TOWN OF PALM BEACH

Recreation Department

MINUTES OF THE SEAVIEW PARK COMMISSION MEETING HELD

FEBRUARY 26, 1992

I. CALL TO ORDER: A meeting of the Seaview Park Commission was called to order by the Chairman, Mr. Broberg at 1:05 PM on February 26, 1992, in the Recreation Center. Commission members in attendance were; Mr. Broberg, Mr. Lubow, Mr. Myers, Mrs. McIntyre and Mr. Ochstein. Staff members in attendance were; Mr. Bitzer, Mr. Hay, Mrs. Reidy, Mr. Bowser and Mrs. Walkowich. Ladies B-1 Tennis Team representatives in attendance were, Mrs. Kassatly, Mrs. Gerl, Mrs. Ricca, Mrs. Straub, Mrs. Warshaver and Mrs. Terry. Ladies A-3 Tennis Team representatives in attendance were, Mrs. Paull, Mrs. Commander and Mrs. Scott. Absent from the meeting were; Mrs. Clarke-Royale and Mrs. Leidy.

Mr. Broberg welcomed Mr. Lubow to the Seaview Park Commission.

II. APPROVAL OF THE AGENDA: Mr. Broberg asked if there were any additions or changes to the agenda, there were none. Motion made by Mr. Myers to approve the agenda. Seconded by Mr. Lubow, motion carried.

III. APPROVAL OF JANUARY 22, 1992 MINUTES: Mr. Broberg asked if there were any corrections, additions or deletions to the minutes, there were none. Motion was made by Mrs. McIntyre to approve the minutes. Seconded by Mr. Ochstein, motion carried.

IV. OLD BUSINESS:

1. Tennis Shop Fundraising Status Report - Mr. Broberg

Mr. Broberg said the $42,531.00 loan is due on August 8, 1992. Total monies received by individual donors to date is $18,627.83 also pledged is $15,000.00 from the Palm Beach Tennis Association and uncollected pledges from individuals is $3,667. After all these monies are collected, there will be a debt of $5,291.17. He informed the commission and residents in attendance that if they wish to contribute to the tennis shop, their donations would be tax

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deductible and should be made payable to the Town of Palm Beach. He further explained that if a donation was $1,000.00 or more that they would receive recognition on a donors plaque.

2. February 19, 1992, Memorandum From Mr. Bitzer Regarding Information Requested By The Commission At The January 22, 1992, Commission Meeting - Mr. Bitzer

Mr. Broberg asked if it would be possible to add a 25 cent surcharge to daily court fees and that this extra 25 cents be put towards the money owed for the tennis pro shop?

Mr. Bitzer explained that the Town would have to review and assess the appropriateness of such a fee and any change in this fee classification would require Town Council approval. The 25 cent surcharge added to the daily fee would only generate $300. to $350. Mr. Bitzer further stated that he felt this surcharge could be construed as an involuntary contribution and cause a negative reaction. He suggested that possibly a tennis tournament would be a more profitable and a less controversial option.

Mr. Broberg asked if the Town were to hold a tournament, what would be the particulars and how would the money be broken down. Mr. Hay stated that the entry fee in most cases covered the expenses of the tournament such as prizes & refreshments. If there was any money left over this could be donated to the pro shop. He further stated that in the past year, there was not a great response to tournaments. However, if the residents knew what the money was going to be used for, that might make a difference. Mr. Myers said it seemed possible that they could raise enough money to at least make a dent in the $5,000 figure that was still owed. Mr. Lubow said that he had been soliciting pledges and had approximately $1,500. in addition to the original group pledge of $7,500.

Mr. Bowser offered a suggestion of a raffle. By going to the local merchants they could possibly donate the merchandise for prizes and the proceeds would be 100%. Mr. Broberg stated that this could be an added attraction to the tournament and felt that this was a good idea. Mr. Myers asked if there would be any problems with the Town sponsoring a raffle. Mr. Bitzer said that a charitable solicitation permit application would have to be completed and that the Town Council would have to approve the permit. He said that he would look into this matter further. Mr. Broberg asked how much time the Town would need to get this type of tournament together. Mr. Hay said he would need three weeks to a month.

Mr. Broberg asked to move on to the next question. Mr. Bitzer stated that the next question was regarding the cost of a donors plaque at the pro shop for contributions of $1,000.00 or more. He said that he looked into an indoor plaque which would be much cheaper than an outdoor cast bronze plaque and that the memo he had sent gave them a breakdown of the prices. Mr. Bitzer explained that the Town had anticipated a plaque costing less than $100.00 and that funding exceeding this amount had not been appropriated for in the FY-92 Recreation budget. Therefore, if a cast aluminum or bronze plaque is desired, additional funds will be required. Mrs. Walkowich brought in a sample of an indoor engraved wooden plaque for the Commission to look over. Mr. Myers stated that he would prefer to see an outside plaque and felt that the people who had made these large donations would not want to have their name on a small wooden plaque inside the pro shop. The Commission agreed and felt that an outside plaque would be more appropriate. Mr. Bitzer suggested that the Commission give the staff written suggestions as to the verbiage to be on the plaque.

Mr. Broberg asked the Commission to move on to the last item on the memorandum regarding the utilization of lights on tennis courts 5 & 6 when the new lights on courts 1 & 2 are installed. Mr. Bitzer suggested that the Commission first review item two on page two of his memo regarding bid specifications and the Commission being more involved in such bid specifications. He reviewed the question for Mr. Bowser and stated that he had advised the Commission at the March 13, 1992, Commission meeting that the preliminary plans for tennis court lighting were in his office for their review and comments, however, the Commission felt these drawings were after the fact and the Commission wanted to be more informed and more involved from the beginning.

Mr. Bowser explained the contractor who had been chosen for the job had successfully completed other projects in the Town. There were several reasons why there were such delays in this project, such as 1. The contractor had undergone a change in ownership and personnel problems and to go back and start the project over with a new bid would take as long or longer to get the project completed, 2. The new people did not perform as well as the people in the past did, but our recommendation originally was based on previous successful projects. 3. There were problems with construction and also the unexpected problems with debris under the courts that could not have been anticipated.

Mr. Broberg asked Mr. Bowser to explain why there are 5 inch poles instead of 4 inch poles and when the heads to those poles will be put on? Mr. Bowser explained that the original intent was that 4 inch poles were going to be adequate for the job based on the consultants recommendation. When the manufacturer saw this they informed us that we needed a five inch pole to support a four armed light. The contractor reordered the poles and now has all but two of the five inch poles. Two were rejected because they did not put the proper holes in them for the coin meter boxes. It was his understanding that the two five inch replacement poles will be delivered in two weeks. The contractor said they have the arms in stock. They are coordinating a day next week to have one of the arms installed for us to approve. It should take 3 weeks from that date to have all poles and arms assembled and the operation completed.

Mr. Broberg wanted to know how the Commission could become more involved and have more input into major projects at Seaview Park. Mr. Bowser stated that his department does not make final bid specifications and does not develop a scope of work until they confer with the Department Head.

Mr. Bowser said recently a memo went to all Department Heads regarding planning for next years capital improvements asking them to consult with Engineering for cost estimates and the scope of work to be done so as to ensure that the quality and type of work that is being proposed will have an adequate budget to cover professional services that are required and adequate contingencies for the project. Mr. Bitzer stated that this is a standard procedure that we do and the date that he had to have this completed by was March 27th. Therefore, at the March 25th Commission meeting, it would be time to review the FY-93 proposed CIP budget. He suggested putting Capital Improvement Projects on the agenda for the March meeting.

Mr. Broberg requested that proposed projects be sent to the Commission at least two weeks prior to the meeting. Mr. Bitzer said he would be happy to do that and that this was a five year capital improvement schedule. Mr. Broberg said that he would like to see specifically the projects coming up and it wasn't necessary to see the five year plan. Mr. Bitzer said he felt the Commission would want to see the five year plan because last year through recommendations from the Commission, some of the projects were switch around. Mr. Broberg said what he would like to see is the specs on what those projects are going to be. Mr. Bitzer said he would be happy to provide this information and that he would welcome what ever level of involvement the Commission wishes to take in participating in this process.

Mr. Ochstein stated that at the last meeting the Commission wanted to be involved from the beginning of a project so they could assure themselves that when the final contract was awarded, it was to a contractor who was qualified to do the work. Also that the Commission would like to have more input on who would be awarded future contracts.

Mr. Broberg wanted to know what the Town's policy was on bidding, specifically was the Town mandated to take the lowest bid?

Mr. Bowser said that they were mandated to take the lowest bid and only under very unusual circumstances would we not recommend the low bidder for the job. He stated that he would defend his position and that he would write the plans and specifications for the tennis court lighting the same way again and that we would not do anything different, that we had some unfortunate circumstances occur on this job.

Mr. Bowser stated that Engineering will route information through Mr. Bitzer, and would be happy to, as soon as bids were received, provide all information to Russ and to the Commission. At this time, Engineering will be working on the specifications for the tennis court & basketball resurfacing that will be awarded in April and the project is to take place in August. Engineering anticipates receiving bids by April 1, 1992, four days after bids are received recommendations will be made to the Town Council. Mr. Bowser told the Commission that he would get a complete set of the responses to Russ to forward to the Commission for their review.

Mr. Lubow asked if they used performance bonds with their contracts. Mr. Bowser said yes, for projects greater than $10,000. Mr. Lubow than asked if there were penalties included in these performance bonds. Mr. Bowser responded that there is a penalty clause in all contracts.

Mr. Broberg asked Mr. Bowser to please explain how this performance bond could be exercised or why it hasn't been exercised against this company regarding the lights. Mr. Bowser explained that performance bonds are only utilized when the contractor clearly refuses to finish the work and since this contractor has continued to say that he would finish the work, but has constantly run into problems, at the end of the job the Town may assess liquidated damages before final payment is made. The contractor has been notified of this in writing. He further explained that the Town tries to be fair and understanding to it's contractors and that some times there are things beyond their control. The Town does not want to get the reputation of being difficult with contractors because in the long run, it will be the Town who pays the penalty. When the Town puts a job out for bid, we wouldn't get responses, or if we did, we would get only one and the prices would be extremely high. We try to be fair but at the same time we're not here to give money away. We treat this like a business and we're very serious about the taxpayers money.

Mr. Broberg asked the Commission if there were any questions any one would like to ask of Mr. Bowser about the lighting that had not been answered?

Mr. Bitzer stated to the Commission that he would like to briefly discuss the proposed upcoming lighting of tennis courts 3 & 4. He explained that the money was budgeted in the FY-92 budget, however the project itself has not been approved by the Council. He explained that the Town Council approved the lighting of courts 1 and 2, and once those lights were in and working we would discontinue the use of the lights on courts 5 and 6. After an opportunity to view the new lights, if it was found that they were not obtrusive to the area and residents, then at that time, the Council would consider the approval of lighting courts 3 and 4.

Mr. Bowser explained that in this first construction contract, all the electrical work and panels were put in to accept lighting on all eight courts and that future court lighting projects will have less construction costs. He suggested that if we could get authorization to proceed with the advertising and design of the next project, we would be able to have the court lighting done during the resurfacing of the courts in August.

Mr. Broberg asked what type of time frame were we looking at to have this completed in time for August? Mr. Bowser said that to go ahead with the advertising and design, we would have to go to the March Town Council Meeting to get approval in order to start the procedure by April 1, 1992. By the May Town Council Meeting there would have been six weeks to observe the new lighting and an award could be made at this meeting.

Mr. Bowser further explained that another alternative would be to bid as an alternate in the resurfacing project, the installation of conduits and junction boxes for the lighting. Then at a future point in time the lights could be installed with only minimal disruption to the courts. Mr. Bitzer felt that this was possible since there was going to be trenching done at this time for a new irrigation system if the bid is awarded by the Town Council.

Mr. Myers made the motion that Mr. Bitzer go to the Town Council and get authorization at the March Town Council meeting to proceed with the necessary engineering and so forth and/or to have the conduit and junction boxes put in when the irrigation system and resurfacing is taking place in August. Mr. Ochstein seconded the motion. Motion carried unanimously.

V. NEW BUSINESS

1. Women's Team Tennis - Mid Year Vacancy Procedure - Mr. Bitzer

Mr. Bitzer stated that recently it was brought to his attention by Mr. Hay and through several complaints from residents and players on the women's tennis teams that they did not feel that the mid year vacancy procedure was properly followed in some instances. In the past there were lengthy discussions at three previous Seaview Park Commission meetings regarding setting up policies and procedures to ensure that all Town residents have a fair and equal opportunity to participate in any program or use any facility in light of the fact that these programs are being held at a tax supported public facility. These policies were discussed at several Women's Team Tennis Committee meetings and agreed upon at the 12-13-91 WTTC meeting. The Town advertised tryouts, had an interest list and did conduct tryouts on January 27 and 28, 1992. Since then Mr. Bitzer has directed Mr. Hay to finalize all program procedures in writing to include; that all vacancies would be reported to the Tennis Pro-Manager and that no individual would be added to a roster without prior approval of the Tennis Pro-Manager. To help in finalizing these procedures, Mr. Bitzer told the Commission and the representatives from the ladies teams that he had sent a memorandum to the Captains and Co-Captains of each team with a suggested schedule attached for finalizing all procedures.

Mr. Bitzer went on to state that the A-1 team did advise the Town that they had vacancies on their team. Since there was no interest waiting list for the A-1 team, the Captains added four people to their roster. In light of the fact that they did advise the Town they had vacancies and since there were no participants on the tryout interest list, that they did not deprive any individual from having a fair opportunity to participate. Mr. Bitzer approved the eligibility of the women that they added to their team.

Mr. Ochstein asked if vacancies were advertised. Mr. Bitzer stated yes, that there was a notice put in the last brochure that if anyone was interested in participating on the teams that they should contact the pro-shop. Mr. Hay stated that there was a sign up list posted at all times in the pro-shop. Mr. Ochstein requested that when a vacancy occurs for a specific team a special notice should be posted in the Pro-Shop.

Mr. Bitzer then went on to discuss with the Commission the A-3 team. The Town was of the understanding, after speaking with Mrs. Commander, that there were no vacancies on that team. The Town had mid year tryouts on January 27th and 28th of 1992, and the County deadline for submission of rosters was 9:00 a.m. on January 29th. At the last minute, Mrs. Commander had been notified that two women had dropped off the team. To meet the County deadline, Mrs. Commander found two women who were residents and interested in playing. She added them to the A-3 team roster. When the Town was made aware of this, Mr. Bitzer immediately contacted the three women who were on the interest list. One of the women was not eligible, and the other two would have been unable to participate because of personal reasons. However, they would be interested in participating in the upcoming spring tryouts. Based on these unusual circumstances and being that there was no opposition from the Commission, Mr. Bitzer approved the eligibility of the two players added to the list.

The ladies had several questions regarding tryout procedures, eligibility of non-residents, and authority. Mr. Bitzer and the Commission felt that these questions and the finalization of procedures would be better off discussed at the Women's Team Tennis Committee meeting first and that Mr. Hay should be directly involved in these meetings.

The motion was made by Mrs. McIntyre that Mr. Hay be directly involved with the Women's Team Tennis Committee. Seconded by Mr. Myers. Motion carried unanimously.

Mr. Bitzer then summarized the situation that occurred with the B-1 team. There was advertising and the formation of an interest list for the B-1 team. Initially there were seven people on this list. It was determined that two of these people were not qualified and one was not eligible. Four people participated in the January tryout. The results of the tryout had Mrs. Linda Siris and Mrs. Sonia Davis tied for first place, Poon Pierce came in third place and Sara Mullens came in fourth place. The Town had been advised by the Captain of the B-1 team that they had one vacancy and Linda Siris was added to the B-1 team roster. Later the Town received complaints from several residents including members of the B-1 team that someone else had been added to the roster who did not participate in the mid year tryout. As it turned out a Mrs. Ulla Schuster had been added to the team and had not participated in the tryout. The roster with Mrs. Schuster and Mrs. Siris added to it was turned into the County before the deadline, at this point, because of league rules, it is too late for Mrs. Davis, who tied for first place in the tryouts to be added to the team.

Mr. Bitzer explained that he sent a letter advising Mrs. Thibedeau, the captain at that time, that until such time that this matter could be reviewed by the Commission, that Mrs. Schuster would be determined ineligible to participate based on the fact that mid year tryout procedures were not followed. Mrs. Schuster was contacted and we apologized for any inconvenience she may have experienced and told her if she is not able to participate in this second half of the season that we hoped she would come out for the Spring tryouts and hopefully get on the team for the Fall. She was very pleasant and seemed to understand why we had taken these actions.

Mr. Bitzer stated that prior to the Commission meeting and since his letter to Mrs. Thibedeau, several circumstances had arisen; Mrs. Thibedeau had resigned as the captain, several players could not participate due to injuries and a few others had dropped off the team. Mr. Bitzer was concerned that the B-1 team would not have enough players to continue the season.

Mrs. Gerl introduced herself as the new captain and explained that this year the B-1 team had a chance at the championship. But due to all the problems that had occurred, and due to several injuries team members had sustained, they were at risk of not even being able to finish the season. She asked Mr. Bitzer and the Commission to please reconsider and allow Mrs. Schuster to play the remainder of the season since it was too late to add anyone to the team at this point anyway. She asked them not to punish the whole team for the mistake of one woman. Mr. Hay agreed with Mrs. Gerl and felt that it would be a mistake to punish the team for what the previous captain had done.

After further discussion Mr. Myers made the motion that Ulla Schuster be allowed to play with the provision that Mrs. Thibedeau not be allowed to play because 1. She is the one who caused this problem and 2. That she has already resigned. So if Mrs. Thibedeau does not play, Mrs. Schuster is allowed to play. But if Mrs. Thibedeau returns, then Mrs. Schuster would not be eligible. Seconded by Mrs. McIntyre. Motion carried unanimously.

Mr. Bitzer thanked the ladies team representatives in attendance and the Tennis Pro-Manager for their comments and suggestions and the Seaview Park Commission for their recommendations. However, he stated that he would need a few days to review this information and the Commissions recommendations prior to making an administrative decision regarding this matter.

VI. <u>ANY OTHER MATTERS</u>

Mr. Broberg asked the Commission if there were any other matters to be discussed before adjournment. Mr. Lubow stated that there was a problem with two men who played tennis on the weekends at Seaview Park, that being, after their game they would wash themselves, their hair and their shirts in the drinking fountain. He felt that this was disgusting and unsanitary and asked Mr. Bitzer to look into this matter. Mr. Bitzer told Mr. Lubow he would look into the matter and have it corrected immediately.

VII. <u>ADJOURNMENT</u> There being no further business, meeting was adjourned.

Lisa Walkowich

TOWN OF PALM BEACH

MEMORANDUM

TO: Seaview Park Commission
FROM: Russell E. Bitzer, Director of Recreation
SUBJECT: January 22, 1992, Seaview Park Commission Meeting
DATE: February 19, 1992

The following information is provided as you requested at your January 22, 1992, meeting.

I. Tennis Shop Fundraising

Question 1. Is it possible to charge a surcharge which would be added to the daily tennis court fee in order to help raise money to pay off the Town loan for the tennis pro-shop?

Answer: The Town would have to review and assess the appropriateness of such a fee and any change in this fee classification would require Town Council Approval.

Question 2. If a .25 surcharge was added to each daily fee, how much money would be collected between now and when the loan comes due in August 1992?

Answer: Based on last years revenue experience and this years statistics year to date, I would estimate that a .25 fee added to the existing daily court fee for a period of five months would only generate approximately $300. to $350.

Comments: Based on the minimal amount of estimated revenue that would be generated from such an increase, if approved, in addition to what I am sure would be a negative reaction by some residents to this type of fee increase, which some might consider an involuntary contribution, I would suggest that possibly some type of tennis tournament might be a more profitable and less controversial option.

(January 22, 1992, Seaview Park Commission Meeting)

Question 3: What would be the cost of an exterior donors plaque such as a cast bronze plaque for the tennis pro-shop?

Answer:	Cast Aluminum	$ 1.17 per sq. inch
	Cast Bronze	$ 2.00 per sq. inch
	plus	$ .50 per letter
	Town Seal if desired	$150.00

Total Estimated Cost (14" x 20" plaque)

	Plaque	Lettering	Town Seal	Total
Cast Aluminum	$328.	$130.	$150.	$608.
Cast Bronze	$560.	$130.	$150.	$840.

Comment: In addition to the catalogs provided to you at the last meeting, which pictured sample interior plaques ranging in price from $50.00 to $60.00, I have a sample interior laser wood carved plaque which is quite attractive. A 14" x 20" plaque including Town Seal and lettering would cost approximately $100.00. This is slightly more than the other sample plaques but significantly less than the exterior cast aluminum or bronze plaques. This plaque will be made available for your viewing and comments at the February 26, commission meeting.

It should be noted that we anticipated a plaque costing less than $100.00 and that funding exceeding this amount has not been appropriated in the FY-92 Recreation Department expenditure budget. Therefore, if a cast aluminum or bronze plaque is desired, additional funds will be required.

II. "The Commission would like an opportunity to be more involved in reviewing bid specifications and contractor qualification requirements for such major capital projects as the tennis court lighting prior to these specifications being finalized."

The Commission was advised at the March 13, 1991 Commission meeting that the tennis court lighting project preliminary plans were available in my office for your review and comments. I would welcome your input regarding contractor qualification requirements or more detailed bid specifications and will request that the Town Engineer provide same for your review of future capital projects.

III.

Question: Will we continue to utilize the lights on tennis courts #5 and #6 when the new lights on courts #1 and #2 are completed?

Mr. Broberg commented that he was of the understanding that the lights on courts #5 and #6 would continue to be utilized but turned off at an earlier time.

Answer: As noted in the minutes of the May 22, 1991 Commission Meeting, the arrangement approved by the Town Council provided that upon the completion of the lighting of courts #1 and #2, use of the lights on courts #5 & #6 would be discontinued. The suggestion by the Commission and the Tennis Pro-Manager to continue using these lights, but turning them off earlier, in order to facilitate the demand for early evening play, has been discussed at several Commission meetings. However, a formal request has never been advanced to the Town Council.

Should you have any questions or desire additional information, please advise.

REB:lw

cc: Robert J. Doney, Town Manager
James M. Hay, Tennis Pro-Manager
PBRD Commission File

SEAVIEW TENNIS PRO-SHOP
January 22, 1992

Total Loan to the Seaview Park Commission	(Due - August 8, 1992)		$42,531.00
Less:			
Palm Beach Tennis Association Pledge			$15,000.00
Individual Donations Received			$ 8,639.83
Group Pledge, Ralph Lubow: $7,500			
	partial pledge received:	$ 5,500.00	
	balance due:	$ 2,000.00	
			$ 7,500.00
Individual Pledges: $6,000			
	partial pledges received	$ 4,333.00	
	balance due	$ 1,667.00	
			$ 6,000.00
Daniel Hanley	(1,000 - 1,000.00 = .00)		
M/M Pressly	(1,000 - 333.00 = 667.00)		
Stanley Rumbough	(1,000 - 1,000.00 = .00)		
M/M Lewis	(1,000 - 1,000.00 = .00)		
M/M Broberg	(1,000 - 500.00 = 500.00)		
M/M McIntyre	(1,000 - 500.00 = 500.00)		
		Amount Due	$ 5,391.17

SUMMARY

Total Loan to the Seaview Park Commission (Due - August 8, 1992)			$42,531.00
Less:	Total Monies Received from Individual Pledges and Individual Donations		$18,472.83
	Palm Beach Tennis Assoc. Pledge	$15,000.00	
	Uncollected Pledges from Individuals	$ 3,667.00	
	Total Uncollected Pledges		$18,667.00
	Amount Due		$ 5,391.17