retirement system death benefits as provided in section 82-124.

(f) *Cost of living adjustment.* The DROP participants' normal pension benefit shall be increased as provided in section 82-63(b).

(g) *Renewed membership.* Participants of the DROP will not be permitted to be members of the town's retirement system. Contributions that normally would be made by the employee and the town will not be paid into the retirement system upon an individual's election to participate in the DROP.

(h) *Administration of the program.* The board of trustees shall make such rules as are necessary for the effective and efficient administration of this subsection. The board of trustees shall not be required to advise participants of the federal tax consequences of an election related to the DROP but may advise participants to seek independent advice.

(1) The DROP will be cost-neutral to the town. To maintain the cost-neutral basis to the town, the credited interest rate and any reduction in the DROP participants' monthly pension benefits payable to the DROP will be reviewed by the board of trustees from time to time as other actuarial assumptions are reviewed. All costs of the DROP and any increase or decrease in the cost of administering the DROP will be absorbed by:

a. A change in the interest rate credited to participants in the system investment method;

b. A change of the or establishment of a reduction of the DROP participants' monthly pension benefits payable to the DROP; and/or

c. An increase in the fees charged by the third-party administrator to the individual investment accounts;

As determined by the board of trustees with approval by the town council.

(2) For those participants under the system investment method, interest on DROP participant's monthly pension benefits payable to the DROP shall accrue at an effective annual rate of 7.5 percent compounded monthly. Such interest rate shall be reviewed by the board of trustees from time to time as other actuarial assumptions are reviewed and may be redetermined by the board of trustees with approval by the town council.

(3) Notwithstanding any other provision of this section 82-119 or the Code, a member who receives any DROP benefits for the portion of their pension benefits earned on or after May 1, 2012 shall be an at-will employee for the entire DROP period."

Section 34. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers; Section 82-120, to read as follows:

"**Sec. 82-120. Police Officers: Disability retirement.**

(a) Upon the application of a member or the member's department head, a police officer~~member~~ who becomes incapacitated for employment by the town by reason of a personal injury or disease may be retired by the board of trustees subject to the following conditions:

(1) The member has ten or more years of credited service in force, or was employed by the town and not participating in the DROP on May 1, 2012;

(2) The member is medically examined by a duly-qualified physician or surgeon selected by the ~~relevant~~ board of trustees for that purpose;

(3) The physician or surgeon certifies to the ~~police officer~~ board that the member is wholly prevented from rendering useful and efficient service as a police officer, and he is likely to remain so disabled continuously and permanently; and

(4) The board of trustees concurs with the certification of the physician or surgeon.

(b) Upon disability retirement, a member shall be paid a pension computed according to section 82-115, provided that the disability pension benefit payable to a member of the benefit group police officer shall not be less than 30 percent of the member's average final compensation at the time of disability, which minimum amount shall be applicable for at least five years if the member attains such age for retirement less than five years after disability benefits commence.

(c) A member shall not be entitled to receive disability pension benefits if the disability is a result of:

(1) Excessive or habitual use of drugs, intoxicants or narcotics by the member;

(2) Injury or disease sustained by the member while willfully and illegally participating in fights, riots or civil insurrections, or while committing a crime;

(3) Injury or disease sustained by the member while serving in any armed forces;

(4) Injury or disease sustained by the member after his employment has terminated."

Section 35. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers; Section 82-122, to read as follows:

"**Sec. 82-122. Continuation subject to re-examination; return to employment; effect of gainful employment.**

(a) The board of trustees may require a disability retirant to undergo periodic medical examination by or under the direction of a physician selected by the board of trustees if the disability retirant has not attained the age for retirement required in section 82-114. If a disability retirant refuses to submit to a medical examination, payment of the pension may be suspended by the board until withdrawal of the refusal. Should refusal continue for one year, all the disability retirant's rights in and to a disability pension may be revoked by the board. The terminated disability retirant may be restored to active employment credited service. A disability pension shall be discontinued if, following the medical examination, the physician certifies that the disability retirant is no longer disabled, and the board concurs in the certification of the physician. The town shall be allowed reasonable latitude in placing the terminated disability retirant in a position commensurate with the position held at time of disability retirement.

(b) A disability retirant who has been restored to employment credited service as provided in subsection (a) of this section shall again become a member of the retirement system if employed in a membership position. The disability retirant's credited service at time of retirement shall be restored to full force. Service shall be credited for the period the disability retirant was being paid a disability pension, if the provisions of section 82-121 were applicable; otherwise credited service shall not be given for the period of disability retirement.

(c) A terminated disability retirant who does not return to town employment and who had ten or more years of credited service at time of disability retirement shall become a vested former member and entitled to deferred retirement as provided in section 82-58.

(d) ~~Except to the extent prohibited by F.S. ch. 185, i~~If a disability retirant is or becomes engaged in gainful occupation, business or employment, paying more than the difference between the retirant's average final compensation and the amount of pension, the disability pension shall be reduced to the amount of the difference. Should the retirant's earnings later change, the disability pension shall be adjusted. The limitation of this subsection shall apply until the retirant meets an age and service requirement for retirement as provided in section 82-114."

Section 36. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers; Section 82-123, to read as follows:

"**Sec. 82-123. Police Officers: Death after retirement; automatic survivor pension to minor children and/or surviving spouse.**

(a) For members who retired or entered the DROP after September 30, 1995 and prior to May 1, 2012, members who terminated employment with 10 or more years of credited service prior to May 1, 2012, and members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, death benefits after retirement shall be payable as follows:

(1) Surviving children.

(a~~1~~) The surviving children of a deceased retirant shall be paid a pension terminating upon the attainment of age 18 or death, if the following conditions are satisfied:

1~~a~~. The retirant retired after September 30, 1995.

2~~b~~. A valid election of optional form of payment under section 82-125 is not in effect.

(b~~2~~) Payment of the pension shall be made for months beyond age 18 years, but not beyond the month in which age 25 is attained, if a pension payment would not otherwise be made for the month under the provisions of subsection (b) of this section.

(c~~3~~) The amount of each surviving child's pension is 25 percent of the retirant's pension at time of death, not to exceed an equal share of 75 percent of the retirant's pension when there are four or more surviving children being paid. Pension payments shall be made to the legal guardian of each child.

(2~~b~~) *Surviving spouse.* The surviving spouse of a deceased retirant shall be paid a pension terminating upon death. The amount of a surviving spouse's pension for a month is the difference, if any, between 75 percent of the retirant's pension and the aggregate amount paid to surviving children for the month.

(3~~c~~) *Ten year certain.* If a retirant dies within ten years of retirement, the total monthly payments due under subsection (a) and/or (b) above shall not be reduced from that which may have been due to the retirant until the tenth anniversary of the retirant's retirement date.

(b) For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, who were employed by the town and not participating in the DROP on that date, death benefits after retirement shall be payable as follows:

(1) Surviving children.

a. The surviving children of a deceased retirant shall be paid a pension terminating upon the attainment of age 18 or death, if the following conditions are satisfied:

1. The retirant was employed and not participating in the DROP on May 1, 2012 and retired thereafter.

2. A valid election of optional form of payment under section 82-105 is not in effect.

b. Payment of the pension shall be made for months beyond age 18 years, but not beyond the month in which age 25 is attained, if a pension payment would not otherwise be made for the month under the provisions of subsection (b) of this section.

c. The amount of each surviving child's pension is 25 percent of the retirant's pension based on the retirant's frozen accrued benefit as of May 1, 2012, not to exceed an equal share of 75 percent of the retirant's pension when there are four or more surviving children being paid. Pension payments shall be made to the legal guardian of each child.

(2) *Surviving spouse.* The surviving spouse of a deceased retirant shall be paid a pension terminating upon death. The amount of a surviving spouse's pension for a month is the difference, if any, between 75 percent of the retirant's pension based on the retirant's frozen

accrued benefit as of May 1, 2012, and the aggregate amount paid to surviving children for the month.

(3) *Ten year certain.* If a retirant dies within ten years of retirement, the total monthly payments due under subsection (a) and/or (b) above shall not be reduced from that which may have been due to the retirant until the tenth anniversary of the retirant's retirement date.

(c) Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or after May 1, 2012, may elect an optional form of benefit pursuant to section 82-96(c) for benefits based on credited service on and after May 1, 2012, but there shall be no automatic survivor pension for death after retirement based on such credited service on and after May 1, 2012."

Section 37. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers; Section 82-124, to read as follows:

"**Sec. 82-124. Police Officers: Death while an employee of the town; automatic survivor pension to minor children and/or spouse**

(a) *Surviving children.*

(1) The surviving children of a deceased member shall be paid a pension terminating upon the attainment of age 18 or death if the following conditions are satisfied:

a. The member has ten or more years of credited service, or was employed by the Town and not participating in the DROP on May 1, 2012, and dies while in the employ of the town ~~after September 30, 1995~~; and

b. A valid election of optional form of payment under section 82-125 is not in effect.

(2) Payment of the pension shall be made for months beyond such a beneficiary age of 18 years, but not beyond the month in which the age 25 is attained, if a pension payment would not otherwise be made for the month under the provisions of subsection (b) of this section.

(3) The amount of each surviving child's pension, which shall be paid to the legal guardian of each child, is:

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, 25 percent of the amount of pension computed according to section 82-115, based on the deceased member's average final compensation and credited service at time of death. A child's pension shall not exceed an equal share of 75 percent of the amount of pension computed according to section 82-115, based on the deceased member's average final compensation and credited service at time of death, where there are four or more surviving children being paid.

b. For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, 25 percent of the amount of pension computed according to section 82-115, based on the deceased member's frozen

accrued benefit as of May 1, 2012, plus 25 percent of the amount of pension computed according to section 82-115, based on the deceased member's accrued benefit for credited service on or after May 1, 2012. A child's pension shall not exceed an equal share of 75 percent of the amount of pension computed according to section 82-115, based on the deceased member's frozen accrued benefit as of May 1, 2012, plus 75 percent of the amount of pension computed according to section 82-115, based on the deceased member's accrued benefit for credited service on or after May 1, 2012, where there are four or more surviving children being paid.

c. For members hired on or after May 1, 2012, 25 percent of the amount of pension computed according to section 82-115, based on the deceased member's accrued benefit for credited service on or after May 1, 2012. A child's pension shall not exceed an equal share of 75 percent of the amount of pension computed according to section 82-115, based on the deceased member's accrued benefit for credited service on or after May 1, 2012, where there are four or more surviving children being paid.

~~Pension payments shall be made to the legal guardian of each child.~~

(b) *Surviving spouse.*

(1) The surviving spouse of a deceased member shall be paid a pension terminating upon death if the following conditions are satisfied:

a. The member has ten or more years of credited service, or was employed by the Town and not participating in the DROP on May 1, 2012, and dies while in the employ of the town;

b. A valid election of optional form of payment under section 82-125 is not in effect; and

c. The member was married to the surviving spouse at the time of death.

(2) Payment of a surviving spouse's pension shall commence the first day of the month following the date the deceased member would have met an age and service condition for normal retirement in the absence of death.

(3) The amount of a surviving spouse's pension is:

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the difference, if any, between 75 percent of the retirant's pension computed according to section 82-115, based on the deceased member's average final compensation and credited service at time of death, and the aggregate amount paid to surviving children for the month.

b. For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the difference, if any, between 75 percent of the retirant's pension computed according to section 82-115, based on the deceased member's frozen accrued benefit as of May 1, 2012, plus 75 percent of the retirant's pension computed according to section 82-115, based on the deceased member's accrued benefit for credited service on and after of May 1, 2012, and the aggregate amount paid to surviving children for the month.

c. For members hired on or after May 1, 2012, the difference, if any, between 75 percent of the retirant's pension computed according to section 82-115, based on the deceased member's accrued benefit for credited service on and after May 1, 2012, and the aggregate amount paid to surviving children for the month.

(c) *Ten year certain.* If survivors of a deceased member are due payments under subsection (a) and/or (b) above, they shall not be reduced until the tenth anniversary of the commencement of payments."

Section 38. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers; Section 82-125, to read as follows:

"**Sec. 82-125. Police Officers: Elective survivor pension.**

(a) The elected surviving beneficiary of a deceased member be paid a pension terminating upon death if the following conditions are satisfied:

(1) The member has elected a survivor beneficiary.

(2) The member dies while in the employ of the town with at least ten years of credited service, or the member was employed by the Town and not participating in the DROP on May 1, 2012 and thereafter dies while in the employ of the town.

(b) The election of a survivor beneficiary shall be in writing and filed with the human resources department~~retirement system~~. The election of a survivor beneficiary shall be null and void upon the member's retirement or prior termination of town employment. A member may revoke a nomination of survivor beneficiary at any time and again elect a survivor beneficiary.

(c) The amount of a surviving dependent elected beneficiary's pension shall be:

(1) For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, a benefit computed according to section 82-115 as if the deceased member had elected optional form of payment A100 provided in section 82-116 and retired the day preceding death, notwithstanding that the deceased member may not have satisfied the section 82-114 conditions for retirement.

(2) For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, a benefit computed according to section 82-115, based on the member's frozen accrued benefit as of May 1, 2012 plus the benefit based on the member's credited service on and after that date, as if the deceased member had elected optional form of payment A100 provided in section 82-116 and retired the day preceding death, notwithstanding that the deceased member may not have satisfied the section 82-114 conditions for retirement.

(3) For members hired on or after May 1, 2012, a benefit computed according to section 82-115 based on credited service on and after that date computed as if the deceased member had elected optional form of payment A100 provided in section 82-116 and retired the day preceding death, notwithstanding that the deceased member may not have satisfied the section 82-114 conditions for retirement."

Section 39. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards, by deleting Sections 82-130, 82-131 and 82-132 in their entirety.

~~Sec. 82-130. General employee board of trustees.~~

~~(a) The general employee board of trustees (the "general board" or the "board") shall consist of the following individuals:~~

~~(1) The individual who is serving as town manager or, in that individual's absence, the acting town manager.~~

~~(2) Two citizens of the town who are not officers or employees of the town, retirants or beneficiaries of the retirement system, to be appointed by the town council.~~

~~(3) A member covered by benefit group general and/or benefit group lifeguard who is not employed in the public works department, to be elected by the members of benefit groups qualified for such position.~~

~~(4) A member covered by benefit group general who is employed in the public works department, to be elected by the members of benefit groups qualified for such position.~~

~~(5) The individual serving as mayor and the individual serving as president of the town council shall, in that order, act as alternates in the event of absence of trustees.~~

~~(b) The general board shall meet at least quarterly, shall adopt its own rules of procedure and shall keep records of its proceedings. Three trustees shall constitute a quorum at any meeting of the board, and at least three concurring votes shall be necessary for a decision by the board. Each trustee shall be entitled to one vote on each question before the board. The trustees shall not receive any compensation but may receive expenses and per diem as provided by state law.~~

~~(c) The general board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature and description and to administer separate plans for the benefit of its members and retirants.~~

~~(d) If a claim for benefits is denied by the general board, the claimant shall be notified of the denial, in writing, within 30 days of the board's action. The notification shall set forth the reasons for denial. The claimant may appeal the denial and request a hearing before the board. The appeal shall be in writing to the town clerk and filed within 90 days of the board's denial. The request shall contain a written statement of the claimant's position regarding the claim. The board shall schedule a hearing within 60 days of receipt of the appeal.~~

~~Sec. 82-131. Term of office; oath of office; vacancy.~~

~~(a) The regular term of office of member-elected trustees of the general board and appointed trustees shall be two years and they may succeed themselves in office.~~

~~(b) Each trustee shall, before assuming the duties of trustee, qualify by taking an oath of office to be administered by the town clerk.~~

~~(c) A vacancy shall occur on the general board if:~~

~~(1) A member-elected trustee ceases to be a member or ceases to be included in the appropriate benefit group;~~

~~(2) A trustee holding town office ceases to hold the office that qualified the individual as a trustee;~~

~~(3) Any town citizen or legal resident appointed by the town council fails to remain such; and~~

~~(4) Any trustee resigns or is removed from office.~~

~~(d) If a vacancy occurs on the general board, the vacancy shall be filled within 30 days, for the unexpired term, in the same manner as the position was previously filled.~~

~~**Sec. 82-132. Officers, administrative services.**~~

~~The officers and employed services of the general board shall be as follows:~~

~~(1) *Chair.* The general board shall annually elect a chair and a chair pro tem from its members.~~

~~(2) *Secretary.* The general board shall annually elect a secretary from among its members.~~

~~(3) *Finance director and treasurer.* The town finance director and treasurer shall be finance director and treasurer of the general board, except that the assets, other than operating accounts, shall be placed in the custody of a nationally-chartered bank or trust company.~~

~~(4) *Legal advisor.* The town attorney shall be legal advisor to the general board.~~

~~(5) *Actuary.* The general board shall appoint an actuary who shall be the technical advisor to the board regarding the operation of the retirement system on an actuarial basis and who shall perform such services as are required in that connection. The term "actuary" as used in this article shall mean a member of the American Academy of Actuaries, or a person who has demonstrated an educational background necessary for the practice of actuarial science and has at least five years of relevant pension actuarial experience. A partnership or corporation may be appointed actuary if the duties of actuary are performed by or under the direct supervision of an individual who meets the preceding qualifications.~~

~~(6) *Services.* The general board is authorized and empowered to employ such professional and other services as are required for the proper administration of the retirement system at the fund's expense.~~

~~(7) *Plan administrator.* The personnel director shall be the plan administrator.~~

Section 40. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards; Section 82-134, to read as follows:

"**Sec. 82-134. Retirement age and service conditions for benefit group general and benefit group lifeguard.**

(a) An individual may retire upon satisfaction of each of the following requirements:

(1) The individual has filed written application for retirement with the board setting forth the date, not less than 30 days nor more than 120 days subsequent to the execution and filing thereof, retirement is to be effective.

(2) Unless the individual is an applicant for a DROP, the individual terminates all town employment prior to the date retirement is to be effective.

(3) The individual has met an applicable age and service condition for retirement.

(b) The age and service conditions for normal retirement are as follows:

(1) *Benefit group general.*

a. *Normal retirement.*

1. Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining ~~the member has attained~~ age 55 ~~years or older and has~~ with ten or more years of credited service, or ~~has~~ 30 or more years of credited service without regard to age.

2. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 55, or 30 or more years of credited service without regard to age, and upon such retirement shall be eligible to receive the frozen accrued benefit based on credited service and average final compensation on April 30, 2012. Such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 65 with ten or more years of credited service.

3. Members hired on or after May 1, 2012, shall be eligible for normal retirement upon attaining age 65 with ten or more years of credited service.

b. *Benefit group general 20-year early retirement option.* Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, may elect to retire, subject to the early retirement reduction specified in section 82-135(c)(1)e~~b~~, upon attaining ~~the member does not qualify for normal retirement, but has attained~~ age 50 or older with 20 or more years of credited service ~~and has elected early retirement~~.

c. *Benefit group general ten-year early retirement option.* Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, may elect to retire, subject to the early retirement reduction specified in section 82-135(c)(1)f~~e~~, upon attaining~~the member does not qualify for normal retirement, but has attained~~ age 50 or older with ten or more years of credited service ~~and has elected early retirement~~.

d. *Benefit group general age 60 early retirement option.* Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or after May 1, 2012, may elect to retire at age 60 subject to the early retirement reduction specified in section 82-135(c)(1)g.

(2) *Benefit group lifeguard.*

a. members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining ~~the individual has attained~~ age 50 ~~years or older and has~~ with ten or more years of credited service; or when the member's ~~individual's~~ age to last completed month plus credited service totals 65 years or more and the member~~individual~~ has ten or more years of credited service.

b. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon termination of town employment and attaining age 50, or when the member's age to last completed month plus credited service totals 65 years or more; and upon such retirement shall be eligible to receive the frozen accrued benefit based on credited service and average final compensation on April 30, 2012. Such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 65 with ten or more years of credited service.

c. *Benefit group lifeguard age 60 early retirement option.* Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or after May 1, 2012, may elect to retire at age 60 subject to the early retirement reduction specified in section 82-135(c)(1)g.

d. Members hired on or after May 1, 2012, shall be eligible for normal retirement upon attaining age 65 with ten or more years of credited service."

Section 41. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards; Section 82-135, to read as follows:

"**Sec. 82-135. Amount of pension for benefit group general and benefit group lifeguard**.

(a) The amount of a member's or a vested former member's pension under the standard form of payment shall be equal to the sum of separately determined amounts for which the individual has credited service in force, and in no event shall the amount of a member's or a vested former member's pension under the standard form of payment be less than $1,200.00 per annum.

(b) The amount of pension attributable to a member who has credited service under another benefit group shall be the amount determined by calculating credited service in this benefit group plus the amount determined by calculating credited service in such other benefit group.

(c) The benefit formulas are:

(1) *For benefit group general.*

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date: average final compensation multiplied by the sum of 2.75 percent of credited service rendered after September 30, 1990, to a maximum of 82.5 percent, plus 2.35 percent of credited service rendered prior to

October 1, 1990, plus 1.0 percent of credited service, if any, in excess of 30 years, provided that years of credited service under the first two clauses of this subsection shall not exceed 30 and provided further that the second clause shall apply only to the extent that years of credited service under the first clause are less than 30.

b. Effective May 1, 2012, the accrued benefits of all members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be frozen. The value of each member's frozen accrued benefit shall be calculated in accordance with subparagraph a., above, based on credited service and average final compensation on April 30, 2012.

c. For credited service on and after May 1, 2012, except as such service may be credited to members who qualify under section 82-135 (c) (1) a above, the benefit formula shall be 1.25% of average final compensation multiplied by years of credited service.

d. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall, upon retirement, be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service and average final compensation on April 30, 2012, payable upon attaining age 55 or completion of 30 years of credited service regardless of age, and termination of town employment or entry into the DROP; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable upon attaining age 65 with 10 or more years of credited service, and termination of town employment or entry into the DROP.

e. For benefits based on credited service prior to May 1, 2012, an early retirement reduction of 0.003 percent shall apply for each month that early retirement under section 82-134(b)(1)b precedes a date the member would have met age and service conditions for normal retirement under section 82-134(b)(1)a, if the member had not elected early retirement.

f. For benefits based on credited service prior to May 1, 2012, an early retirement reduction of 0.006 percent shall apply for each month that early retirement under section 82-134(b)(1)c precedes a date the member would have met age and service conditions for normal retirement under section 82-134(b)(1)a, if the member had not elected early retirement.

g. An early retirement reduction equal to the full actuarial cost of each month that early retirement under section 82-134(b)(1)d precedes a date the member would have met the applicable age and service conditions for normal retirement under section 82-134(b)(1)a, if the member had not elected early retirement.

(2) *For benefit group lifeguard.*

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date: average final compensation multiplied by the sum of 2.85 percent of credited service to a maximum of 71.25 percent, plus 1.0 percent of credited service, if any, in excess of 25 years for benefit group lifeguard.

b. Effective May 1, 2012, the accrued benefits of all members who did not attain normal retirement eligibility based on credited service as of that date, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be frozen. The value of each member's frozen accrued benefit shall be calculated in accordance with subparagraph a., above, based on credited service and average final compensation on April 30, 2012.

c. For credited service on and after May 1, 2012, the benefit formula shall be 1.25% of average final compensation multiplied by years of credited service.

d. Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible to receive a retirement benefit consisting of two parts: (1) the frozen accrued benefit based on credited service and average final compensation on April 30, 2012, payable upon attaining age 50 or the date on which the member's age to last completed month plus credited service totals 65 years or more, and termination of town employment or entry into the DROP; and (2) the accrued benefit based on credited service on and after May 1, 2012, payable upon attaining age 65 with 10 or more years of credited service, and termination of town employment or entry into the DROP.

e. *Benefit group lifeguard age 60 early retirement option.* Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or after May 1, 2012, may elect to retire at age 60 and receive a benefit based on credited service on and after May 1, 2012, subject to an early retirement reduction equal to the full actuarial cost of each month that early retirement precedes the date the member would have met the applicable age and service conditions for normal retirement under section 82-134(b)(2)d, if the member had not elected early retirement."

Section 42. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards; Section 82-136, to read as follows:

"**Sec. 82-136. Optional forms of payment of a pension for benefit group general and benefit group lifeguard.**

(a) Members of benefit group general and benefit group lifeguard who terminated employment with 10 or more years of credited service prior to May 1, 2012, and members of those groups who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, may, prior to retirement, elect ~~A member or a vested former member may elect to be paid under~~ one of the following optional forms of payment. The election shall be in writing and filed with the board prior to the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made.

(1) *Optional form of payment A100--100 percent survivor pension.* Under optional form of payment A100, a retirant is paid a reduced pension for life. Upon the retirant's death the reduced

pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a percentage of the amount of pension under the standard form of payment (SL). The percentage is 80 percent if the retirant and designated beneficiary are the same age on their last birthdays. The 80 percent is reduced by 0.5 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 60 percent for differences in age of 40 or more years. The 80 percent is increased by 0.5 percent for each year the age of the designated beneficiary exceeds the age of the retired member, to a maximum of 90 percent for differences in age of 20 or more years.

(2) *Optional form of payment A50--50 percent survivor pension.* Under optional form of payment A50, a retirant is paid a reduced pension for life. Upon the retirant's death 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a percentage of the amount of pension under the standard form of payment. The latter percentage is 90 percent if the retirant and designated beneficiary are the same age at their last birthdays. The 90 percent is reduced by 0.25 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 80 percent for differences in age of 40 or more years. The 90 percent is increased by 0.25 percent for each year the age of the designated beneficiary exceeds the age of the retired member, to a maximum of 95 percent for differences in age of 20 or more years.

(3) *Form of payment (SL)--Straight life pension.* Under form of payment (SL) the retirant is paid a pension for life. The (SL) payment amount is the standard form of payment amount computed pursuant to section 82-135(c).

(b) Members of benefit group general and benefit group lifeguard who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on May 1, 2012, may elect to receive the frozen accrued benefit based on credited service prior to May 1, 2012 under one of the following optional forms of payment. The election shall be in writing and filed with the board prior to the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made.

(1) *Optional form of payment A100--100 percent survivor pension.* Under optional form of payment A100, a retirant is paid a reduced pension for life. Upon the retirant's death the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a percentage of the amount of pension under the standard form of payment (SL). The percentage is 80 percent if the retirant and designated beneficiary are the same age on their last birthdays. The 80 percent is reduced by 0.5 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 60 percent for differences in age of 40 or more years. The 80 percent is increased by 0.5 percent for each year the age of the designated beneficiary

exceeds the age of the retired member, to a maximum of 90 percent for differences in age of 20 or more years.

(2) *Optional form of payment A50--50 percent survivor pension.* Under optional form of payment A50, a retirant is paid a reduced pension for life. Upon the retirant's death 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of reduced pension is a percentage of the amount of pension under the standard form of payment. The latter percentage is 90 percent if the retirant and designated beneficiary are the same age at their last birthdays. The 90 percent is reduced by 0.25 percent for each year the age of the retirant exceeds the age of the designated beneficiary, to a minimum of 80 percent for differences in age of 40 or more years. The 90 percent is increased by 0.25 percent for each year the age of the designated beneficiary exceeds the age of the retired member, to a maximum of 95 percent for differences in age of 20 or more years.

(3) *Form of payment (SL)--Straight life pension.* Under form of payment (SL) the retirant is paid a pension for life. The (SL) payment amount is the standard form of payment amount computed pursuant to section 82-135(c).

(c) Members of benefit group general and benefit group lifeguard may elect to receive the accrued benefit based on credited service on and after May 1, 2012 as follows: the member may elect to receive a reduced pension for life, and upon the retirant's death 100 percent, 75 percent, 66 and 2/3 percent or 50 percent of the reduced pension is paid to the beneficiary, if living, designated in writing and filed with the board at the time of election of the optional form of payment. Payment to the designated beneficiary shall terminate upon the death of the designated beneficiary. The amount of the reduced pension payable to the retirant shall reflect an actuarial reduction in the standard form of payment based on the age of the member and the age of the beneficiary, such that the total value of the benefit payable to the retirant and beneficiary is actuarially equivalent to the standard form of payment to the retirant. The election of an optional form of payment under this subsection (b) shall be in writing and filed with the board prior to the date retirement is effective. Payment will be made under the standard form of payment if a timely election of an optional form of payment is not made."

Section 43. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards, by deleting Section 82-137 in its entirety.

~~**Sec. 82-137. Supplemental pension distributions.**~~

~~(a) The board of trustees may annually authorize supplemental pension distributions to eligible persons, the amount of which shall be determined as of each September 30, beginning September 30, 2001. The amount of the supplemental pension distribution of an eligible person will be determined as follows:~~

~~(1) The amount shall be his or her prorata share, based upon the years of service of the retirant to the town, up to a maximum years of service credit of 25, of the positive amount of investment return, if any, earned during fiscal years ending September 30 on the reserve for retired benefit payment assets which exceed eight percent but do not exceed ten percent.~~

~~(2) The board shall determine whether there may be a supplemental pension distribution based on the following factors:~~

~~a. The actuary or plan administrator shall determine the rates of investment return during the fiscal year ending each September 30. The rates determined shall be the rate reported on the most recent actuarial reports submitted pursuant to F.S., ch. 112, pt. VII.~~

~~b. The actuary or plan administrator shall, as of September 30, determine the amount, if any, of investment return which, after expenses, exceeds eight percent of the reserve for retired benefit payment assets but does not exceed ten percent of such assets.~~

~~(3) If the investment return on these assets is less than eight percent, such amounts shall be carried forward to be charged against calculations of supplemental pension distributions during the next year and shall continue to carry forward until such carry forwards are offset by investment returns exceeding eight percent. If the net experiences are unfavorable, cumulatively, commencing with the experience for the year ended September 30, 2001, and thereafter, no supplemental distributions may be made until the net experiences are favorable, and the town must amortize the losses until it is offset by cumulative favorable experiences. If the next experience is favorable, cumulatively, commencing with the experience for the year ending September 30, 2001, after offset for all prior supplemental pension distributions, the supplemental pension distributions may be made to eligible persons of the benefit group.~~

~~If a supplemental pension distribution report or reports is or are not state accepted prior to distributions, and if a deficiency to the fund results, the deficiency shall be made up by withholding and charging such deficiency against the next available supplemental pension distribution, unless sooner made up by agreement between the board and the town. No such deficiency shall be permitted to continue for a period greater than three years from the date of payment of a supplemental distribution which resulted in a deficiency.~~

~~(b) If the actuary or plan administrator determines that there may be a supplemental distribution, then the board of trustees shall authorize supplemental pension distributions unless the administrative expenses of distribution exceed the amount available for the distribution, in which event, no distribution may be authorized or made.~~

~~(c) "Eligible persons" are:~~

~~(1) Retirants;~~

~~(2) Surviving spouses;~~

~~(3) Surviving dependent children of retirants; and~~

~~(4) Retirants' estates.~~

~~(d) The supplemental pension distribution, if any, shall be made on or about May 1 annually. Eligible persons retired for less than one year are entitled to a prorata share of their supplemental pension distribution based on the number of months retired. A retirant's estate is entitled to a prorata share of the deceased retirant's supplemental pension distribution based on the number of months that the deceased retirant received a pension during the year ending the September 30 prior to the retirant's death.~~

~~(e) Supplemental pension distributions payable to eligible persons who are participants in the DROP at the time of payment shall be added to such eligible person's DROP account.~~

~~(f) Supplemental pension distributions to beneficiaries of deceased retirants shall have their supplemental pension distributions reduced in the same proportion as are their pension payments.~~

Section 44. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards; Section 82-139, to read as follows:

"**Sec. 82-139. Deferred retirement option program for members of benefit group general and benefit group lifeguard.**

(a) *Generally.* In general, and subject to the provisions of this section, the deferred retirement option program, hereinafter referred to as the DROP, is a program under which an eligible member of benefit group general and benefit group lifeguard ~~the retirement system~~ may elect to retire, participate, and become a retirant of the retirement system, deferring receipt of retirement benefits while continuing employment credited service.

(1) *The system investment method.* For participants who entered the DROP prior to January 1, 2003, unless the self-directed investment method was chosen by the participant, the deferred monthly benefits of a DROP participant shall accrue in the retirement system on behalf of the DROP participant, plus interest, compounded monthly, for the specified period of DROP participation.

(2) *The self-directed investment method.* For participants entering the DROP after January 1, 2003, each DROP participant shall have an individual investment account to which his or her monthly benefits shall be transferred. The board shall select a third-party administrator or provider for this purpose. After such selection, each participant shall direct the manner in which the amounts in his or her individual investment account shall be invested from an array of options selected by the board.

(3) During the period of DROP participation, neither the town nor the DROP participant is obligated to make additional contributions to the retirement system on behalf of the DROP participant. Upon termination of employment and participation in the DROP, the DROP participant shall receive his or her total DROP benefits and begin to receive his or her previously determined normal retirement benefits. Employment while participating in the DROP does not guarantee employment for any specified period. A DROP participant is a retirant of the retirement system.

(b) *Eligibility of member to participate in the DROP.* Retirement system members are eligible to elect participation in the DROP provided that they elect to retire and provided that:

(1) Election to participate may be within 84 months following the date on which the member first reaches normal retirement date or age as follows:.

a. Members of benefit group general who were employed by the town and not participating in the DROP on May 1, 2012 shall be eligible to participate in the DROP upon attaining age 55 or upon completion of 30 years of credited service regardless of age. ~~, or for a member who first reached normal retirement date or age prior to the effective date of the ordinance from which this section is derived, election to participate may be made within 84 months of the effective date of~~

~~the ordinance from which this section is derived. A~~ Such member who fails to make an election within such 84-month election period shall forfeit all rights to participate in the DROP.

b. Members of benefit group lifeguard who were employed by the town and not participating in the DROP on May 1, 2012 shall be eligible to participate in the DROP upon attaining age 50 or the date on which the member's age to last completed month plus credited service totals 65 years or more. The benefit payable to such member shall be the frozen accrued benefit based on credited service prior to May 1, 2012. The accrued benefit based on credited service on and after May 1, 2012 shall be payable to such member's DROP account, or directly to the member if DROP participation has ceased, upon attaining age 65. Such member who fails to make an election within such 84-month election period shall forfeit all rights to participate in the DROP.

c. Members of benefit group general and benefit group lifeguard hired on or after May 1, 2012 shall be eligible to participate in the DROP upon attaining age 65 with 10 or more years of service.

(2) The member is not utilizing an early retirement option.

(3) There is no break in service to the town between the member's last working day as an employee and first day as a retirant and DROP participant.

(c) *Participation in the DROP.*

(1) The date on which participation in the DROP must terminate is within 120 months of the commencement of the election period provided in subsection (b)(1) of this section. Participation in the DROP may not exceed a maximum of 60 months. No DROP participant may continue to be eligible to participate in the DROP for more than 60 months or for any time after 120 months following the date on which the member first reaches normal retirement age or date, unless the member first reached normal retirement age or date prior to the effective date of the ordinance from which this section derives.

(2) *Submission of required information.* Upon electing to participate in the DROP, the member shall submit on forms required by the retirement system and/or the third-party administrator:

a. A written election to retire;

b. A written election to participate in the DROP;

c. An irrevocable resignation from service to the town and withdrawal from the DROP effective after no more than 60 months participation in the DROP;

d. A properly completed DROP application for service retirement as provided in this section; and

e. Any other information required by the retirement system or by the third-party administrator.

(3) *Re-employed retirants.* Re-employed retirants of the town's retirement system are not eligible to participate in DROP.

(d) *Compensation for work performed while participating in ~~Benefits payable under~~ the DROP.* Starting pay shall be at the base pay rate in effect on the employee's last working day of employment, prior to participation in the DROP. Job performance will be evaluated under the town's pay for performance system, and performance pay increases will be permitted as established by town policy. General pay increases shall also be awarded, as approved by the town council and the town manager. Performance pay increases and general pay increases awarded to DROP participants will be reflected in their salary but will not be reflected in pension payments made to DROP accounts or made after DROP participation.

(1) Effective with the date of DROP participation, the member's initial normal monthly pension benefit, calculated in accordance with section 82-135 and based on creditable service and average final compensation and the effective date of retirement, shall be fixed. Retirement system amendments which become effective after the establishment date of participation in the DROP will not be applicable to the DROP participant, unless so stated by the amendment. The monthly pension benefit (minus any reduction as determined by the board of trustees as provided by subsection (h) of this section), cost of living adjustments, interest and earnings thereon, if any, shall accrue monthly in the retirement system or the individual investment account as applicable. Interest under the system investment method only shall accrue at an effective annual rate to be determined hereunder as set forth in subsection (h) of this section, and will be compounded monthly, on the prior month's accumulated ending balance, up to the month of termination of the DROP or death. Provided, however the monthly pension benefit payable to members of benefit group general or benefit group lifeguard who elect to become DROP participants shall be reduced by two percent to fund the probability of increased cost to the retirement system of members of such employment group electing to participate in DROP, which reduced amount shall thereafter be such participants' normal retirement or pension benefits. This reduction will be reviewed by the board of trustees from time to time as other actuarial assumptions are reviewed and may be modified by the town council.

(2) The monthly pension benefits payable to the DROP (minus any reduction as determined by the board of trustees as provided by subsection (h) of this section) and interest thereon, if any, shall continue to accrue in the DROP until the established termination date of the DROP, or until the DROP participant terminates employment or dies prior to such date. Although individual DROP accounts shall not be established under the system investment method described above in subsection (a)(1), a separate accounting of each DROP participant's accrued benefits under the DROP shall be calculated and provided to DROP participants annually.

(3) Employee benefits, other than benefits under the retirement system, which are normally granted to employees, will be provided to DROP participants. Such DROP participants are not members of the retirement system.

(4) At the conclusion of the participant's DROP, any credits made to a DROP participant's account will cease. Membership in the DROP will automatically terminate 60 months after the effective date of participation in the DROP, except as provided in subsection (c)(1)a above. DROP participants may elect to discontinue membership in the DROP at any time, provided a two-week written notice of termination has been submitted to the plan administrator and the third-party administrator.

(5) At the conclusion of the participant's DROP, participants in the Self-Directed Investment Method shall exercise such options as provided by the third-party administrator's plan; or for participants in the system investment method, the retirement system shall distribute the participant's total accumulated DROP benefits, subject to the following provisions:

a. The retirement system shall receive verification that such DROP participant has terminated membership in the DROP.

b. The terminated DROP participant, or if deceased, such DROP participant's named beneficiary, shall elect on forms provided by the retirement system to receive payment of the DROP benefits in accordance with one of the options listed below. For a DROP participant or beneficiary who fails to elect a method of payment within 60 days of termination of the DROP, the retirement system will pay a lump sum as provided in subsection (d)(5)b.1. of this section.

1. *Lump sum.* All accrued DROP benefits, plus interest and earnings, if any, less withholding taxes remitted to the United States Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.

2. *Direct rollover.* All accrued DROP benefits, plus interest and earnings, if any, shall be paid from the DROP directly to the custodian of an eligible retirement plan as defined in section 402(c)(8)(B) of the United States Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased DROP participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in section 402(c)(9) of the United States Internal Revenue Code.

3. *Partial lump sum.* A portion of the accrued DROP benefits shall be paid to the DROP participant or surviving spouse, less withholding taxes remitted to the United States Internal Revenue Service, and the remaining DROP benefits shall be transferred directly to the custodian of an eligible retirement plan as defined in section 402(c)(8)(B) of the United States Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased DROP participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in section 402(c)(9) of the United States Internal Revenue Code. The proportions shall be specified by the DROP participant or surviving beneficiary.

c. The form of payment selected by the DROP participant or surviving beneficiary complies with the minimum distribution requirements of the United States Internal Revenue Code and payments begin no later than the date on which the participant reaches age 70 years and six months.

(6) The accrued benefits of any DROP participant, and any contributions accumulated under such program, shall not be subject to assignment, execution, attachment, or to any legal process whatsoever, except for income deduction orders and federal income tax levies.

(7) DROP participants shall not be eligible for disability retirement benefits as provided in section 82-140 or 82-141. In the event a DROP participant becomes incapacitated for employment by the town as defined under section 82-140 or 82-141, the DROP participation will terminate, and the former DROP participant will elect one of the alternatives under subsection (d)(5)b of this section.

(8) The effective date of retirement of a DROP participant shall be the day selected by the member to begin participation in the DROP.

(e) *Death benefits under the DROP.*

(1) Upon the death of a DROP participant, the named beneficiary shall be entitled to apply for and receive the accrued benefits in the DROP as provided under subsection (d)(5)b of this section.

(2) The normal pension benefit accrued to the DROP during the month of a DROP participant's death shall be the final monthly pension benefit credited for such DROP participant.

(3) Eligibility to participate in the DROP terminates upon the death of a DROP participant. If the DROP participant dies on or after the effective date of enrollment in the DROP, but prior to the first monthly benefit being credited to the DROP, retirement system benefits shall be paid in accordance with section 82-143.

(4) A DROP participant's survivor shall not be eligible for retirement system death benefits as provided in section 82-144.

(f) *Cost of living adjustment.* The DROP participants' normal pension benefit shall be increased as provided in section 82-63(b).

(g) *Renewed membership.* Participants of the DROP will not be permitted to be members of the town's retirement system. Contributions that normally would be made by the employee and the town will not be paid into the retirement system upon an individual's election to participate in the DROP.

(h) *Administration of the program.* The board of trustees shall make such rules as are necessary for the effective and efficient administration of this subsection. The board of trustees shall not be required to advise participants of the federal tax consequences of an election related to the DROP but may advise participants to seek independent advice.

(1) The DROP will be cost-neutral to the town. To maintain the cost-neutral basis to the town, the credited interest rate and any reduction in the DROP participants' monthly pension benefits payable to the DROP will be reviewed by the board of trustees from time to time as other actuarial assumptions are reviewed. All costs of the DROP and any increase or decrease in the cost of administering the DROP will be absorbed by:

a. A change in the interest rate credited to participants in the system investment method;

b. A change of the or establishment of a reduction of the DROP participants' monthly pension benefits payable to the DROP; and/or

c. An increase in the fees charged by the third-party administrator to the individual investment accounts;

As determined by the board of trustees with approval by the town council.

(2) For those participants under the system investment method, interest on DROP participant's monthly pension benefits payable to the DROP shall accrue at an effective annual rate of 7.5 percent compounded monthly. Such interest rate shall be reviewed by the board of

trustees from time to time as other actuarial assumptions are reviewed and may be redetermined by the board of trustees with approval by the town council.

(3) Notwithstanding any other provision of this section 82-139 or the Code, a member who receives any DROP benefits for the portion of their pension benefits earned on or after May 1, 2012 shall be an at-will employee for the entire DROP period."

Section 45. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards; Section 82-140, to read as follows:

"**Sec. 82-140. Benefit Group General and Benefit Group Lifeguard: Disability retirement.**

(a) Upon the application of a member or the member's department head, a member of benefit group general and benefit group lifeguard who becomes incapacitated for employment by the town by reason of a personal injury or disease may be retired by the board of trustees subject to the following conditions:

(1) The member has ten or more years of credited service in force, or was employed by the town and not participating in the DROP on May 1, 2012;

(2) The member is medically examined by a duly-qualified physician or surgeon selected by the relevant board of trustees for that purpose;

(3) The physician or surgeon certifies to the ~~general employee~~ board that the member is mentally or physically totally incapacitated for continued employment by the town, that such incapacity is likely to be permanent, and that the member should be retired; and

(4) The board of trustees concurs with the certification of the physician or surgeon.

(b) Upon disability retirement, a member shall be paid a pension computed according to section 82-135.

(c) A member shall not be entitled to receive disability pension benefits if the disability is a result of:

(1) Excessive or habitual use of drugs, intoxicants or narcotics by the member;

(2) Injury or disease sustained by the member while willfully and illegally participating in fights, riots or civil insurrections, or while committing a crime;

(3) Injury or disease sustained by the member while serving in any armed forces; or

(4) Injury or disease sustained by the member after his employment has terminated."

Section 46. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards; Section 82-143, to read as follows:

"**Sec. 82-143. Benefit Group General and Benefit Group Lifeguard: Death after retirement; automatic survivor pension to minor children and/or surviving spouse.**

For members who retired or entered the DROP after September 30, 1995 and prior to May 1, 2012, members who terminated employment with 10 or more years of credited service prior to May 1, 2012, and members who attained normal retirement eligibility based on credited service

as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, death benefits after retirement shall be payable as follows:

(1) *Surviving children.*

(a~~1~~) The surviving children of a deceased retirant shall be paid a pension terminating upon the attainment of age 18 or death, if the following conditions are satisfied:

1~~a~~. The retirant retired after September 30, 1995.

2~~b~~. A valid election of optional form of payment under section 82-145 is not in effect.

(b~~2~~) Payment of the pension shall be made for months beyond age 18 years, but not beyond the month in which age 25 is attained, if a pension payment would not otherwise be made for the month under the provisions of subsection (b) of this section.

(c~~3~~) The amount of each surviving child's pension is 25 percent of the retirant's pension at time of death, not to exceed an equal share of 75 percent of the retirant's pension when there are four or more surviving children being paid. Pension payments shall be made to the legal guardian of each child.

(2~~b~~) *Surviving spouse.* The surviving spouse of a deceased retirant shall be paid a pension terminating upon death. The amount of a surviving spouse's pension for a month is the difference, if any, between 75 percent of the retirant's pension and the aggregate amount paid to surviving children for the month.

(b) For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, who were employed by the town and not participating in the DROP on that date, death benefits after retirement shall be payable as follows:

(1) Surviving children.

a. The surviving children of a deceased retirant shall be paid a pension terminating upon the attainment of age 18 or death, if the following conditions are satisfied:

1. The retirant was employed and not participating in the DROP on May 1, 2012 and retired thereafter.

2. A valid election of optional form of payment under section 82-105 is not in effect.

b. Payment of the pension shall be made for months beyond age 18 years, but not beyond the month in which age 25 is attained, if a pension payment would not otherwise be made for the month under the provisions of subsection (b) of this section.

c. The amount of each surviving child's pension is 25 percent of the retirant's pension based on the retirant's frozen accrued benefit as of May 1, 2012, not to exceed an equal share of 75 percent of the retirant's pension when there are four or more surviving children being paid. Pension payments shall be made to the legal guardian of each child.

(2) *Surviving spouse.* The surviving spouse of a deceased retirant shall be paid a pension terminating upon death. The amount of a surviving spouse's pension for a month is the difference, if any, between 75 percent of the retirant's pension based on the retirant's frozen

accrued benefit as of May 1, 2012, and the aggregate amount paid to surviving children for the month.

(3) *Ten year certain.* If a retirant dies within ten years of retirement, the total monthly payments due under subsection (a) and/or (b) above shall not be reduced from that which may have been due to the retirant until the tenth anniversary of the retirant's retirement date.

(c) Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and members hired on or after May 1, 2012, may elect an optional form of benefit pursuant to section 82-96(c) for benefits based on credited service on and after May 1, 2012, but there shall be no automatic survivor pension for death after retirement based on such credited service on and after May 1, 2012."

Section 47. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards; Section 82-144, to read as follows:

"**Sec. 82-144. Benefit Group General and Benefit Group Lifeguard; Death while an employee of the town; automatic survivor pension to minor children and/or spouse.**

(a) *Surviving children.*

(1) The surviving children of a deceased member shall be paid a pension terminating upon the attainment of age 18 or death if the following conditions are satisfied:

a. The member has ten or more years of credited service, or was employed by the Town and not participating in the DROP on May 1, 2012, and dies while in the employ of the town ~~after September 30, 1995~~; and

b. A valid election of optional form of payment under section 82-145 is not in effect.

(2) Payment of the pension shall be made for months beyond such a beneficiary age of 18 years, but not beyond the month in which the age 25 is attained, if a pension payment would not otherwise be made for the month under the provisions of subsection (b) of this section.

(3) The amount of each surviving child's pension, which shall be paid to the legal guardian of each child, is:

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, 25 percent of the amount of pension computed according to section 82-135, based on the deceased member's average final compensation and credited service at time of death. A child's pension shall not exceed an equal share of 75 percent of the amount of pension computed according to section 82-135, based on the deceased member's average final compensation and credited service at time of death, where there are four or more surviving children being paid.

b. For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, 25 percent of the amount of pension computed according to section 82-135, based on the deceased member's frozen

accrued benefit as of May 1, 2012, plus 25 percent of the amount of pension computed according to section 82-135, based on the deceased member's accrued benefit for credited service on or after May 1, 2012. A child's pension shall not exceed an equal share of 75 percent of the amount of pension computed according to section 82-135, based on the deceased member's frozen accrued benefit as of May 1, 2012, plus 75 percent of the amount of pension computed according to section 82-135, based on the deceased member's accrued benefit for credited service on or after May 1, 2012, where there are four or more surviving children being paid.

c. For members hired on or after May 1, 2012, 25 percent of the amount of pension computed according to section 82-135, based on the deceased member's accrued benefit for credited service on or after May 1, 2012. A child's pension shall not exceed an equal share of 75 percent of the amount of pension computed according to section 82-135, based on the deceased member's accrued benefit for credited service on or after May 1, 2012, where there are four or more surviving children being paid.

~~Pension payments shall be made to the legal guardian of each child.~~

(b) *Surviving spouse.*

(1) The surviving spouse of a deceased member shall be paid a pension terminating upon death if the following conditions are satisfied:

a. The member has ten or more years of credited service, or was employed by the Town and not participating in the DROP on May 1, 2012, and dies while in the employ of the town;

b. A valid election of optional form of payment under section 82-145 is not in effect; and

c. The member was married to the surviving spouse at the time of death.

(2) Payment of a surviving spouse's pension shall commence the first day of the month following the date the deceased member would have met an age and service condition for normal retirement in the absence of death.

(3) The amount of a surviving spouse's pension is:

a. For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the difference, if any, between 75 percent of the retirant's pension computed according to section 82-135, based on the deceased member's average final compensation and credited service at time of death, and the aggregate amount paid to surviving children for the month.

b. For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, the difference, if any, between 75 percent of the retirant's pension computed according to section 82-135, based on the deceased member's frozen accrued benefit as of May 1, 2012, plus 75 percent of the retirant's pension computed according to section 82-135, based on the deceased member's accrued benefit for credited service on and after of May 1, 2012, and the aggregate amount paid to surviving children for the month.

c. For members hired on or after May 1, 2012, the difference, if any, between 75 percent of the retirant's pension computed according to section 82-135, based on the deceased member's accrued benefit for credited service on and after May 1, 2012, and the aggregate amount paid to surviving children for the month."

Section 48. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision V, General Employees and Lifeguards; Section 82-145, to read as follows:

"Sec. 82-145. Benefit Group General and Benefit Group Lifeguard: Elective survivor pension.

(a) The elected surviving beneficiary of a deceased member shall be paid a pension terminating upon death if the following conditions are satisfied:

(1) The member has elected a survivor beneficiary.

(2) The member dies while in the employ of the town with at least ten years of credited service, or the member was employed by the Town and not participating in the DROP on May 1, 2012 and thereafter dies while in the employ of the town.

(b) The election of a survivor beneficiary shall be in writing and filed with the human resources department~~retirement system~~. The election of a survivor beneficiary shall be null and void upon the member's retirement or prior termination of town employment. A member may revoke a nomination of survivor beneficiary at any time and again elect a survivor beneficiary.

(c) The amount of a surviving dependent elected beneficiary's pension shall be:

(1) For members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, computed according to section 82-135 as if the deceased member had elected optional form of payment A100 provided in section 82-136 and retired the day preceding death, notwithstanding that the deceased member may not have satisfied the section 82-134 conditions for retirement.

(2) For members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, a benefit computed according to section 82-135, based on the member's frozen accrued benefit as of May 1, 2012 plus the benefit based on the member's credited service on and after that date, as if the deceased member had elected optional form of payment A100 provided in section 82-136 and retired the day preceding death, notwithstanding that the deceased member may not have satisfied the section 82-134 conditions for retirement.

(3) For members hired on or after May 1, 2012, a benefit computed according to section 82-135 based on credited service on and after that date computed as if the deceased member had elected optional form of payment A100 provided in section 82-136 and retired the day preceding death, notwithstanding that the deceased member may not have satisfied the section 82-134 conditions for retirement."

Section 49. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 50. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 51. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 52. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, 2012, and for second and final reading on this _____ day of _____, 2012.

_____	_____
Gail L. Coniglio, Mayor	David A. Rosow, Town Council President
	_____
	Robert N. Wildrick, President Pro Tem
	_____
	William J. Diamond, Town Council Member
	_____
ATTEST:	Richard M. Kleid, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Michael J. Pucillo, Town Council Member

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CC: TMO
REC

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY COMMISSION

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Timothy J. O'Hara

Residence Address: 222 Everglade Ave.

Mailing Address: Same

Home Telephone: 561-714-0619

E-mail Address: tim@cubusiness.com

Work Telephone: 561-282-6015 #3

Length of Residency Town of Palm Beach: 50 years

I am a registered voter of the Town of Palm Beach TO'H (please initial)
Year of registration 25

1. Why do you wish to be appointed as a member of the Recreation Advisory Commission? (Please use additional pages if necessary).

I believe we've done a lot of positive work during my first term, including working with each section of the Rec Department to make them more self sufficient.

2. Please identify how many meetings of the Recreation Advisory Commission you have attended in the past two (2) years.

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

None.

RECEIVED

2012 MAR 5 13:30 TWN CLERK

5. Please describe your current and past involvement/participation in Town recreation programs and/or facilities.

I enjoy playing golf at the Par 3 and tennis at both Seaview and Phipps Park.

6. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☐ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☐ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Other _____

7. Present occupation. Owner, Credit Union BUSINESS Magazine No. of years. 8

Employer. Self

8. Past occupation(s). Publisher, Credit Union Journal No. of years. 7

Employer(s). Thomson Publishing

9. Please provide details regarding your educational background:

University of Florida's College of Journalism (1973) BS.

Cardinal Newman High School (1969)

St. Ann School and Palm Beach Public

10. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
Tierney O'Hara	Spouse	Same	Real Estate	affiliated with Mirsky
Susan Wellmeier	Sister	100 Queens Lane	Retired	

11. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? No

12. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the Recreation Advisory Commission if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER
☐ African American	☐ Native American	☒ Male ☐ Female
☐ Asian American	☒ Caucasian	PHYSICALLY DISABLED
☐ Hispanic American	☐ Not known	☐ Yes ☐ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: Timothy P. O'Hara DATE: 3/1/2012

**Please note that Board/Commission applications will expire on September 30 of each year.

RECREATION ADVISORY COMMISSION

The Recreation Advisory Commission consists of seven members serving three year terms, appointed by the Town Council. Members of the Commission shall possess a knowledge or interest in Town recreation programs and facilities. Each member of the Recreation Advisory Commission is required to be a registered voter in the Town. The Commission acts in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town recreation programs and facilities. Preference is given to candidates who are enrolled or have their children enrolled in a Recreation Department program or are a regular participant or volunteer at a Town Recreation Department facility. Three alternate members may be appointed by the Town Council who shall serve when called upon by the Chair in the absence of any regular member.

The Recreation Advisory Commission meets six times per year on the first Wednesday in the months of January, March, May, September, and November. Meetings begin at 9:00 a.m. and are held in the Town Council Chambers located on the second floor of Town Hall at 360 South County Road, Palm Beach, Florida.

CC:TMO
REC.

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY COMMISSION

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Roberta Mambrino Residence Address: 2545 S. Ocean Blvd #407

Mailing Address: 2545 S. Ocean Blvd Home Telephone: 561-582-1347

E-mail Address: beachgrandy@Yahoo.Com Work Telephone: NA

Length of Residency Town of Palm Beach: 12 yrs. I am a registered voter of the Town of Palm Beach Yes (please initial) Year of registration 2005

1. Why do you wish to be appointed as a member of the Recreation Advisory Commission? (Please use additional pages if necessary).

Being a part of this team the experience has been both positive + rewarding, as we strive to achieve excellence for the Town of Palm Beach.

2. Please identify how many meetings of the Recreation Advisory Commission you have attended in the past two (2) years.

☐ 0 ☐ 1 ☑ 2 ☐ 3 ☐ 4 ☐ 5

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Citizen's Assoc. - 5 yrs. Civic Assoc. - 5 yrs. Preservation found. - 4 yrs. I attend whenever possible

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

Summer Time

(See Attached)

RECEIVED

2012 MAR 5 11:28 TWN CLERK

5. Please describe your current and past involvement/participation in Town recreation programs and/or facilities.

Current. alt. member Rec. Comm.

6. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☑ Palm Beach Civic Association
- ☑ Citizens' Association of Palm Beach
- ☑ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Other _____

7. Present occupation. retired — No. of years. _____

Employer. _____

8. Past occupation(s). Special Ed Teacher No. of years. 3

Employer(s). Bd. of Education, Naugatuck, Ct.

9. Please provide details regarding your educational background:

University of Ct. B.S. in Special Ed.
Southbury Training School - 1 yr. Practicum.

10. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
Larry	husband	2542 S. Ocean	Retired	

11. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? No

12. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER
☐ African American	☐ Native American	☐ Male ☑ Female
☐ Asian American	☑ Caucasian	**PHYSICALLY DISABLED**
☐ Hispanic American	☐ Not known	☐ Yes ☑ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: Roberta Mambrino DATE: March 3, 2012

****Please note that Board/Commission applications will expire on September 30 of each year.**

RECREATION ADVISORY COMMISSION

The Recreation Advisory Commission consists of seven members serving three year terms, appointed by the Town Council. Members of the Commission shall possess a knowledge or interest in Town recreation programs and facilities. Each member of the Recreation Advisory Commission is required to be a registered voter in the Town. The Commission acts in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town recreation programs and facilities. Preference is given to candidates who are enrolled or have their children enrolled in a Recreation Department program or are a regular participant or volunteer at a Town Recreation Department facility. Three alternate members may be appointed by the Town Council who shall serve when called upon by the Chair in the absence of any regular member.

The Recreation Advisory Commission meets six times per year on the first Wednesday in the months of January, March, May, September, and November. Meetings begin at 9:00 a.m. and are held in the Town Council Chambers located on the second floor of Town Hall at 360 South County Road, Palm Beach, Florida.

Additional Experiences

1. Organized & Chaired Bd. of Directors (State funded) Day Care Center for low income families children (ages 3-5 yrs) with a full time professional staff for over 20 yrs.
2. Teacher - Summers - for Migrant Workers Children - 2 yrs
3. Head Start Teacher - 2 yrs
4. Red Cross Bd. of Dir. - 9 yrs
5. Girl Scouts Unit Chair (Regional) - 2 yrs
6. Catholic Council Bd. of Dir. - over 20 yrs.
7. Ecumenical Council Bd. - 5 yrs.
8. Citizens Assoc. of Palm Beach Bd. - 5 yrs.
9. Jr. Woman's Bd. of Dir. Ct. - 12 yrs

CC: TMO
REC

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY COMMISSION

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: DANIEL MC DONNELL Residence Address: 2784 S. OCEAN BLVD 206N

Mailing Address: SAME Home Telephone: 547-6794

E-mail Address: BEACHWATCHER.JACK@GMAIL.COM Work Telephone: N/A

Length of Residency Town of Palm Beach: 9½ years I am a registered voter of the Town of Palm Beach DM (please initial) Year of registration 2002

1. Why do you wish to be appointed as a member of the Recreation Advisory Commission? (Please use additional pages if necessary).

AS PART OF THE COMMISSION, WE'VE BEEN SUCCESSFUL IN REDUCING STAFF WITHOUT IMPACTING SERVICE QUALITY. WE'VE BEGUN A MARKETING CAMPAIGN TO MAKE MORE RESIDENTS AWARE. I'D LIKE TO CONTINUE TO CONTRIBUTE TO ENHANCE OUR EFFORTS FOR THE NEXT 3 YEARS.

2. Please identify how many meetings of the Recreation Advisory Commission you have attended in the past two (2) years.

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 +

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

TOPB RECREATION COMMISSION (2 ALTERNATE 3 REGULAR) TOPB ~~BEACH~~ CENTENNIAL COMMISSION - 1½ YEARS

N. MERRICK LIBRARY BOARD - 17 YEARS - NASSAU COUNTY LIBRARY BOARD - 5 YEARS

S.H. CALHOUN H.S. SPORTS BOOSTERS 5 YEARS - NYS ED COMMISIONER LIBRARY REGIONALIZATION 3 YEARS - I MADE ALL SCHEDULED MEETINGS FOR EACH OF THE ABOVE.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

I'M A FULL-TIME RESIDENT OF THE TOWN

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2012 MAR 13 12:30 TWN CLERK

5. Please describe your current and past involvement/participation in Town recreation programs and/or facilities.

RESIDES PLAYING AT THE PAR 3, I ATTEND VARIOUS PROGRAMS & EVENTS SPONSORED BY THE RECREATION DEPT.

6. Are you a member of any of the following organizations? (Check all that apply)

- ☒ Palm Beach Chamber of Commerce
- ☒ Palm Beach Civic Association
- ☒ Citizens' Association of Palm Beach
- ☐ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Other _____

7. Present occupation. RETIRED No. of years. 15

Employer. _____

8. Past occupation(s). AVP PUBLIC FINANCE No. of years. 12 1/2

Employer(s). MOODY'S INVESTORS SERVICE

9. Please provide details regarding your educational background:

B.B.A. MARKETING - ST JOHN'S UNIVERSITY, JAMAICA, N Y

10. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
SHEILA	WIFE	2884 S. OCEAN TOWN	C.P.A.	SELF

11. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

12. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☒ I will resign from the RECREATION if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER
☐ African American	☐ Native American	☒ Male ☐ Female
☐ Asian American	☒ Caucasian	**PHYSICALLY DISABLED**
☐ Hispanic American	☐ Not known	☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: D. We Donnell DATE: 3/13/12

****Please note that Board/Commission applications will expire on September 30 of each year.**

RECREATION ADVISORY COMMISSION

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The Recreation Advisory Commission meets six times per year on the first Wednesday in the months of January, March, May, September, and November. Meetings begin at 9:00 a.m. and are held in the Town Council Chambers located on the second floor of Town Hall at 360 South County Road, Palm Beach, Florida.

CC: TMO
REC

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECREATION ADVISORY COMMISSION

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Dr. G. Ellen Howe

Residence Address: 2295 S. Ocean Blvd, PH-20 Palm Bch 33480

Mailing Address: 2295 S. Ocean Blvd PH-20

Home Telephone: 561-585-2342

E-mail Address: drgellenhowe@yahoo

Work Telephone: N/A

Length of Residency Town of Palm Beach: 7 yrs

I am a registered voter of the Town of Palm Beach GEH (please initial)
Year of registration 2005

1. Why do you wish to be appointed as a member of the Recreation Advisory Commission? (Please use additional pages if necessary).

I would appreciate the opportunity to serve as a regular member after 3 years as an alternate to continue working on projects and ideas to improve the Recreation Dept.

2. Please identify how many meetings of the Recreation Advisory Commission you have attended in the past two (2) years.

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☑ 5 +

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Recreation Advisory Commission Alternate 2yrs.
Sengekontacket Community Corp. (Martha's Vineyard) President 3yrs.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

The day after Labor Day weekend since that is the annual meeting of the homeowners association I am the president and must conduct the meeting on Martha's Vineyard.

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2012 MAR 23 14:26 TWN CLERK

5. Please describe your current and past involvement/participation in Town recreation programs and/or facilities.

RAC Alternate Tennis player Participant in Recreation Dept. sponsered events.

6. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☐ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☐ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Other _____

7. Present occupation. Retired No. of years. 7

Employer. _____

8. Past occupation(s). Reading Resource Specialist No. of years. 30

Employer(s). Broward County Schools

9. Please provide details regarding your educational background:

Barry University, Miami FL BS (Elementary Ed) M.S. (Reading) Ph.D. (Education)

10. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
None				

11. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

12. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the N/A if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER
☐ African American	☐ Native American	☐ Male ☑ Female
☐ Asian American	☑ Caucasian	**PHYSICALLY DISABLED**
☐ Hispanic American	☐ Not known	☐ Yes ☑ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: Dr. G. Ellen Howe DATE: 3/20/2018 DEH

****Please note that Board/Commission applications will expire on September 30 of each year.**

RECREATION ADVISORY COMMISSION

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The Recreation Advisory Commission meets six times per year on the second Wednesday in the months of January, March, May, September, and November. Meetings begin at 9:00 a.m. and are held at the Recreation Center, located at 340 Seaview Avenue.

CC: TMO
CODE

TOWN OF PALM BEACH
JAN 13 2012
Town Manager's Office

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Code Enforcement Board must file annual an financial disclosure form per State law.)

Name: HARRY OCHSTEIN

Residence Address: 130 SUNRISE AVE #602

Mailing Address: "

Home Telephone: 820-0105

E-mail Address: HOCHSTEIN@GMAIL.COM

Work Telephone:

Length of Residency Town of Palm Beach: 38 YRS.

I am a registered voter of the Town of Palm Beach HO (please initial)

Year of registration 1976

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary) I FEEL THAT OUR CODE IS WHAT PROTECTS THE TOWN FROM LOSING ITS CHARM & CHARM. I'D LIKE TO CONTINUE DOING MY PART.

2. How many meetings of the Code Enforcement Board have you attended in the last year? 12

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc. SEAVIEW COMMISSION, GOLF COMMISSION, RECREATION ADVISORY COMMISSION

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

N/A

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary) ALTERNATE MEMBER
REG. MEMBER

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2012 JAN 13 13:19 TWN CLERK

6. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☐ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☐ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☑ Other PALM BEACH CRIMEWATCH

7. Present occupation. RETIRED No. of years. _____

Employer. _____

8. Past occupation(s). SCRAP IRON & METAL DEALER No. of years. 25

Employer(s). BROMON IRON & METAL CO, INC., SO. BEND, IN.

9. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check as many as are applicable)

- ☐ Architecture
- ☐ Landscape Architecture/Design
- ☑ Law
- ☐ Building Construction
- ☐ Municipal Planning
- ☐ Law Enforcement/Code Enforcement

10. Please provide details regarding your educational background:

BS BUSINESS INDIANA UNIVERSITY

LAW SCHOOL - NOTRE DAME UNIVERSITY

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary)

PAST EXPERIENCE ON BOARD AND BACKGROUND IN BUSINES AND REAL ESTATE MANAGEMENT

12. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
BRAD OCHSTEIN	SON	LAKE CLARK SHORES	VETERINARIAN	ISLAND ANIMAL HOSP.
SUE SPILKER-OCHSTEIN	DAUGHTER-IN-LAW	"	"	"

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER	
☐ African American	☐ Native American	☑ Male	☐ Female
☐ Asian American	☑ Caucasian	PHYSICALLY DISABLED	
☐ Hispanic American	☐ Other	☐ Yes	☑ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE _____ DATE: 1/18/12

***Please note that Board/Commission applications will expire on September 30 of each year.**

CODE ENFORCEMENT BOARD

Hears cases involving violations of the Town Code and ordinances and imposes administrative fines and other noncriminal penalties where a pending or repeated violation exists. Members must be residents and are appointed by Town Council on the basis of experience or interest in the fields of zoning and building control. The Board includes, whenever possible, an architect, business person, engineer, general contractor, realtor, subcontractor, general member, or person with experience in the field of public health.

LAWRENCE (LARRY) OCHSTEIN January 11, 2012

EDUCATION: B.S. Marketing, **Indiana University** 1955.
Attended Law School, **University of Notre Dame** 1957

MILITARY: First Lieutenant, **U. S. Army** - 1955-57

RESIDENCE: **130 Sunrise, Apt. 618**
Tel 561-820-0105 Cell 561-346-5652
Fax 561-659-1179 E-mail – lochstein@gmail.com

BUSINESS:

Planned Giving Officer - **American Red Cross**, Palm Beach County Chapter, 1992 to 1994
Associate Regional Director - **American Jewish Committee**, Palm Beach
Community Director - **March of Dimes**, West Palm Beach 1990.
Regional Director - **B'nai B'rith Found.** of the U. S.Palm Beach 1987-89.
President & Treasurer – **French Normandy Condo. Ass.,** 1983-1993
Past Chairman of the Board, **Armand Shutters, Inc.**, West Palm Beach Plantation Shutter and window treatment sales.
Owner And Property Manager, Industrial Park and Strip Shopping Center in West Palm Beach, **1976 to 2001**.
President, **Bremen Iron & Metal Co., Inc.** South Bend, IN 1957-1976 Scrap Iron & Metal Processor & Broker.
President, **Bremen Equipment Corp.** South Bend, IN 1962-1975 Scrap and Rubbish Handling Equipment.
Vice-President, **Superior Sanitation Service**. South Bend, IN 1970-74. Rubbish Removal Contractor (Industrial & Commercial)

CIVIC:

Member	**Code Enforcement Board**, Town of Palm Beach
Charter Member	**Citizen's Police Academy**, Town of Palm Beach
Member	**V.I.P.S.**(*Volunteers in Police Service*) Palm Beach
Past Chairman	**Seaview Park Commission**, Town of Palm Beach.
Past Member	**Golf Commission**, Town of Palm Beach
Past Member	**Recreation Advisory Comm.**, Town of Palm Beach
Past President:	**Kiwanis Club** of Palm Beach
Past President	**Jewish Community Center** of the Palm Beaches
Past Board Member:	**Jewish Federation** of Palm Beach County
Member:	**President Country Club**, West Palm Beach
Member:	**Club Colette**, Palm Beach
Past Chairman	Jewish Committee on Scouting, Gulf Stream Council, **Boy Scouts of America**

LARRY OCHSTEIN

130 Sunrise Ave., Apt. 618
Palm Beach, Fl 33480
Telephone 561-820-0105
Cell 561-346-5652
Fax 561-659-1179

January 11, 2012

Mayor Gail Coniglio and the Palm Beach Town Council
P.O. Box 2029
Palm Beach, Fl 33480

Gentlemen:

I would like to be considered for re-appointment to the Code Enforcement Board.

As you know, I have spent several years serving first as an alternate and then as a member of the **Code Enforcement Board.** I was also a member and **Chairman** of the **Seaview Park Commission,** an alternate member of the **Golf Commission** and a member of the **Recreation Advisory Commission.** I am active with **V.I.P.S** and the Palm Beach **Crime Watch** organization. I also am a past president of the Palm Beach **Kiwanis** Club.

I believe very strongly in citizen involvement in our town, and I'm sure you will agree that I am qualified to be of service. My resume is attached.

Thanking you, I remain

Very truly yours,

Larry Ochstein

Enclosure

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Code Enforcement Board must file annual an financial disclosure form per State law.)

Name: CYNTHIA VAN BUREN

Residence Address: 127 PERUVIAN AVE. #203 PALM BEACH, Fl 33480

Mailing Address: same

Home Telephone: 561-659-4420

E-mail Address: cvbesq@bellsouth.net

Work Telephone: 561-833-1717

Length of Residency Town of Palm Beach: 28yrs.

I am a registered voter of the Town of Palm Beach CVB (please initial)
Year of registration 1984

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary)

Code Enforcement is an important tool in the effort to preserve and protect the unique aesthetic and safety characteristics which provide an unparalleled quality of life in Palm Beach.

2. How many meetings of the Code Enforcement Board have you attended in the last year? 11

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Code Enforcement Board 2007 to present; Executive Committe to restore Seagull Cottage and grounds 2007-2011; Executive Committee, First United Bank Palm Beach Office, 2007-present; Beautification Committee, North Beach,NJ.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

None

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

Appointed Alternate Member 2007; Regular Member 2008 re-appointed 2009.

6. Are you a member of any of the following organizations? (Check all that apply)

- [x] Palm Beach Chamber of Commerce
- [x] Palm Beach Civic Association
- [ ] Citizens' Association of Palm Beach
- [x] Preservation Foundation of Palm Beach
- [ ] North End Property Owners Association
- [x] Other Worth Avenue Association

7. Present occupation. Attorney No. of years. 21

Employer.
Cynthia Van Buren Attorney at Law 205 Worth ave.#307G Palm Beach,Fl

8. Past occupation(s). ReAL Estate Consultant No. of years. 14 yrs.

Employer(s). VanMacro,L.P. - Real Estate Investments
Van Buren Family Foundation - General Counsel

9. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check as many as are applicable)

- [ ] Architecture
- [ ] Landscape Architecture/Design
- [x] Law
- [x] Building Construction
- [x] Municipal Planning
- [x] Law Enforcement/Code Enforcement

10. Please provide details regarding your educational background:

B.S. Tufts University;
M.B.A. University of Miami School of Business; Finance
J.D./LL.M. University of Miami School of Law; Real Property Development.

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary) I have gained valuable experience and knowledge from my service and will continue to bring both a financial and legal perspective. The best interest of the Town and an equitable outcome are my goals.

12. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
Robert	Father	369 S.Lake Drive	retired	
Van Buren				

13. Have you ever been convicted of a crime or pled guilty or noto contendere to a crime other than minor traffic violations? no

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER	
☐ African American	☐ Native American	☐ Male	☒ Female
☐ Asian American	☒ Caucasian	PHYSICALLY DISABLED	
☐ Hispanic American	☐ Other	☐ Yes	☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: Cynthia VanBuren DATE: March 1, 2012

***Please note that Board/Commission applications will expire on September 30 of each year.**

CODE ENFORCEMENT BOARD

Hears cases involving violations of the Town Code and ordinances and imposes administrative fines and other noncriminal penalties where a pending or repeated violation exists. Members must be residents and are appointed by Town Council on the basis of experience or interest in the fields of zoning and building control. The Board includes, whenever possible, an architect, business person, engineer, general contractor, realtor, subcontractor, general member, or person with experience in the field of public health.

Cynthia Van Buren

Attorney At Law
205 Worth Avenue • Suite 307G
Palm Beach, Florida 33480
(561) 833-1717

EDUCATION

LL.M. University of Miami School of Law, 1996
Master of Laws in Real Property Development

J.D. University of Miami School of Law, 1989

M.B.A. University of Miami School of Business Administration, 1984; Finance, Cum Laude

B.S. Tufts University, 1977; Psychology/French, Cum Laude

High School: The Hartridge School for Girls
Plainfield, N.J., 1973

EMPLOYMENT

1990 to present: Attorney, private practice. Real estate, Finance, Not-for Profit organizations.

2000 to present: Florida agent of record and General Counsel, The Van Buren Family Foundation.

1992 to 2000: MACRO Associates, Real estate partnership, General Counsel.

1984 to 1986: Earl A. Hollis, Inc. Palm Beach, Florida Real estate agent.

1978 to 1991: Eastern Airlines, Inc. Flight Attendant.

LICENSES

The Florida Bar Association #0884014.
Insurance General Lines Property/Casualty #2-20
Florida Civil Law Notary/NACLN

MEMBERSHIPS

The American Bar Association
The Florida Bar Association
The Palm Beach County Bar Association
National Association of Civil Law Notaries
The Palm Beach Civic Association
The Preservation Foundation of Palm Beach
The Code Enforcement Board, Town of Palm Beach
Daughters of the American Revolution, Palm Beach Chapter

LANGUAGES

French

CONTACT

Business: Cynthia Van Buren, Attorney at Law
205 Worth Avenue #307G Palm Beach, Fl 33480
(561)833-1717; email: cvbesq@bellsouth.net

Residence: 127 Peruvian Avenue #203 Palm Beach, FL 33480
(561)659-4420

Cynthia Van Buren
Attorney At Law
205 Worth Avenue X Suite 307G
Palm Beach, Florida 33480
Telephone (561) 833-1717
cvbesq@bellsouth

RECEIVED
MAR - 7 2012
PALM BEACH POLICE DEPT.
CHIEF'S OFFICE

Office of the Mayor and Town Council
360 South County Road
Palm Beach, FL 33480

March 1, 2012

RE: Re-appointment to Code Enforcement Board

Dear Madam Mayor and Honorable Council Members:

Enclosed please find the Application for Service on a Town Board , along with a copy of my curriculum vitae. Please feel free to contact me if you have any questions pertaining thereto.

It would be an honor and privilege to have your support for re-appointment to another term. I have a strong commitment to our Town, and to those who are entrusted with its management and safekeeping.

Very truly yours,

Cynthia Van Buren

cc: Public Safety Director Blouin ✓
Code Enforcement Director Raychel Houston

CC: TMO
CODE

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Code Enforcement Board must file annual an financial disclosure form per State law.)

Name: JAMES M. BALLENTINE, JR Residence Address: 249 VIA LINDA

Mailing Address: 249 VIA LINDA Home Telephone: 845-1839

E-mail Address: JMBSADRIV@aol.com Work Telephone: —

Length of Residency Town of Palm Beach: 12 YRS. I am a registered voter of the Town of Palm Beach JB (please initial) Year of registration 2000

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary) TO SERVE THE INTERESTS OF THE RESIDENTS OF PALM BEACH, THE TOWN WHERE I GREW UP AS A YOUNG BOY, IN A MEANINGFUL WAY.

2. How many meetings of the Code Enforcement Board have you attended in the last year? 11

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

SERVED AS MEMBER CODE ENFORCEMENT BOARD FOR OVER THE PAST 2 1/2 YEARS AND 1+ YEARS AS AN ALTERNATE MEMBER PRIOR TO THAT

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

NO MORE THAN ONE MEETING A YEAR

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

PLEASE NOTE #3 ABOVE

RECEIVED

2012 MAR 20 11:52 TWN CLERK

6. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☒ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☒ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Other _____

7. Present occupation. RETIRED No. of years. 14 YRS.

Employer.

8. Past occupation(s). _____ No. of years. _____

Employer(s). PLEASE SEE ATTACHED "CURRICULUM VITAE"

9. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check as many as are applicable)

- ☐ Architecture
- ☐ Landscape Architecture/Design
- ☐ Law
- ☐ Building Construction
- ☐ Municipal Planning
- ☐ Law Enforcement/Code Enforcement

10. Please provide details regarding your educational background:

UNIVERSITY OF VIRGINIA - BACHELOR OF MECH ENG. - 1956
HARVARD BUSINESS SCHOOL - MBA 1960

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary) I HAVE SERVED ON THE CODE ENFORCEMENT BOARD FOR THE PAST THREE YEARS GAINING EXPERIENCE AND BECOMING AN ACTIVE PARTICIPANT IN THE BOARD'S DELIBERATIONS AND DECISIONS.

12. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
NONE				

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER	
☐ African American	☐ Native American	☒ Male	☐ Female
☐ Asian American	☒ Caucasian	PHYSICALLY DISABLED	
☐ Hispanic American	☐ Other	☐ Yes	☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: _____ DATE: March 20, 2012

****Please note that Board/Commission applications will expire on September 30 of each year.**

CODE ENFORCEMENT BOARD

Hears cases involving violations of the Town Code and ordinances and imposes administrative fines and other noncriminal penalties where a pending or repeated violation exists. Members must be residents and are appointed by Town Council on the basis of experience or interest in the fields of zoning and building control. The Board includes, whenever possible, an architect, business person, engineer, general contractor, realtor, subcontractor, general member, or person with experience in the field of public health.

JAMES M. BALLENTINE, JR.

249 Via Linda
Palm Beach, FL 33480
561-845-1839

GENERAL MANAGEMENT EXPERIENCE:

SADDLE RIVER PARTNERS 1993 to ~~date~~ 2010
President
Consulting and investment, with emphasis on international markets.

DETROIT STOKER COMPANY, INC., Monroe, MI 1995-1997
(Subsidiary of United Industrial Corporation)
President and CEO
A leading manufacturer and supplier of combustion equipment for the production of steam used in heating, industrial processing and electric power generation throughout the world.

HYDROTHERM, INC., Northvale, NJ 1979-1992
President
Multi-plant manufacturer of residential and light commercial boilers and specialized air-conditioning equipment, with primary markets in the United States and Canada. Licensing agreements in Mexico, Japan, France and Germany, and joint venture in Minsk, Belarus.

MAMMOTH DIVISION OF LEAR SIEGLER, INC., Minneapolis, MN 1972-1979
President
Manufacturer of nonresidential packaged heating and air-conditioning equipment for schools, office buildings, factories, shopping centers, etc.

MANUFACTURING MANAGEMENT POSITIONS: 1960-1972

Served in a variety of manufacturing management positions, including Operations Manager for Lear Siegler, Inc.'s Aircraft Bearing Division in Santa Ana, California and Director of Manufacturing for AMF, Inc.'s Tobacco Machinery Division in Richmond, Virginia.

OTHER EXPERIENCE: 1992-1996

Lecturer in the former Soviet Union and Eastern Bloc countries for the Krieble Institute on doing business in a free market economy.

BOARD OF DIRECTORS:

Present
~~Groov-Pin Inc., Smithfield, RI *(Groov-Pin is a manufacturer of specialty fasteners)*~~
Nezhin Mechanical, Nezhin, Ukraine *(Nezhin is a manufacturer of food processing equipment)*
Opportunity, Inc. *(Opportunity, Inc.'s mission is to offer low cost, quality preschool child care, educational programming and parent support to low income families, single parent families, and families in crisis. Presently serves 96 such children.)*
Past
Chairman, Hydronics Institute *(trade association for the boiler industry)*
Chairman, Industrial Management Association, New York and Northern New Jersey
Vice Chair, Pascack Valley Hospital Foundation
Trustee and Chairman, Finance/Budget Committee, The Hill School, 1995-2005
GROOV-PIN INC.

OTHER AFFILIATIONS:

American Society of Mechanical Engineers
World Presidents' Organization (WPO)
Palm Beach Civic Association - Chairman of ~~Subcommittee for Bridges~~ TRANSPORTATION COMMITTEE

EDUCATION:

Palm Beach Public, 1938-1948
The Hill School, 1948-1951
B.S.M.E, University of Virginia, 1956
M.B.A., Harvard Business School, 1960
Lieutenant, U.S. NAVY, 1956-1958

JAMES M. BALLENTINE, JR.
249 VIA LINDA
PALM BEACH
FLORIDA 33480

March 20, 2012

Office of the Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Dear Madam Mayor & Members of Town Council

Please find enclosed my application for continued service on the Code Enforcement Board. It has been my honor to serve on the Board these past three years, and I respectfully request that I be reappointed for an additional three years.

Thank you very much for your consideration.

Sincerely yours,

James M. Ballentine, Jr.

CC TMO
Code

TOWN OF PALM BEACH
JAN 25 2012
Town Manager's Office

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

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Name: W ANTHONY DOWLER Residence Address: 101 EAST INLET DRIVE

Mailing Address: 101 EAST INLET DRIVE Home Telephone: 561 845-0345

E-mail Address: adowler@bellsouth.net (Work Telephone: CELL 561 331 1112

Length of Residency Town of Palm Beach: 50 YEARS I am a registered voter of the Town of Palm Beach W. A.D. (please initial) Year of registration 50

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary) I WANT OUR TOWN TO CONTINUE TO LOOK NEAT AND CLEAN.

2. How many meetings of the Code Enforcement Board have you attended in the last year? 12

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

PLANNING + ZONING: THREE YEARS 90%
CODE ENFORCEMENT BOARD: THREE YEARS 95%

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

NONE

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

YES CURRENT MEMBER.

RECEIVED

2012 JAN 25 13:24 TWN CLERK

6. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☒ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☒ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Other _____

7. Present occupation. RETIRED No. of years. 10

Employer.

8. Past occupation(s). STOCK BROKER No. of years. 41

Employer(s). MORGAN STANLEY

9. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check as many as are applicable)

- ☐ Architecture
- ☐ Landscape Architecture/Design
- ☐ Law
- ☐ Building Construction
- ☐ Municipal Planning
- ☐ Law Enforcement/Code Enforcement

NONE

10. Please provide details regarding your educational background:

B.S.B.A. UNIVERSITY OF ARKANSAS 1960

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary) CURRENT MEMBER

WORK WELL WITH ROB WALTON AND OTHER OFFICERS

12. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
ANNETTE C. DOUGLL	WIFE	101 EAST INLET PALM BEACH	HOME MAKER	

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the COV. ENFORCEMENT if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER	
☐ African American	☐ Native American	☒ Male	☐ Female
☐ Asian American	☒ Caucasian	PHYSICALLY DISABLED	
☐ Hispanic American	☐ Other	☐ Yes	☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: W. Ashley Daniel DATE: 01 25 2012

***Please note that Board/Commission applications will expire on September 30 of each year.**

CODE ENFORCEMENT BOARD

Hears cases involving violations of the Town Code and ordinances and imposes administrative fines and other noncriminal penalties where a pending or repeated violation exists. Members must be residents and are appointed by Town Council on the basis of experience or interest in the fields of zoning and building control. The Board includes, whenever possible, an architect, business person, engineer, general contractor, realtor, subcontractor, general member, or person with experience in the field of public health.

From: "W. Anthony Dowell" <adowell936@gmail.com>
Subject: **Code Enforcement Board reappointment**
Date: January 25, 2012 10:33:39 AM EST
To: Town of Palm Beach <council@townofpalmbeach.com>

Mayor Gail Coniglio and Council Members:

I thoroughly enjoy being an Alternate Member of Code Enforcement and would like to be reappointed to that position.

Sincerely,

W. Anthony Dowell

W. Anthony Dowell

RECEIVED
FEB 14 2012
PALM BEACH POLICE DEPT.
CODE ENFORCEMENT

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

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Name: Mr. Richard A. Raffo

Mailing Address: 173 E Inlet Dr, Palm Beach, FL 33480

Residence Address: 173 East Inlet

Home Telephone: 561-848-4916

E-mail Address: _____

~~Work~~ Cell Telephone: 308-0893

Length of Residency Town of Palm Beach: 36 YRS

I am a registered voter of the Town of Palm Beach YES (please initial)

Year of registration 1975 (PAR)

1. Why are you interested in serving on the Code Enf ent Board? (Please explain and attach additional pages if necessary) I served for 2 YRS - PREVIOUS -

2. How many meetings of the Code Enforcement Board have you attended in the last year? 2

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

1) CODE BD - 6 YRS - 2) SHORE PROTECTION BD - 2 - TWICE
2 - BOARDS
ORIGINAL + PRESENT

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

Will be Here all Summer.

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

6. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☒ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☒ Preservation Foundation of Palm Beach
- ☒ North End Property Owners Association
- ☐ Other _____

7. Present occupation. RETIRED No. of years. 24 YRS.

Employer.

8. Past occupation(s). AUTO - DEALERSHIPS No. of years. 40

Employer(s).

9. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check as many as are applicable)

- ☐ Architecture
- ☐ Landscape Architecture/Design
- ☐ Law
- ☐ Building Construction
- ☐ Municipal Planning
- ☐ Law Enforcement/Code Enforcement

10. Please provide details regarding your educational background:

4 YR. SETON HALL PREP 5th YR ORATORY SCHOOL
2 YR. VILLANOVA

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary)

Letter

12. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
NONE				

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER	
☐ African American	☐ Native American	☒ Male	☐ Female
☐ Asian American	☒ Caucasian	PHYSICALLY DISABLED	
☐ Hispanic American	☐ Other	☐ Yes	☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: _____ DATE: FEB 10. 2012

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CODE ENFORCEMENT BOARD

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Mr. Richard Raffo
173 E. Inlet Dr.
Palm Beach FL 33480

FEB 10. 2012

To Town Council

Hi - The 6 1/2 Period that I Served was 2002 To 2008 & that time we Became the Code and Police Dept Together Great choice. Also a few of us Pushed the Town To collect the money that was Owned To The Town by Past Violaters - By the way that was Very sucessful. I am Here To Try To Help a Great Town.

Thanks

RRaffo

CC:TMO
HR

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RETIREMENT BOARD OF TRUSTEES

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Retirement Board of Trustees must file an annual financial disclosure form per Florida State law).

Name: C. Gerald Goldsmith

Residence Address: 285 Colonial Lane

Mailing Address: 285 Colonial Lane

Home Telephone: 561-844-9715

E-mail Address: cggPB@bellsouth.net

Work Telephone: 772-971-1000

Length of Residency in Town of Palm Beach: 36-yrs

I am a registered voter of the Town of Palm Beach CGG (please initial)

Year of registration 1980

1. Why do you wish to be appointed as a member of the Retirement Board of Trustees? (Please use additional pages if necessary.)

I have a history of service to the Town of Palm Beach and wish to continue.

2. Please identify how many meetings of the a Town Retirement Board you have attended in the past two (2) years.

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4+

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Town of Palm Beach - Town Council 2 years - Beach Cleanup Committee 2 years - Planning and Zoning Board PB - 4 years - Pension Board Fire-Police, then Police only 4 years.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

N/A

RECEIVED

2012 FEB 28 11:05 TWN CLERK

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☐ Citizens' Association of Palm Beach
- ☐ North End Property Owners Association
- ☒ Palm Beach Civic Association
- ☐ Preservation Foundation of Palm Beach
- ☐ Other _____

6. Present occupation: Banker No. of years. 6

Employer: Chairman - First Bank of the Palm Beaches

7. Past occupation(s): Director & Founder No. of years. 15

Employer(s): Palm Beach National Bank

8. Please provide details regarding your educational background: Culver Military Academy University of Michigan - A.B., Harvard Business School-MBA

9. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings, or children.

Family Member Name	Relationship	Address	Occupation	Employer
None				

10. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

11. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the Police Pension Board if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER
☐ African American	☐ Native American	☒ Male ☐ Female
☐ Asian American	☒ Caucasian	PHYSICALLY DISABLED
☐ Hispanic American	☐ Other	☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: C Gerald Hollenbeck DATE: Feb 28, 2012

** Please note that Board/Commission applications will expire on September 30 of each year.

RETIREMENT BOARD OF TRUSTEES

The Retirement Board of Trustees consists of nine members as follows:

One employee who is a member of benefit group general or benefit group lifeguard.

One employee who is a member of benefit group firefighter.

One employee who is a member of benefit group police officer.

Five residents of the Town

The Town Manager

The Retirement Board of Trustees acts in a fiduciary capacity for the Town's retirement funds and in an advisory capacity to the Town Council on matters relating to the administration of the Town's various retirement plans. The Retirement Board of Trustees will meet at least quarterly, with more frequent meetings anticipated during the initial transitional phase of this board.

The Town Retirement Board of Trustees meets in the Town Council Chambers located on the second floor of Town Hall at 360 South County Road, Palm Beach, Florida. The public is welcome to attend meetings.

CC: TMO
HR

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RETIREMENT BOARD OF TRUSTEES

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Name: ALVIN PARVEN

Residence Address: 3120 S. OCEAN BLVD UNIT 2-403

Mailing Address: 3120 S. OCEAN BLVD

Home Telephone: 561-585-4546

E-mail Address: ASKASP@AOL.COM

Work Telephone: 860-448-4423

Length of Residency in Town of Palm Beach: 44 YRS

I am a registered voter of the Town of Palm Beach ✓ (please initial) AGP

Year of registration _____

1. Why do you wish to be appointed as a member of the Retirement Board of Trustees? (Please use additional pages if necessary.)

HAVING SERVED AS CHAIRMAN OF THE PALM BEACH PENSION BOARD FOR GENERAL EMPLOYEES, I WANT TO HELP WITH THE TRANSITION AND SOLIDIFYING THE NEW BOARD

2. Please identify how many meetings of the a Town Retirement Board you have attended in the past two (2) years.

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4+

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

PALM BEACH PENSION BOARD FOR GENERAL EMPLOYEES APPROXIMATELY 3 YRS WITH ABOUT 92% ATTENDANCE

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

RECEIVED

2012 FEB 29 9:39 TWN CLERK

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☐ Citizens' Association of Palm Beach
- ☐ North End Property Owners Association
- ☒ Palm Beach Civic Association
- ☐ Preservation Foundation of Palm Beach
- ☐ Other _____

6. Present occupation: RETIRED No. of years. 17 YRS

Employer: CURRENTLY CHAIRMAN OF COMPENSATION COMMITTEE OF ALEXION A PUBLICLY TRADED BIOPHARMACEUTICAL CO

7. Past occupation(s): RETIRED No. of years. 34 YRS

Employer(s): _____

8. Please provide details regarding your educational background: _____

UNIVERSITY NORTHEASTERN UNIVERSITY

9. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings, or children.

Family Member Name	Relationship	Address	Occupation	Employer
SANDRA	WIFE	3420 S. OCEAN BLVD	RETIRED	EDUCATOR

10. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

11. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE

☐ African American ☐ Native American

☐ Asian American ☒ Caucasian

☐ Hispanic American ☐ Other

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: _____ DATE: 2-24-2012

**** Please note that Board/Commission applications will expire on September 30 of each year.**

RETIREMENT BOARD OF TRUSTEES

The Retirement Board of Trustees consists of nine members as follows:

One employee who is a member of benefit group general or benefit group lifeguard.

One employee who is a member of benefit group firefighter.

One employee who is a member of benefit group police officer.

Five residents of the Town

The Town Manager

The Retirement Board of Trustees acts in a fiduciary capacity for the Town's retirement funds and in an advisory capacity to the Town Council on matters relating to the administration of the Town's various retirement plans. The Retirement Board of Trustees will meet at least quarterly, with more frequent meetings anticipated during the initial transitional phase of this board.

The Town Retirement Board of Trustees meets in the Town Council Chambers located on the second floor of Town Hall at 360 South County Road, Palm Beach, Florida. The public is welcome to attend meetings.

CC: TMO
HR

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RETIREMENT BOARD OF TRUSTEES

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Name: Wilbur L. Ross, Jr. Residence Address: 328 El Vedado Road, P.B.

Mailing Address: same as home Home Telephone: 561-655-2615

E-mail Address: wlross@wlross.com Work Telephone: 212-826-2111

Length of Residency in Town of Palm Beach: 3 years

I am a registered voter of the Town of Palm Beach WLR (please initial)
Year of registration 2004

1. Why do you wish to be appointed as a member of the Retirement Board of Trustees? (Please use additional pages if necessary.)

I have served as chairman of the Fire Fighters Retirement Fund and on behalf of Palm Beach Civic Association delivered a speech and moderated a panel to help voters understand the pension issue. I am a professional investor

2. Please identify how many meetings of the a Town Retirement Board you have attended in the past two (2) years.

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4+

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

I have never missed a Fire Fighter Retirement Fund meeting

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

NO

RECEIVED

2012 FEB 27 7:37 TWN CLERK

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☐ Citizens' Association of Palm Beach
- ☐ North End Property Owners Association
- ☒ Palm Beach Civic Association
- ☒ Preservation Foundation of Palm Beach
- ☐ Other _____

6. Present occupation: CEO No. of years. 12 years

Employer: W L Ross + Co. LLC

7. Past occupation(s): Executive Director No. of years. 25 years

Employer(s): Rothschild Inc.

8. Please provide details regarding your educational background: Yale U., A.B., 1959; Harvard U. Graduate School of Business Administration, MBA with Distinction, 1961

9. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings, or children.

Family Member Name	Relationship	Address	Occupation	Employer
Hilary	wife	328 El Vedado Rd.	writer	self

10. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? no

11. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☒ I will resign from the Firefighter Retirement Fund if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER
☐ African American	☐ Native American	☒ Male ☐ Female
☐ Asian American	☒ Caucasian	PHYSICALLY DISABLED
☐ Hispanic American	☐ Other	☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: Wilbur D. Rose DATE: 2/24/12

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RETIREMENT BOARD OF TRUSTEES

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One employee who is a member of benefit group firefighter.

One employee who is a member of benefit group police officer.

Five residents of the Town

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TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RETIREMENT BOARD OF TRUSTEES

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Name: RAYMOND W. SNOW

Residence Address: 255 MONTEREY ROAD

Mailing Address: 255 MONTEREY ROAD

Home Telephone: 561-719-8282

E-mail Address: ray_snow@ml.com

Work Telephone: 561-805-5322

Length of Residency in Town of Palm Beach: 17 years

I am a registered voter of the Town of Palm Beach [illegible] (please initial)
Year of registration 1994

1. Why do you wish to be appointed as a member of the Retirement Board of Trustees? (Please use additional pages if necessary.)

- Have served on Police Officer Board for past 7 years, last 5 as CHAIR; strong desire to ensure continuity as Boards merge; active and knowledgeable in investments through career in wealth management. Knowledgeable in fiduciary responsibilities of pension administration and asset management.

2. Please identify how many meetings of the a Town Retirement Board you have attended in the past two (2) years.

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☒ ~~4~~+

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Police Officer Board of Trustees, Town of Palm Beach 2004-present; chair 2006-present; 100% attendance.
Board of Trustees, Johns Hopkins University 2008-2012; also its Finance Committee.
NASD District Committee 1998-2001.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

- only normal vacations out of town.

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

- ☑ Palm Beach Chamber of Commerce
- ☐ Citizens' Association of Palm Beach
- ☐ North End Property Owners Association
- ☑ Palm Beach Civic Association
- ☑ Preservation Foundation of Palm Beach
- ☐ Other _____

6. Present occupation: V.P. / Wealth Management Advisor No. of years. 12

Employer: Merrill Lynch

7. Past occupation(s): Director / Financial Advisor / Manager No. of years. 23

Employer(s): Alex Brown & Sons + Successors

8. Please provide details regarding your educational background: B.A., Business, Johns Hopkins University; graduate studies; Certified Financial Planner (TM)

9. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings, or children.

Family Member Name	Relationship	Address	Occupation	Employer
None.				

10. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO.

11. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

(Police Board will cease to exist 3/31/2012)

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
- ☐ Native American
- ☐ Asian American
- ☑ Caucasian
- ☐ Hispanic American
- ☐ Other

GENDER

- ☑ Male
- ☐ Female

PHYSICALLY DISABLED

- ☐ Yes
- ☑ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: Raymond W. Shaw DATE: February 24, 2012

** Please note that Board/Commission applications will expire on September 30 of each year.

RETIREMENT BOARD OF TRUSTEES

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One employee who is a member of benefit group firefighter.

One employee who is a member of benefit group police officer.

Five residents of the Town

The Town Manager

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The Town Retirement Board of Trustees meets in the Town Council Chambers located on the second floor of Town Hall at 360 South County Road, Palm Beach, Florida. The public is welcome to attend meetings.

RAYMOND W. SNOW, CFP®

Merrill Lynch
249 Royal Palm Way
Palm Beach, Florida 33480
(561) 805-5322; Fax (561) 404-4818
ray_snow@ml.com

255 Monterey Road
Palm Beach, Florida 33480
(561) 839-6624
Cell (561) 719-8282
raysnow@jhu.edu

PROFESSIONAL POSITIONS OF RESPONSIBILITY:

MERRILL LYNCH, PIERCE FENNER & SMITH (a subsidiary of Bank of America):

January 2006-present: Merrill Lynch, Vice President and Wealth Management Advisor, Palm Beach, Florida branch office; Certified Financial Planner™

June 2003- January 2006: Merrill Lynch, Vice President and Producing Senior Resident Director, Palm Beach, Florida branch office; Certified Financial Planner™

2000-June 2003: Merrill Lynch, Vice President and Producing Resident Manager, West Palm Beach, Florida branch office (2003 Office of the Year- Florida Region)

DEUTSCHE BANC ALEX. BROWN and its predecessors, BT Alex. Brown, Alex. Brown Incorporated and Alex. Brown & Sons:

1998-2000: Director, Palm Beach, Florida branch office, Deutsche Banc Alex. Brown and its predecessor, BT Alex. Brown Incorporated

1994-1998: Principal and Producing Branch Manager, West Palm Beach, Florida branch office, BT Alex. Brown and its predecessor, Alex. Brown Incorporated

1991-1994: Principal and Producing Branch Manager, Annapolis, Maryland branch office, Alex. Brown Incorporated

1984-1991: Vice President and Producing Branch Manager, Annapolis, Maryland branch office, Alex. Brown Incorporated and its predecessor, Alex. Brown & Sons

1982-1984: Producing Assistant Branch Manager, Annapolis, Maryland branch office, Alex. Brown & Sons

1977-1982: Producing Investment Representative, Baltimore, Maryland flagship branch office, Alex. Brown & Sons

Financial Industry Regulatory Authority (FINRA) (formerly the National Association of Securities Dealers - NASD) CRD # 844605; licenses held: Branch Office Manager, General Securities Principal, Registered Investment Adviser, Municipal Securities Principal, Registered Options Principal, Foreign Currency Options Principal, General Securities Representative, Florida Department of Insurance – Life and Variable Annuity. No disciplinary history in entire career.

McDONOGH SCHOOL, Incorporated, Owings Mills, Maryland:

1970-1977: Teacher, Administrator, Baseball and Basketball Coach, Dormitory Supervisor, Counselor

OUTSIDE ORGANIZATIONS – POSITIONS OF RESPONSIBILITY:

FINRA (formerly NASD) REGULATION, Incorporated:

1998-2001: Member, District Committee, District 7 – NASDR (Florida, Georgia, North Carolina, South Carolina, Virginia, Puerto Rico, and the US Virgin Islands); elected District Committee Vice Chairman, 2000-2001

2001-2002: Member, District Nominating Committee

1998-2000: Member, Regional Nominating Committee (NASDR Districts 5, 6, 7)

1996-present: Arbitrator/Chairperson, FINRA Office of Dispute Resolution

ARTHRITIS FOUNDATION, Voluntary Health/Research Organization:

1995-1997, 2003-present: Board Member, Mid East Branch, Florida Chapter
1994-1996: National Secretary
1992-1994: National Treasurer
1984-1996: Member, National Board of Trustees
1981-2000: Member, National House of Delegates
1982-1984: Board Chairman, Maryland Chapter

1996: Sole Recipient, Charles B. Harding Award, National Volunteer of the Year

1984: Maryland Chapter Volunteer of the Year

JOHNS HOPKINS UNIVERSITY:

2010-present: President, Johns Hopkins University Alumni Association
2008-present: Member, Board of Trustees – Johns Hopkins University
2008-present: Member, Finance Committee – JHU Board of Trustees
2008-2010: First Vice President/President-elect, JHU Alumni Association
2006-2008: Second Vice President, JHU Alumni Association
2002-present: Executive Committee, Alumni Council, JHU Alumni Association
2001-present: Member, Alumni Council, JHU Alumni Association

TOWN OF PALM BEACH, FLORIDA:

2006-present: Chairman, Police Officers Retirement Board of Trustees (elected by Board)

2004- present: Trustee, Police Officers Retirement Board of Trustees (appointed by Town of Palm Beach Town Council)

OTHER OUTSIDE PROFESSIONAL, VOLUNTEER and SOCIAL AFFILIATIONS:

Securities Industry Association: Graduate, Securities Industry Institute
Sailfish Club of Florida (past Yachting Committee Chairman) (past Board of Governors)
Annapolis Yacht Club
Annapolitan Club (Past President)
Palm Beach Chamber of Commerce
Palm Beach Civic Association
Preservation Foundation of Palm Beach
Henry M. Flagler Museum at Whitehall, Palm Beach
Johns Hopkins University Blue Jays Unlimited

EDUCATION:

Johns Hopkins University, B.A., Business, 1970
Graduate studies: Johns Hopkins University and Towson State University

MILITARY EXPERIENCE:

1970-1980: Maryland Army National Guard – final rank: Captain; Company Commander, State Military Academy Training Director, other staff and line officer positions

Commissioned via Army ROTC, Johns Hopkins University, 1970

PERSONAL INFORMATION:

Born October 16, 1948 in Washington D.C.

Married for 41 years to Christine (Friant) Snow; two grown children: Elizabeth (37) of Baltimore, Maryland and Andrew (34) of Severna Park, Maryland; three grandchildren

Excellent health, 6'1", 170 pounds

Founding President of the Washington, D.C. Metropolitan Area High School Council – 1965-1966

Eagle Scout, 1966

Interests include ocean fishing, sailing, travel (especially France), baseball, American history and politics

CC: TMO
HR

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RETIREMENT BOARD OF TRUSTEES

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Name: James McCartney WEARN

Residence Address: 260 Jamaica Lane
Palm Beach, FL 33480

Mailing Address: c/o James McCartney Wearn, P.A., Suite 105
410 Evernia St, WPB, FL 33401

Home Telephone: 561-842-4500

E-mail Address: (not public)

Work Telephone: 561-659-0655

Length of Residency in Town of Palm Beach: 50-years

I am a registered voter of the Town of Palm Beach JW (please initial)
Year of registration 1971

1. Why do you wish to be appointed as a member of the Retirement Board of Trustees? (Please use additional pages if necessary.)

See attached continuation sheet

2. Please identify how many meetings of the a Town Retirement Board you have attended in the past two (2) years.

☐ 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4+ Police Officer Board of Trustees

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

See attached Personal and Professional Biography with Curriculum Vitae (CV)

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

None

RECEIVED

2012 MAR 1 15:29 TWN CLERK

5. Please indicate if you are a member of any of the organizations listed below. (Check all that apply)

☐ Palm Beach Chamber of Commerce ☐ Palm Beach Civic Association
☐ Citizens' Association of Palm Beach ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association ☐ Other _____

My spouse is a member of the Civic Association and Preservation Foundation

6. Present occupation: Lawyer No. of years. 45-

Employer: James McCartney Wearn, P.A.

7. Past occupation(s): _____ No. of years. _____

Employer(s): _____

8. Please provide details regarding your educational background: See attached CV

9. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings, or children.

Family Member Name	Relationship	Address	Occupation	Employer
Patricia Watts	Spouse	260 Jamaica Lane, PB	Broker-Assoc	Corcoran

10. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? No

11. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the not applicable if I am appointed to the position I am seeking in this application.
board/commission/committee

Police Officer Board of Trustees, Town of Palm Beach Retirement System

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE		GENDER
☐ African American	☐ Native American	☒ Male ☐ Female
☐ Asian American	☒ Caucasian	PHYSICALLY DISABLED
☐ Hispanic American	☐ Other	☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: _____ DATE: 1 March 2012

**** Please note that Board/Commission applications will expire on September 30 of each year.**

RETIREMENT BOARD OF TRUSTEES

The Retirement Board of Trustees consists of nine members as follows:

One employee who is a member of benefit group general or benefit group lifeguard.

One employee who is a member of benefit group firefighter.

One employee who is a member of benefit group police officer.

Five residents of the Town

The Town Manager

The Retirement Board of Trustees acts in a fiduciary capacity for the Town's retirement funds and in an advisory capacity to the Town Council on matters relating to the administration of the Town's various retirement plans. The Retirement Board of Trustees will meet at least quarterly, with more frequent meetings anticipated during the initial transitional phase of this board.

The Town Retirement Board of Trustees meets in the Town Council Chambers located on the second floor of Town Hall at 360 South County Road, Palm Beach, Florida. The public is welcome to attend meetings.

James McCartney WEARN
Continuation Sheet for Application for Service on Retirement Board of Trustees
Town of Palm Beach Retirement System

1. As a fiduciary: to help re-establish and maintain the full and balanced funding I helped bring to fruition before 2000 when the one Board was divided notwithstanding advice against the division; and to continue the conservative policies and oversight of the financial consultant and money management personnel and investments to prudently manage the pension assets for the best interests of the Town, Town residents and taxpayers, and Town staff (present and retired).

As a citizen representative: to continue appropriate fiscal focus for taxpayers on staff retirement benefits and encourage the value of other and additional means to attract, retain and provide for the highest quality Town staff.

And as a Townsperson: to serve my community, where the service was recruited by a prior Town Council President, and its continuation has been requested and/or supported by prior and present Mayors and Town Councils, Townpersons, and Town staff (present and retired).

PERSONAL AND PROFESSIONAL BIOGRAPHY
WITH CURRICULUM VITAE

JAMES McCARTNEY WEARN March 1, 2012

Born July 15, 1942 in Manhattan, New York City, New York

Synopsis

James McCartney Wearn received his secondary education at Trinity School in New York City and graduated from preparatory boarding school at Deerfield Academy in Massachusetts. He attended the Business School in college at Washington & Lee University, graduating with a Bachelor of Arts (BA) degree in Political Science with emphasis on economics. He earned his Bachelor of Laws (LLB) degree converted to Juris Doctor (JD) at the National Law Center of George Washington University in Washington, D.C. He was an Infantry Officer and Special Agent in Counterintelligence and attained the rank of Captain in the U.S. Army, given a command and decorated for service in Vietnam. Wearn has served as a municipal judge in the Town of Manalapan, Palm Beach County, Florida. He was elected a Councilman in the Town of Palm Beach, Florida; in recognition of his service, he has had a number of significant Palm Beach government leadership appointments. He has been an active leader in the American Red Cross locally, statewide, southeast regionally, and nationally. By a prior marriage, Wearn has two adult children. Wearn remarried in 1981; he and his wife continue to reside in Palm Beach.

* * *

Wearn's Spouse

Wearn's wife, Patricia Watts-Wearn, is a Realtor®, Certified Residential Specialist, broker and President of Patricia Watts-Wearn Real Estate. She became successful at marketing and sales, was recruited to and opened Sotheby's Palm Beach market, where her success produced a number of highest price paid records for estate sales in the eastern half of the United States. She was twice recognized by her peers as "Realtor® of the Year," was elected President of The Palm Beach Board of Realtors, and was selected to serve as President of the 5,000 member Palm Beach Council of Realtors of Palm Beach County. Watts-Wearn is now a Broker-Associate with Corcoran, another prominent real estate firm in Palm Beach. And in the community, Watts-Wearn has served on the Board of Directors of the Southeastern Arthritis Foundation of Florida, in addition to the American Red Cross Board of Directors, chairing among them four major fundraisers. Watts-Wearn was the residential real estate member of the Palm Beach Rotary Club.

* * *

Wearn's Leisure Activities and Interests: [omitted as inapplicable]

* * *

Parentage, Heritage and Social Affiliations: [omitted as inapplicable]

* * *

Formal Education:

Garden Country Day School, Jackson Heights, New York City (1948-1954)
Corning Free Academy, Corning, New York (1954-1955)
Trinity School, Manhattan, New York City (1955-1957)
Deerfield Academy, Deerfield, Massachusetts (1957-1960), graduate
Washington & Lee University (1960-1964), Business School (political science), B.A.
National Law Center, George Washington University (1964-1967), LLB converted to J.D.

* * *

Military:

Reserve Officer Training Corps (ROTC) commissioned Second Lieutenant (1964)
Initially an Infantry Officer in the Infantry branch; later a Special Agent in Military Intelligence with a controlled military operational standing (1542 and 9666)
Attained promotion to grade of Captain (1969)
Had two commands, one in the United States and one in the Republic of Vietnam
Awards and Decorations:
- Bronze Star Medal for Meritorious Achievement May 1969 to May 1970
- Bronze Star Medal for Hostile Ground Operations April 6 - 9, 1970
- Army Commendation Medal for Meritorious Achievement December 15, 1969 to February 10, 1970

Honorable Discharge May 18, 1972
Recognition on November 11, 2008 by the Town of Palm Beach on its Wall of Honor for Town citizens having fought in foreign wars while Town residents

* * *

Profession: Lawyer, admitted to the Supreme Court of Florida and The Florida Bar in 1967.

Wearn started practice as a civil litigator of non-jury commercial trials. His success in zoning and land use litigation lead to a part of his practice being his representation of local governments, which he continued for over thirty years; during that time and now, he provides his clients advice or representation before local governments. And his success in commercial litigation generally lead to the narrowing of his private practice to representing a few longstanding client families, providing them coordinated legal services, such as engaging, overseeing and managing other professionals on an as-needed basis (that way the client only deals with one lawyer, who they know and who knows them, not a whole firm or firms of lawyers). Wearn's litigation success taught him that people need to learn how to avoid the trauma, time and expense of being in court, and that lead to his strong practice of defensive law, guiding his clients to protect and enforce their interests without the threat or need of court, as the last resort, but being prepared for court when and if needed. Wearn's practice is therefore less focused on litigation,

and now more balanced with focus on real estate, local government law, contracts, commercial transactions, wills and trusts, and probate. Wearn's legal practice is uniquely tuned to provide overall long-term offensive and defensive general civil legal service coordinating client interests.

Legal Affiliations:
The Florida Bar, admitted 1967 (in good standing 1967 to date)
Florida Bar Grievance Committee: Member, 1981-1984; Chairman, 1982-1984
Local Government Law Section: Member, 1996 to 2002
Florida Municipal Attorneys Association, 1982 to 2002

Palm Beach County Bar Association, 1967 to date
Forty Year service recognition at 2007 annual meeting
Investiture Committee Chairman, 1976-1977
Civil Practice Committee Vice Chairman, 1977-1978
Circuit Court Advisory Committee, 1978-1979
Government Attorney Liaison Committee, 1999 to 2002
Palm Beach County Trial Lawyers Association, 1997 to 2002
American Bar Association, 1967 to 2002
Academy of Florida Trial Lawyers (Presidents Club), 1972 to 2002
Association of Trial Lawyers of America, 1972 to 2002.

Recognition and Honors:
Selected for Grievance Committee Membership, and then Chairmanship
The Florida Bar Certificate for Meritorious Public Service

Public Representations:
District Attorney, South Lake Worth Inlet District, 1973 to 1996 when dissolved/merged into Palm Beach County
Town Attorney, Town of Manalapan, 1974 to 2002
Special case Attorney, Town of Palm Beach, 1999

Palm Beach Countywide Beaches and Shores Council:
Conceived of, originated documentation to establish, and founded the Palm Beach Countywide Beaches and Shores Council, on which he served continuously from its inception in 1984 as a delegate representative of the South Lake Worth Inlet District until District dissolution/merger into Palm Beach County in 1996.

Reported Cases:
In re: Estate of Howard, 393 So2nd 81 (Fla. 4th DCA 1981)
Florida Jurisprudence 2d: Decedents' Property §430.
-as sole appellate lawyer
Ryan vs. Town of Manalapan, 393 So2nd 633 (Fla. 4th DCA 1981)
Florida Jurisprudence 2d: Building and Zoning §38, Counties §232, and Deeds §175.
-as sole trial and sole appellate lawyer

Ryan vs. Town of Manalapan, 414 So2nd 193 (Fla. 1982)
Florida Jurisprudence 2d: Building and Zoning §38 and §48.
-as sole trial and sole appellate lawyer
Town of Ocean Ridge vs. South Lake Worth Inlet District, 633 So2nd 79 (Fla. 4th DCA 1994)
Florida Jurisprudence 2d: Administrative Law §164.
-as sole trial and appellate co-counsel
Gyongyosi vs. Town of Manalapan, 828 So2nd 1029 (Fla. 4th DCA 2002)
-as sole trial and 1st tier appellate lawyer; and 2nd tier appellate co-counsel

Wearn has since 1980 enjoyed the Martindale Hubbell highest attorney peer rating AV.

* * *

Volunteer Service in community, town, county, state and nation (other than Red Cross):

Town of Palm Beach:
Town Councilman, 1982-1984.
Crime Watch: Advisory Board member, 1984 to 2008; and Honorary Board member, 2008 to date.
Retirement Board of Trustees
Unified Board covering all Town staff (general, lifeguard, police, fire and emergency medical): member (one of two citizen members) 1990 to 2000
Vice Chairman 1992 to 2000, when Board responsibilities divided
Recognition awarded.
General Employee Board (including lifeguard): member 2000 to 2005
Chairman 2000 to 2005
Recognition awarded
Police Officer Board: member 2005 to date
Secretary 2005 to 2007
Charter Commission
Member and Vice Chairman, 1997 to conclusion of Commission action in 1999
Recognition awarded.
Police Department Citizen Police Academy Charter Class 2000 (by invitation).
Recognition on November 11, 2008 by the Town of Palm Beach on its Wall of Honor for Town citizens having fought in foreign wars while Town residents

Florida Governor's Hurricane Conference:
Board of Directors member (1 of 3), 1995 to 1999
when Conference grew from 1500 to 2000 attendees.
Recognition awarded.

Rotary International West Palm Beach Sunrise Club:
Charter member, 1986 to date
Board of Directors member, 1986 to 1998
Treasurer, 1986 to 1994
Secretary, 1994 to 1995
Vice President, 1995 to 1996

President 1996 to 1997

Paul Harris Fellowship

Recognition and Honors:
Outstanding and Dedicated Service Award as Treasurer
Palm Beach Lakes High School Student Council Involvement Award
Rotary International Presidential Citation for Outstanding Leadership

* * *

American Red Cross Volunteer Service in community, town, county, state and nation:

Palm Beach County Chapter:
Board of Directors member, 1978-1984, 1985-1991, 1992 to 1998, and 1999 to 2000 (departed for Southeast Regional Committee service)
Advisory Board member, 2000 to 2001
Honorary Board member, 2001 to date
Executive Committee, 1978 to 1998
Young Friends of Red Cross New Year's Eve Ball Committee, 1983 to 1988
Major fundraising event, the success for which generated the National Harriman Award for the Committee Chairman, H. Loy Anderson, Jr., subsequently elected to the national Board of Governors
Co-chairman (under the Chairmanship of his wife), 1989 Special Event Dinner Auction successfully raising for the Chapter net revenue of $143,000.00
Legal Counsel (volunteer) and Chairman of the Committee on Legal Affairs and Chapter Policy, 1978 to 1990 and 1995 to 1996; Associate Legal Counsel, 1990-1995 and 1996 to 2001
Achievements:
Maintained full Code compliance
No cost legal services and no liabilities imposed
Chapter Chairman, 1990-1993
Achievements:

- Implemented endowment through planned giving, creating significant chapter reserve
- focused Chapter service delivery on core Red Cross services
- diversified chapter revenue, which tripled while Chairman
- during Hurricane Andrew in 1992, led the Chapter raising nearly $5 million for disaster relief (over $2 million of it raised in a 5 TV station/29 radio station prime time 3-hour telethon), and developed and conducted a donations in-kind program which was nationally adopted, and initiated, recruited 30,000 volunteers and led the Fairgrounds Operation of disaster relief for the affected area (receiving, unloading, sorting, repackaging, palletizing, loading and dispatching up to 100 tractor trailers of specific essential supplies per day), resulting in gifts-in-kind becoming a feasible and meaningful-to-the-donor method for disaster relief contribution, bettering the way Red Cross fulfills mass care relief.

(If attached, see reduced copy of Remembrance plaque)

Chapter Delegate attending 10 National Conventions
Recognition:
1983 Certificate of Appreciation as Volunteer Chapter Counsel
1985 Board of Directors Award for Volunteer Professional Services
1988 Chapter's highest volunteer award, the Sue Whitmore Award
1979-1988 Certificate of Appreciation as Volunteer Chairman of Legal Counsel
1993 Town of Palm Beach Chamber of Commerce "One and Only" Award
1990-1993 Red Cross President Schubert's Certificate of Appreciation
1993 Florida SSC Chairman's Recognition for Hurricane Andrew Relief
1998 Chapter Certificate of Appreciation
1999 Codicil Club/Legacy Society recognition for substantial contribution
2000 Chapter Alliance Award for beyond the chapter Red Cross service
2003-2004 Service Area Restructuring Ad Hoc committee Chairman Certificate of Appreciation
2008 National designation and recognition as Legacy Fellow

Florida State Service Council (SSC):
Planning Committee Chairman, 1992 to 1994
(from formation and establishment of the SSC implementing SD21)
Recognition: Florida SSC Proclamation of Honor; and Plaque of Appreciation.
SSC Chairman, 1995 to 1999
(Following the 1992-1995 chairmanship of National Board Of Governors member Erik E. Joh)
Achievements:

- More closely aligned communication, cooperation and service delivery of the then 27 Florida chapters (far apart geographically, politically, socially and economically) to successfully respond to numerous major hurricane threats and strikes, floods, wildfires and tornados
- led Florida from raising less than 50% of its Disaster Relief expense to more than 100%
- led Florida Lead Chapters for Disaster Services, Financial Development, Armed Forces Emergency Services, Human Resources, Youth Resources, International Services, Health and Safety Marketing and Services, HIV/AIDS Education, Communications, and Government Relations
- led Florida chapters in significant capacity building for service delivery and fundraising
- in partnership with Senior VP Jennifer Dunlop, developed and implemented a highly successful planned giving pilot program establishing a working partnership of National planned giving officers with the State and Chapter leadership on a continuing basis; now a permanent Florida program and model for National planned giving
- led Florida's 1999 Resolution 8 successful initiative focused on funding of key SD21 state efforts

- with Sumner Hutchinson III as SSC VC, led the SSC and Florida chapters to agree to have a statewide Disaster Services Manager to better coordinate Red Cross preparation for, prevention and relief from the myriad disasters in high-risk prone Florida
- conceived of Florida's five Districts each having separate field service
- analyzed each Florida chapter's United Way contracts, compiled them and their terms and provisions, and presented them to each chapter and at the 1999 State Conference to better enable each chapter to arrive at a more stable and equitable United Way relationship.

Recognition:

1995 Florida Human Resources Instructor Training Institute Certificate of Appreciation

1999 Florida SSC members' Certificate & Award of Appreciation

2000 Partnership Award from Southeast Region for Planned Giving Pilot Program, with Senior VP Jennifer Dunlop (See attached Southeast Regional Partnership Award write up).

Southeast Regional Management Committee
(one of five members covering the seven states of Florida, Georgia, South Carolina, North Carolina, Alabama, Mississippi, and Tennessee):
member, 1994-1995 (leave of absence granted to become Florida State Service Council Chairman), and 1999 to 2001

Achievements:

- exercised persuasion and mediation skills (from his regional, and then state positions) in applying state and regional resources for the survival (then in financial jeopardy and on the predecessor to Senior VP Don Jones' "red list"), and now significant success, of the Collier County Chapter (Florida's southwest coast demographic equivalent of the Palm Beach County Chapter)
- planned, orchestrated and led (from his regional, then state and then again regional positions) the combination and of three (3) relatively weak Florida panhandle chapters into one strong and growing chapter
- exercised his Regionally-assigned Mississippi liaison leadership to establish a major financial Development initiative
- conceived of and led the Mississippi SSC initiative for Disaster Services statewide mutual aid, thereby facilitating a Design for Excellence where numerous chapters were otherwise in jeopardy of not being re-chartered

Recognition:

2000 Mississippi Certificate of State Service Council Appreciation

2001 Southeast Region Certificate of Appreciation for exemplary service and leadership by Past Regional Chair Gray W. Harrison, Jr., Past Regional Chair Patti P. Hunter, and Regional Chair Roger D. Campbell and Regional Executive Michael L. Bennett

National Resolutions Committee:
Member, 1994-1995