Monday, June 13, 2022 7:00 pm



Town Hall Commission Chambers 247 Edwards Lane Palm Beach Shores, FL 33404

Mayor Alan Fiers Vice Mayor Scott McCranels

Commissioner Tracy Larcher Commissioner Janet Kortenhaus Commissioner Brian Tyler Town Attorney Keith Davis Town Administrator Wendy Wells Town Clerk Jude M. Goudreau

PLEASE NOTE:

THIS MEETING MAY BE CONDUCTED USING COMMUNICATION MEDIA TECHNOLOGY

Meeting Link:

https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m096159b68d87245

<u>347fb970a1ced3741</u>

 Meeting number:
 2631 128 2091
 Password: 0613

 Join by phone
 +1-408-418-9388
 United States Toll
 Access code: 2631 128 2091

COMMISSION WORKSHOP AGENDA

1) CALL TO ORDER

- a) Pledge of Allegiance
- b) Roll Call

2) Discussion Items:

- Taxable Value Estimates from Palm Beach County Property Appraiser
- WM Contract Extension Offer
- Special Magistrate's request
- Mayor's Updates:
 - a) Port of Palm Beach
 - b) Water Main Project
 - c) AT&T Project
- FY 2023 Budget schedule

3) <u>Public Comments:</u> (please state your name)

4) Adjournment:

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. FOR HEARING ASSISTANCE: If any person wishes to use a hearing device, please contact the Town Clerk.

Town of Palm Beach Shores Taxable Value Estimates from PBC Property Appraiser as of 6/9/22

The Property Appraiser continues to fine tune the taxable values. Although the values continue to change, the Town's increase in value is approximately 9%.

CATEGORY	% of Town	20	022 TAX ROLL	20	021 TAX ROLL	CHANGE	%
VACANT RESIDENTIAL	1.29%	\$	8,837,730	\$	6,261,277	\$ 2,576,453	41.15%
SINGLE FAMILY RESIDENTIAL	22.87%	\$	157,119,670	\$	142,204,453	\$ 14,915,217	10.49%
MULTI-FAMILY 10 UNITS OR MORE	5.85%	\$	40,154,189	\$	37,237,210	\$ 2,916,979	7.83%
CONDOMINIUMS	25.46%	\$	174,881,995	\$	160,094,599	\$ 14,787,396	9.24%
TIMESHARES	30.78%	\$	211,454,611	\$	198,897,509	\$ 12,557,102	6.31%
COOPERATIVES	3.25%	\$	22,303,259	\$	19,800,384	\$ 2,502,875	12.64%
MULTI-FAMILY < 10 UNITS	4.64%	\$	31,891,299	\$	32,401,575	\$ (510,276)	-1.57%
VACANT COMMERCIAL	0.83%	\$	5,720,942	\$	-	\$ 5,720,942	#DIV/0!
IMPROVED COMMERCIAL	5.03%	\$	34,571,940	\$	32,691,533	\$ 1,880,407	5.75%
	100.00%	\$	686,935,635	\$	629,588,540	\$ 57,347,095	9.11%

Town of Palm Beach Shores Solid Waste Contract

Financial Impact:

	Actual	Budget	Proposed	Increase	
	FY2021	FY2022	FY2023	(Decrease)	% change
Revenue:					
Franchise fees residential	\$ 19,302.29	\$ 20,000.00	\$ 9,609.60	\$ (9,692.69)	
Franchise fees commerical	\$ 15,459.12	\$ 15,000.00	\$ 26,446.75	\$ 10,987.63	
Total Franchise Fees - solid waste	\$ 34,761.41	\$ 35,000.00	\$ 36,056.35	\$ 1,294.94	
Expenditures: Solid Waste contract	\$ 193,022.95	\$ 199,000.00	\$ 229,609.60	\$ 30,609.60	15.4%
Net cost	\$ (158,261.54)	\$ (164,000.00)	\$ (193,553.25)	\$ (29,314.66)	17.9%

					Ρ	roposed FY23			
WM Rate WITH franchise fee:	Cur	rent FY22		WM		Franchise fee	Total	% change	
Residential				per unit		per unit			
Curbside	\$	14.86	ć	17.35	ć	•	\$ 18.00	21.1%	
Containerized	\$	8.21	\$	8.11	ې \$	0.65	\$ 8.76	6.7%	
Compacted	\$			10.13	•	0.65	\$ 10.78	5.0%	
Commercial				per yard		per yard			
Containerized	\$	8.21	\$	8.11	\$	2.75	\$ 10.86	32.3%	
Compacted	\$	10.27	\$	10.13	\$	2.75	\$ 12.88	25.4%	
Constuction				per yard		per yard			
Roll Rate / Pull	\$	253.12	\$	309.53	\$	2.75	\$ 312.28	23.4%	

WM Rate WITHOUT franchise fee:	Cur	rent FY22	Prop	oosed FY23	% Increase		
Curbside	\$	13.37	\$	17.35	29.8%		
Containerized	\$	7.41	\$	8.11	9.4%		
Compacted	\$	9.24	\$	10.13	9.6%		
Roll Rate / Pull	\$	227.81	\$	309.53	35.9%		



LUIGI PACE AREA MANAGER PUBLIC SECTOR SOLUTIONS Lpace@wm.com (305)970-0127

May 21, 2022

Mayor Alan Fiers Town of Palm Beach Shores 247 Edwards Lane Palm Beach Shores, Florida 33404

Re: Solid Waste & Recycling Collection & Disposal Services Agreement

Dear Mayor Fiers:

Waste Management Inc. of Florida (WM) is proud to be your community's service provider and grateful for your business. WM is also proud of the essential work our frontline collection, recycling, and disposal crews have performed throughout the COVID-19 pandemic.

Please accept this letter as WM's formal offer to extend our agreement for an additional term of five years as detailed in Section 2 of the current agreement.

- Attached are the proposed rates for the extension. These rates do not include any franchise fees. Once such fees are provided by the Town, WM will modify the proposed rates.
- Change the cap on the annual CPI calculation in Section 19 from a 3% cap to a 5% cap. This adjustment to the CPI cap will ensure that WM's cost associated with servicing the Town of Palm Beach Shores are covered in a constantly changing and volatile market.

WM is as committed as ever to provide best-in-class service to our customers and the communities we call home.

We appreciate your partnership and look forward to the opportunity of extending our agreement.

Respectfully,

Luigi Pace Area Manager Public Sector Solutions

PALM BEASH SHORES RATE SCHEDULE - Effective Octbober 1st 2022

Services	10	/1/2022				
Solid Waste incl veg (2x/wk)	\$	9.27				
Vegetation (1x/wk)	\$	4.61				
Bulk Trash (1x/wk)		incl				
Recycling (1x/wk)	\$	3.47				
Total Rate	\$	17.35	\$ -	\$ -	\$ -	\$ -
Optional 2x/wk Veg Collection	\$	10.24				

CON	IMER	CIAL BU	SIN	ESSE	s co	NTAI	NERIZE	D RATES	(Collection Only)	
		Rates q	uote	d are	on a	per y	ard, pe	r containe	r basis	
Services	10	/1/2022								
Container 'Collection Rate *	\$	8.11								
Fee Per Yard	\$	2.75								
Total Per Yard Rate	\$	10.86	\$	-	\$	-	\$	-	\$	-
Compacted Collectiton Rate *	\$	10.13								
Fee Per Yard	\$	2.75								
Total Per Yard Rate	\$	12.88	\$	-	\$	-	\$	-	\$	-
* disposal is extra										

MULTIFAM	ILY CO	ONTAIN	ERIZ	ED R	ATES	6 - exc	ceeding	g 2x wk sei	vice; billed to Customer	
		Rates q	uote	d are	on a	per y	ard, pe	r containe	r basis	
Services	10	1/2022								
Container 'Collection Rate *	\$	8.11								
Fee Per Yard	\$	-								
Total Per Yard Rate	\$	8.11	\$	-	\$	-	\$	-	\$	-
Compacted Collectiton Rate *	Ś	10.13			1		T			
Fee Per Yard	\$	-								
Total Per Yard Rate	\$	10.13	\$	-	\$	-	\$	-	\$	-
* no disposal charge										

MUL	TIFAN	ILY CO	NTA	INERI	ZED	RATE	S 2x V	VK SERVIC	E - billed to Town
		Rates q	uote	d are	on a	per y	ard, pe	er containe	r basis
Services	1/	0/1900							
Container 'Collection Rate *	\$	8.11							
Total Per Yard Rate	\$	8.11							
Fee Per Unit	\$	0.65							
Total Per Yard & Fee Rate	\$	8.76	\$	-	\$	-	\$	-	\$ -
Compacted Collectiton Rate *	\$	10.13							
Total Per Yard Rate	\$	10.13							
Fee Per Unit	\$	0.65							
Total Per Yard & Fee Rate	\$	10.78	\$	-	\$	-	\$	-	\$ -
* no disposal charge			-		•				

ROLLOFF RATES AND FEES								
Rolloff Per Pull Rate *	\$	309.63						
Fee Per Yard *	\$	2.75						
Total Per Pull and Yard Rate	\$	312.38	\$	-	\$	-	\$ -	\$-
* plus disposal charge where applicable; any size; open top or compactor								

Need to Confirm if These Rates can be updated

Ancillary S	Serv	ices		Frequency										
Service Description		Rate for	or Service and Further Details		1		2	:	3		4	5		6
Rollout Out Mechanical Containers (and returning it to original location)	\$	2.07	per service, per container	\$	8.96	\$	17.93	\$ 2	6.89	\$ 3	35.85	\$ 44.8	31	N/A
Opening (and Closing) Doors or Gates	No	o Charge												
Locks for Containers	\$	10.12	(One Time) Charge for Replacements based on costs + 10%			_		_	_	_	_			
Unlocking Containers	\$	1.52		\$	6.58	\$	13.15	\$ 1	9.73	\$ 2	26.30	\$ 32.8	38	N/A
Supplying (and retrofitting) Locking Mechanism on Container Per Customer Request	\$	61.87	One time installation charge			<u> </u>								
Adding Wheels to or Changing Wheels on Containers	No	o Charge												
Adding Lids to or Changing Lids on Containers	No	o Charge												
Moving Container Location Per Customer Request	No	o Charge												
Lease of Compactor	Ne	egotiable												
* no charge for residents medically unable to bring solid waste or rec	curbside													



Town of Palm Beach Shores Commission Workshop June 13, 2022

Special Magistrate Changes

Attached please find the changes requested by the Special Magistrate, Glen Trocivia, who oversees Town Code Enforcement Hearings.

- 1. Increase in hourly rate from \$185 to \$195.
- 2. Addition of Aleksandr Boksner to the attorneys assigned to the Town as Special Magistrate.

TORCIVIA, DONLON, GODDEAU & RUBIN, P.A.

701 Northpoint Parkway, Suite 209 West Palm Beach, Florida 33407-1950 561-686-8700 Telephone / 561-686-8764 Facsimile www.torcivialaw.com

Glen J. Torcivia Lara Donlon Christy L. Goddeau* Leonard G. Rubin* Jennifer H.R. Hunecke Susan M. Garrett Elizabeth V. Lenihan* Denise A. Mutamba Aleksandr Boksner

*FLORIDA BAR BOARD CERTIFIED CITY COUNTY AND LOCAL GOVERNMENT ATTORNEY

May 24, 2022

Wendy Wells, Town Administrator Town of Palm Beach Shores 247 Edwards Lane Palm Beach Shores, FL. 33404

RE: ENGAGEMENT LETTER FOR LEGAL SERVICES

Dear Ms. Wells:

We are pleased you have decided to engage our firm to serve as special magistrate for the Town of Palm Beach Shores ("Town") on code enforcement matters. Specifically, Aleksandr Boksner and Glen Torcivia shall serve as magistrate.

We will provide you with a monthly invoice setting forth the hours expended on your behalf via e-mail, unless you indicate otherwise. Our firm charges \$195.00 per hour.

We will charge you for certain costs and expenses together with applicable taxes, if any, which may include photocopy charges (\$.25 per page), postage, long distance telephone charges, travel time (at one-half of the hourly rates indicated above), parking and mileage expenses (at the current IRS rate). You agree to pay us for such costs and other expenditure of funds on your behalf.

If this arrangement is agreeable to you, please sign the enclosed copy of this letter and return same to me.

We appreciate your confidence in our firm, and we assure you that we will make every effort to perform our services in a prompt and efficient manner. Please do not hesitate to contact me at any time if you have any questions.

Sincerely,

n

GLEN J. TORCIVIA GJT/ar

Agreed to and accepted by: ______ TOWN OF PALM BEACH SHORES

Dated this _____ day of May 2022.

TORCIVIA, DONLON, GODDEAU & RUBIN, P.A.

701 Northpoint Parkway, Suite 209 West Palm Beach, Florida 33407-1950 561-686-8700 Telephone / 561-686-8764 Facsimile www.torcivialaw.com

Glen J. Torcivia Lara Donlon Christy L. Goddeau* Leonard G. Rubin*

*FLORIDA BAR BOARD CERTIFIED CITY COUNTY AND LOCAL GOVERNMENT ATTORNEY

May 19, 2022

Via Email only Amity Barnard, Esq. Davis & Associates, P.A. 701 Northpoint Pkwy, Suite 205 West Palm Beach, FL 33407 mitty@davislawteam.com

Re: Palm Beach Shores - Special Magistrate

Dear Mitty:

We would like to add Aleksandr Boksner as a magistrate for Palm Beach Shores code enforcement matters. Attached is his resume. My intent would be to have Mr. Boksner attend the next code enforcement hearing with me and, if acceptable to the Town, be available to hear future cases

As you are aware our fee has been one hundred and eighty-five dollars (\$185.00) an hour with a minimum of one hour for each hearing that we attend. We would request your consideration of an increase to one hundred ninety-five dollars (\$195.00) an hour effective October 1, 2022. Also attached is a proposed fee agreement. We look forward to continuing to serve as magistrate.

Please feel free to contact me with any questions. Thank you.

Sincerely,

Glen J. Torcivia Enclosures

c: Aleksandr Boksner

Jennifer H.R. Hunecke Susan M. Garrett Elizabeth V. Lenihan* Denise A. Mutamba Aleksandr Boksner

ALEKSANDR BOKSNER 7749 Paddock Place, Davie, Florida 33328 305-216-6258

SUMMARY OF PROFESSIONAL EXPERTISE AND STRENGTHS

- Twenty years of extensive experience in advising on, operations, regulatory compliance, policies, procedures, financing and administrative guidance on government business practices, including legal management of regulatory departments, principles of civil, constitutional and administrative law, preparation of resolutions and ordinances, liaison with corporate vendors, contractors, citizens and external agencies on sensitive and controversial issues, and formation of cost-effective and goal-oriented legal compliance with emerging legal disputes (contractual and statutory).
- Strong government counsel orientation with extensive experience advising elected officials, government departments
 and the Office of the Inspector General on all aspects of governmental compliance and investigation, litigation
 (commercial, land use, construction, tort and appellate), sovereign immunity, employee relations, legislative
 process and procedure, contract formation and drafting, governmental procurement and purchasing (traditional
 procurement and Job Order Contracting), and various aspects of public/private development agreements,
 including modifications, operability studies and fiscal challenges, and in connection with these entities day-to-day
 business activities, interaction with vendors, contractors, federal and state entities and officials.
- Strong senior counsel with substantial experience in advising, and working with, elected officials (and government administration) and private business colleagues on various public/private governmental contracts and legal issues, risks, preferred outcomes and strategies.
- Strong substantive knowledge and analytical skills, with excellent judgment and ability to quickly and effectively identify, assess, communicate and resolve legal and, as appropriate, business issues as necessitated by municipal policy requirements, objectives and the law.
- Excellent interpersonal, communication (written and verbal), negotiating and drafting skills.
- Apply critical thinking to issues, demonstrating resourceful, pragmatic and creative approach to issue solving and addressing governmental entity and municipal-related policy objectives.

PROFESSIONAL EXPERIENCE

Torcivia, Donlon, Goddeau & Rubin, P.A. <i>Senior Associate Attorney,</i> West Palm Beach, Florida	2022 to Present
The City of Miami Beach, a municipal corporation <i>Chief Deputy City Attorney and General Counsel,</i> Miami Beach, Florida	2009 to 2022
Marion County, Florida, a political subdivision of the State of Florida Chief Assistant County Attorney, Ocala, Florida	2008 to 2009
Charlotte County, Florida, a political subdivision of the State of Florida Chief Litigation Attorney, Port Charlotte, Florida	2005 to 2008
NRT, Inc. Associate Counsel, Weston, Florida	2004 to 2005
Office of the State Attorney, Eleventh Judicial Circuit of Florida Assistant State Attorney, Miami, Florida	2001 to 2004

BAR ADMISSION AND EDUCATION

Bar Admission Florida, 2001 Tennessee, 2008

University of Toledo College of Law, Toledo, Ohio

Juris Doctor, 2001

University of Cincinnati, Cincinnati, Ohio

Bachelor of Arts, 1998

LANGUAGES

English and Russian

DESCRIPTION OF EXPERTISE AND EXPERIENCE

Government Counsel

Extensive experience representing, advising, and rendering legal opinions to elected officials, managers/administers, boards, commissions, and other staff on all aspects of governmental business operations and governance, operations and policy initiatives, and other aspects of their regulatory compliance, business function, labor and employment, and litigation. Advised governmental entities in connection with their day-to-day activities and contractual relationships and obligations, including aspects pertaining to vendors, citizens, suppliers, contractors and employees, and reviewing and preparing agreements relating to such matters, including project specific agreements, Job Order Contracting, land use licensing and permitting, memorandums of understanding, mutual aid and cooperation assistance agreements and consent agreements. Experience in analyzing pending and proposed legislative (federal and state) action impacting the administration, operation and functionality of the governmental corporations, and the investigation of complaints and claims involving all aspects of government departments, staff and programs. General Counsel to the City of Miami Beach Inspector General and Office of the Inspector General.

Regulatory, Compliance and Litigation

Extensive experience ensuring compliance with municipal, state and federal ordinances, statutes, regulations and codes, including, Florida Building Code, National Fire Prevention Code, Local Government Code Enforcement Boards Act, Drug-Free Workplace Act, Florida Public Records Act, Florida Contraband Forfeiture Act, False Claims statutes and ordinances (Federal, state and local), Florida Uniform Traffic Control Law, Florida Vessel Safety Law, Whistle-blower's Act, Clean Water Act, Criminal and Civil Justice Policy Council, Bank Secrecy Act, 31 U.S.C. Section 5311 – 5332, Florida Anti-Fencing Act, Florida Communications Fraud Act, Florida Money Laundering Act, Florida Mutual Aid Act, Bert J. Harris, Jr. Private Property Rights Protection Act and Florida Land Use and Environmental Dispute Resolution Act. Experience as Chief Litigation Counsel for lawsuits in federal and state courts representing public entities for violation of the United States Constitution and Florida Constitution, defense of various statutory and common law causes of action, including regulatory taking, inverse condemnation, eminent domain, 5th Amendment taking under §1983, covenants of good faith and fair dealing, doctrine of recoupment, termination of contractual agreements for convenience, littoral takings, public records law, and all other litigation matters impacting governmental business operations.

Government Contracting

Extensive experience representing governmental entities in collaborating, documenting and completing contractual agreements pursuant to the Florida Interlocal Cooperation Act of 1969, and those contractual agreements involving purchase and sale, architecture and engineering, Federal cost reimbursement, administrative services, indemnity and hold harmless, independent contractor, sponsorship agreements, utility franchise, Capital Improvement Project (CIP) design build, risk services, licensing, invitation to bid (ITB), request for qualification (RFQ), request for proposals (RFP), professional services, artist, revocable permits and easements, concessionaire, street scape and management. Extensive experience in negotiating and drafting agreements documenting these contractual agreements, including terms, conditions, modifications, amendments, demands, cure letters, notices of default, as well as those documents mandating indemnification and the assertion of a legal defense. As part of each contractual agreement, managing and coordinate the involvement of relevant staff and professional experts in those areas which directly impact the specific governmental operations and functions.



FY2023 Budget Schedule

June 2022	Department Head Budget Meetings – internal staff meetings
July 11, 2022, 7pm	Budget Workshop #1
	 Fund Balance Analysis Statistics Revenue Projections Overview of Operating Expenditures Capital Plan Debt Service on Underground Utilities Funding Millage Rate Discussion Budget Schedule
July 25 th Commission Meeting	Set proposed millage rates (operating & debt) and tentative budget hearing date, time, and meeting place.
August 8, 2022, 7 pm	Budget Workshop #2
	Department BudgetsFollow up on any items from first workshop
August 15, 2022, 7 pm	Budget Workshop #3 – if necessary
August 22 rd Commission Meeting	If necessary, possibly prior to the Commission meeting
Tentative Budget Hearing	TBD - proposed date: September 12, 2022, 7 pm; regular Commission Workshop immediately following
Final Budget Hearing	TBD - proposed date: September 26, 2022, 7 pm; regular Commission Meeting immediately following