



TOWN OF PALM BEACH

Recreation Department

RECREATION ADVISORY COMMISSION MEETING

November 28, 2007 Minutes

- I. **CALL TO ORDER** - A special meeting of the Town of Palm Beach Recreation Advisory Commission was held on November 28, 2007, at the Recreation Center. The meeting was called to order by Mr. Michael Spaziani, Chairman, at 9:00 a.m. Commission members in attendance were Mr. Spaziani, Mrs. Milissa Agnello, Mr. Michael Andrews, Mr. Kenneth Schechet and Mr. Stuart Shulman. Alternate members in attendance were Mr. Joseph Della Giustina, Mrs. Rita Taca and Mr. Henry Jamison. Ms. Danielle Hickox arrived at 9:05 a.m. and Dr. Timothy Coffield arrived at 9:08 a.m. Staff members in attendance were Director Mr. Jay Boodheshwar, Assistant Directors Mr. Alan Brown and Mr. Rod Gardiner, Office Manager Mrs. Lisa Walkowich and Zoning Administrator Mr. Paul Castro. Also in attendance were Town Council President Mr. Richard Kleid and Councilwoman Susan Markin.
- II. **APPROVAL OF THE AGENDA** – Mr. Spaziani asked for a motion to approve the agenda. Mrs. Agnello made the motion to approve the agenda. Seconded by Mr. Andrews, all were in favor.
- III. **APPROVAL OF THE NOVEMBER 14, 2007, MINUTES** – Mr. Boodheshwar noted that everyone should have received a revised copy of the minutes and reviewed certain changes with the commission. Mr. Spaziani asked for a motion to approve the November 14, 2007, Recreation Advisory Commission Minutes. Mr. Andrews made the motion to approve the revised minutes. Seconded by Mrs. Agnello all were in favor.
- IV. **OLD BUSINESS**
 - A. **Amendment Proposal to the Agreement between the Day Academy and Town for Use of Facilities.**

Prior to discussion, Mr. Spaziani temporarily transferred presiding authority to Mrs. Agnello, Vice Chairperson for this portion of the meeting because of a conflict of interest.

Mrs. Agnello said that this item was being revisited because at the November 14, 2007 commission meeting the motion that Mr. Della Giustina made was invalid because he was sitting as an alternate at the time of the vote. She stated that the invalid motion addressed an amendment to an existing facilities use agreement between the Town and the Palm Beach Day Academy. Mrs. Agnello asked Mr. Boodheshwar to read the language that had been added to the amendment. Mr. Boodheshwar said that the current agreement specifies general use of facilities and there is no listing of specific

amenities that either party provides. He said that as per the commission's suggestion the amendment section entitled "Shared Facilities and Equipment" was revised and now reads "Approved Day Academy facilities and equipment including but not limited to the Seaview Campus gymnasium, east and west fields in their entirety, school busses and miscellaneous sports equipment shall be available for use by the Town when not required by the Day Academy for its private education program, provided however such use shall be subject to the rules and regulations and policies of the Day Academy and in compliance with federal, state and local laws. Approved Town Recreation Department facilities and equipment including but not limited to the Seaview Park multi purpose field, Seaview Park tennis courts, Recreation Center auditorium and miscellaneous sports equipment shall be available for use by the Day Academy when not required by the Town for its programs provided however such use shall subject to the rules and regulations and policies of the Town and in compliance with federal, state and local laws."

Dr. Coffield made a motion to approve the newly revised proposed amendment with a 10 year fixed term, including the list of facilities that included the west field in its entirety. Mr. Andrews asked for a clarification of the statement "the field in its entirety". Mrs. Agnello said that she felt that "the field in its entirety" meant the state of the field on the date of the signing of the document by both parties. Mr. Andrews said then you saying the area can't be change and has to remain the same. Mrs. Agnello said that it was her opinion that the field had to remain in such a way that it could be used for recreation purposes, but if they put in a parking lot, than that may change the usage of that field, because we could no longer use the field in its entirety. Mr. Della Giustina said that was why he previously made the motion so that they couldn't put a parking lot there and take away green space.

Mrs. Lynn George of 345 Mockingbird Trail asked if a parking lot was constructed on the west field, would it be available for use by recreation center patrons particularly the morning exercise group. Mr. Boodheshwar said that staff would ask for use of that parking lot, the caveat is in the wording of the agreement, "when not being use by the Day Academy", so if your looking for parking for the morning exercise class, there may be an issue but in the afternoons for activities, sports games on the weekends, and special events I would assume that the Day School would be very willing to let the Recreation Department use it for those purposes.

Councilwoman Markin asked if the commission had given any consideration how the renovation of the tennis courts next year would effect the agreement since the school would have limited access for period of time. She was concerned about possible future litigation. Mr. Boodheshwar said that staff had discussed the construction project of the tennis courts and the Day Academy was fully aware of the situation and the types of issues that will arise and need to be addressed.

A resident who did not identify herself said that she felt that the agreement should continue on a year to year basis and felt that the Town should not enter into an agreement with an organization who could not afford to do the project with anything except money from a bond issue. She said that the school had almost double in the past 25 years and she was concerned how we were going to meet the demand if the school put us in a binding agreement for the next 10 years. She felt that the parking lot should not be allowed on the school's west field because it would limit opportunities.

Mr. Jamison said that a source of this problem with the Day Academy's traffic issues has to do with the fact that the Town changed the direction of Seaview Ave and created a dangerous situation. He said that once we spoke of a solution where we could raise the tennis courts and create this amazing parking lot, sort of like the Boca Raton Resort had done. He said that was rejected because of funding, but that would have solved the problem. Mr. Jamison said the Town also lost 30% of the green space here because of the improvement to the public school. He said that for 40 years the agreement has worked without a lot of problems and many of the students from the Day Academy patronize the recreation center programs. He said that he felt that we've got to take into consideration everybody's needs and not just say it's the school's fault because it's gotten big or the town's fault because they've changed the direction of the street. We've got to work on all of this together.

Dragana Connaughton, 267 Marine Road, felt that the biggest issue was keeping this street safe. She said that when the public school doubled in size they didn't take into account where they were going to park their teachers. She also questioned where the Hebrew school's teachers park. She said that suddenly it's the Palm Beach Day Academy's problem; you took away our parking permits, reversed the direction of the street and made it dangerous. She said, "This must be the only town in America where they think it's safe to let a school bus out on the traffic side. This has to stop."

Mrs. Hickox-Moore said that she felt Mrs. Connaughton was speaking to the wrong group. She said, "I don't believe the Recreation Commission reversed the street and I don't believe the Recreation Commission built the public school, we fought hard to keep our fields."

Mr. Spaziani, 322 Seaspray Avenue, Speaking as a resident said, "First of all I would like to thank the Mayor, the Town Council and especially the police officers for addressing the safety issue at the Day Academy. You go up there and there is nobody allowed to pass on the right side, I think the safety issue is null and void, there is no safety issue."

Mr. Boodheshwar noted that for the benefit for everyone at the meeting he wanted to re-focus the meeting on the two issues the Commission is dealing with today. He stated that the two projects being discussed are separate

issues but are now linked because of the agreement amendment language currently under consideration. The two projects relative to the Day Academy, one being the renovation of this athletic field. The Town did indeed request from the Day Academy financial participation for the reason that they are the primary user and they cause 50% of the wear and tear. The Day Academy Board has given preliminary approval but there is a condition. Their request to the Town was to amend our existing year to year facility use agreement, fixing a term of 10 years where the Town cannot cancel the agreement. This is something, as reported by the Day Academy, that their Bond Counsel has requested due to the fact that they want to use proceeds from a recent bond issue to contribute the \$200,000. This Commission, at its regular meeting in November reviewed that proposal, had some discussion and requested additional language be added to the amendment. They are willing to consider this 10 year agreement; however, they requested that the amendment specify the shared facilities in question. As it exists today the agreement basically describes Day Academy facilities and Recreation Department facilities in general terms. The latest version of this amendment, which has been reviewed by the Town Attorney, addresses that issue specifying the facilities. (He read the passage again.) At the last meeting we took a vote on this specific issue and it was approved, but there was a technicality in the vote where when an alternate member made the motion, thus being an invalid vote. Today the Recreation Commission is going to reconsider this item, to have a valid vote.

The second issue is relative to the Day Academy's proposal for a parking lot on their west field. The Day Academy made a presentation to the Recreation Commission at their November 14, 2007, meeting to get input and feedback due to the fact that part of our reciprocal agreement allows for the Town to use that west field for recreation activities. The Town did give input and made a motion advising the Town Council that the Commission did not support the proposal as it stood on November 14th." Mr. Boodheshwar said that he had further information to report outlining how the school's proposal has evolved over the last couple of weeks.

Mrs. Agnello said that there has been some miscommunication. She said that the newspaper stated that the Day Academy was coming to the meeting today to present their proposal, but actually they did that at the last meeting. She said that today was a housekeeping meeting to tie up some loose ends so that the Commission could get their minutes and information to the Town Council prior to their meeting on December 11th. Mrs. Agnello said to the audience that their comments might be more effective if they were to present them to the Town Council when these items are on the agenda.

Mrs. Zenko, 232 Tangier Road, said that she was concerned about who would control the situation and make the rules for the facilities. Mr. Boodheshwar said that the Town would continue to control the scheduling of Town owned

facilities the way it exists today. The only thing that this amendment does is: 1. fix the current agreement for 10 years, 2. specify the facilities in question and 3. memorialize in writing that the day school will contribute to ½ of the on going maintenance costs for the field.

Dr. Coffield made a motion to approve the amendment to the agreement between the Town of Palm Beach and the Day Academy as it is written. Seconded by Mr. Shulman, all were in favor. Mr. Spaziani abstained.

V. NEW BUSINESS - None

VI ANY OTHER MATTERS

Mr. Boodheshwar read into the record a report relative to the agreement that was just discussed and the Day Academy's proposal for a parking lot on their west field. This memorandum is attached.

Mr. Shulman asked if the school had spoken with the neighbors. Mr. Spaziani said that he brought letters from all the neighbors. (These are attached).

Mr. Boodheshwar said that the Landmarks Commission was scheduled to address and give consideration to the Day Academy parking lot proposal this morning, however, he was informed that the Commission will be deferring the school's proposal because the revised plans were received after the deadline. This could effectively push consideration by Town Council back at least an additional month.

VII. ADJOURNMENT – Mrs. Agnello asked if there were any other matters to be discussed. There were none, meeting was adjourned.

**RECREATION ADVISORY COMMISSION
Record of Attendance 2007**

<u>Regular Members</u>	1/10/07	3/14/07	4/26/07	5/9/07	9/12/07	11/14/07	11/28/07
Mr. Spaziani	P	P	P	P	P	P	P
Mrs. Agnello	P	U	P	P	P	P	P
Mr. Andrews	U	E	P	P	P	P	P
Dr. Coffield	P	P	P	P	P	P	P
Ms. Hickox	P	P	P	P	U	P	P
Mr. Schechet	P	P	P	P	P	P	P
Mr. Shulman	E	P	P	P	P	P	P
<u>Alternate Members</u>							
Mr. Della-Giustina	P	P	P	P	P	P	P
Mr. Jamison	P	E	U	E	P	P	P
Mrs. Taca	P	P	U	P	E	P	P

LEGEND: P = Present
 E = Excused
 U = Unexcused
 A = Absent Pending Classification as “Excused” or “Unexcused”

**RECREATION ADVISORY COMMISSION
Conflict of Interest Record 2007**

<u>Regular Members</u>	1/10/07	3/14/07	4/26/07	5/09/07	9/12/07	11/14/07
Mr. Spaziani						
Mrs. Agnello						
Mr. Andrews						
Dr. Coffield						
Ms. Hickox						
Mr. Schechet						
Mr. Shulman						
<u>Alternate Members</u>						
Mr. Della-Giustina						
Mr. Jamison						
Mrs. Taca						

LEGEND: X = Conflict of Interest



TOWN OF PALM BEACH

Recreation Department

MEMORANDUM

TO: Recreation Advisory Commission Members
FROM: Jay Boodheshwar, Director of Recreation
DATE: November 27, 2007
SUBJECT: Report from the Palm Beach Day Academy

This morning I received a phone call from Mr. Marty List regarding the revised amendment to the joint use agreement that the Town has with the Palm Beach Day Academy. Mr. List wanted to apologize for not being able to attend the November 28, 2007, commission meeting as he has a prior commitment at the Landmarks Commission meeting to discuss the proposed plan for a parking lot on the west field.

Mr. List said that the school board has not had an opportunity to review the revised amendment but that they would give consideration to the new language at their next board meeting on December 12, 2007.

Mr. List asked me to update the commission regarding the proposed parking lot. He said that school officials have continued to talk with the neighbors, the architect and the police department. Modifications have been made to the plan that was presented to the commission at their November 14, 2007, meeting. These modifications will not require a variance and the scope and scale of the project has been dramatically reduced. The proposed parking lot will be smaller with approximately 24 parking spaces, the area will not be used to pick up or drop off students and because of the reduction in the paved area, there will be approximately 40 more feet of open green space.

Mr. List asked me to thank the commission on his behalf for allowing the Day Academy to present their proposal, appreciated their feed back on the project and was looking forward to working with the Town in the future.

JB:lw

cc: Peter B. Elwell, Town Manager
Mr. Martin List, Palm Beach Day Academy
Dr. Rebecca van der Bogert, Head of School