

**FINAL MINUTES AND AGENDA
TOWN OF JUPITER
TOWN COUNCIL MEETING
TOWN COUNCIL CHAMBERS
TUESDAY, JANUARY 18, 2022**

Mayor Wodraska called the meeting to order at 7:00 P.M.

Roll Call: Mayor Todd R. Wodraska; Councilor Ron Delaney; Councilor Ilan G. Kaufer; Councilor Jim Kuretski; Senior Director Kate Moretto; Town Attorney Thomas J. Baird and Town Clerk Laura E. Cahill. Vice-Mayor Cameron May attended via Zoom.

CITIZEN COMMENTS

Ms. Lili Wolfson, resident of Jupiter Cove Drive, provided Council with a PowerPoint regarding derelict and at risk vessels. She asked Council to consider including the subject as part of the 2022 Strategic Plan.

Ms. Linda Otto, resident of West Riverside Drive, had concerns with a 50 percent increase for trash service and asked Council to place an illuminated speed limit sign on Riverside Drive.

Mr. Wayne Posner, resident of Carina Drive and former Town Council member, spoke regarding the need for Dolphin Road to be widened; a turn lane to be placed on Indiantown Road to enter the Bealls Plaza; and his support for the Town to hire Mr. Kitzerow as the new Town Manager.

Ms. Kathy Kelly, resident of South Seas Drive, discussed the possibility of relocating the radio tower and mentioned a petition she would be submitting to the Town Clerk.

Ms. Drita Perlleshi, resident of South Seas Drive, asked Council to consider relocating the radio tower.

Mr. Richard Kelly, resident of South Seas Drive, asked Council why the tower needed to be placed in the current proposed location and if it needed to be 100 feet tall. He mentioned 50 percent of the power from the tower would be over the ocean and the coverage area could be met with smaller towers.

Mr. Marc Pintel, resident of Umbrella Place, invited those Council members running for Mayor to participate in a debate in the Rialto subdivision.

Mr. Philip Nicastro, resident of South Seas Drive, thanked Council for reaching out to Palm Beach County and for the consideration of an alternative site for the radio tower. He discussed safety concerns, functionality, and provided the Town Clerk with a handout for Council.

Mr. Marc Dobin, resident of Tresana Boulevard, discussed concerns with a 50 percent rate increase to residents for Waste Management services.

Mr. Lou Pietosi, resident of South Seas Drive and President of the Homeowners Association of Ocean Bluffs South, had concerns regarding the location of the proposed radio tower and believed tower should be placed on Town owned property.

Mr. Patrick Gallagher, resident of Laura Lane, discussed his concerns regarding a Waste Management rate increase.

MINUTES

1. January 4, 2022 Town Council Meeting Minutes.

Councilor Delaney moved to approve the January 4, 2022 Town Council Meeting Minutes; seconded by Councilor Kaufer; motion passed.

Wodraska	May	Delaney	Kaufer	Kuretski
Yes	Yes	Yes	Yes	Yes

CONSENT AGENDA

All items listed in this portion of the agenda are considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests; in which event, the item will be removed and considered at the beginning of the regular agenda.

Councilor Delaney moved to approve the Consent Agenda; seconded by Councilor Kaufer; motion passed.

Wodraska	May	Delaney	Kaufer	Kuretski
Yes	Yes	Yes	Yes	Yes

PUBLIC BUSINESS

- 2. Resolution 123-21, Approving an assignment agreement for an audit engagement agreement to complete the Fiscal Year 2021 audit between the Town of Jupiter and Caler, Donten, Levine, et al to Marcum LLP.**
- 3. Resolution 1-22, Approving a revised Interlocal agreement with Palm Beach County for the Joint Funding of A1A Drainage Improvements (W2218).**

PRESENTATION

4. Waste Management Franchise agreement update.

Mr. Baird stated the franchise agreement extended to February 2022 and included a provision regarding whether either party wanted to renew the contract. He noted Waste Management submitted a letter on June 17, 2021 stating they did want to renew. He said Council had the opportunity to agree to an extension of the franchise agreement for an additional five-year term as it existed today and if Council agreed, a resolution could be approved at the next Town Council meeting.

Mr. Jeff Sabin, Government Affairs Director at Waste Management, introduced his supervisor, Mr. Luigi Pace. He stated after speaking with Staff they had formulated a reasonable offer regarding programs, time frame, cost, community involvement and engagement. He offered an alternative agreement with the same terms and conditions and level of service for a period of seven months which would allow for Waste Management to sit down with Staff and draft a new agreement. He would provide Mr. Driscoll a letter for the seven-month extension to allow for data and cost trending.

Councilor Kuretski stated he did not hear an offer and felt Waste Management had months to prepare. He believed a seven-month extension would be nothing more than the effects of renewing the agreement as it stood. He motioned for Staff to prepare the franchise agreement extension to bring back at the next meeting.

PRESENTATION

4. Waste Management Franchise agreement update.

Councilor Delaney said he would second Councilor Kuretski's motion.

Mayor Wodraska asked if an agreement could come back for the next meeting. Mr. Baird said there could be an agenda item for consideration for a renewal based on the existing terms.

Mayor Wodraska said there was not really a contract to vote on at this meeting. Mr. Baird said what was being requested was Staff to bring back the item for action. Councilor Kuretski agreed.

Councilor Kaufer asked what would happen if Waste Management did not accept the terms. He was afraid there would be interruption of service. Mr. Baird stated if it were not accepted it would be a breach of contract.

Vice-Mayor May was also concerned with interruption of service and felt it was in everyone's best interest to extend the contract for another five years.

Mr. Sabin explained the letter of expressed interest requested an extension in renewal but did not specify at the same terms and conditions. It opened up the opportunity for negotiation because of certain terms and conditions which had changed over time.

Mr. Sabin said in meetings with Staff, the future of the agreement, levels of service, conversion to automation to mitigate rate increases, and increases in industry labor costs were discussed. He said all discussions were positive and there was no indication there was an interest in changing providers. Mr. Sabin said the labor force had changed dramatically and there was effort to meet in the middle.

Mr. Sabin stated if the only avenue was for Council to come back with a take it or leave it approach, putting Waste Management in an uncomfortable position, it would not be fair. He said seven months would give everyone breathing room and Waste Management was committed to continuation and he asked for that opportunity.

Mr. Wayne Posner, resident of Carina Drive and former Town Council member, said progress would happen and automation was the way of the future. He said he appreciated Councilor Kuretski's position but times had changed and he hoped a mutual agreement could be negotiated. He felt the company had been great for the community.

Mr. Marc Dobin, resident of Tresana Boulevard, mentioned he remembered five years ago when Waste Management handed out t-shirts and Starbucks gift cards and positioned themselves to be indispensable to residents. He felt they were using that to their advantage and were playing a game of chicken. Mr. Dobin supported a proposal from other companies to see what was available.

Ms. Beth Dillinger, resident of West Beverly Road, said she was speaking for low income senior citizens and asked Council to consider how difficult a 50 percent increase would be.

PRESENTATION

4. Waste Management Franchise agreement update.

Mayor Wodraska asked Councilor Kuretski if anything he had heard changed his earlier motion.

Councilor Kuretski said nothing had changed. He said the options presented were never acceptable. He felt the Town needed leverage for protection.

Councilor Delaney agreed and he wanted to protect tax payers.

Mayor Wodraska reiterated Waste Management was proposing a seven-month extension keeping the rates the same and if Council refused that they could essentially give a six-month termination notice.

Mr. Baird suggested in order to ensure there is no disruption of service, Council might consider taking the seven-month extension and during that time discuss which direction to go, either continuing a longer term extension or to consider a Request for Proposal process (RFP) with a different provider.

Mayor Wodraska supported the extension.

Councilor Kaufer asked how long the RFP process would take.

Mr. Baird stated he could not answer.

Councilor Kaufer wanted to ensure an RFP could be completed so there would be no interruption in service.

Vice-Mayor May supported a seven-month extension and working together to figure out the best option for all.

Councilor Kuretski stated the motion was for Staff to bring something back to move on and did not mean an action could not be taken at the next meeting. He noted a change to a different type of service would be at least a year in the future and he had no confidence it would happen in seven months. He felt the Town should go out for bid and extend under the provision of the contract.

Councilor Kaufer asked if the motion was to bring back some term at the existing rate or the five-year extension.

Councilor Kuretski said the only provision was for the five-year extension because the seven months put the Town at risk.

Mr. Baird explained the Town would amend the existing contract to extend the term allowing for Council to set the time to evaluate the options.

Mayor Wodraska asked if a motion was needed or to ask Staff to bring back a couple of options.

PRESENTATION

4. Waste Management Franchise agreement update.

Mr. Baird stated the maker of the motion could withdraw it and then Council could direct Staff to bring back an amendment to the existing term of the existing contract. This would provide Council time to decide on options and not interrupt service

Council Delaney asked if Staff brought amendments with specific dates, if Council could change those dates.

Mr. Baird explained the proposed extension of term ended in February 2022. Staff would leave the date blank and allow Council to decide on a date.

Councilor Kuretski stated he would not withdraw his motion and expressed his concern about the same situation in the future. He felt the agreement should be continued with a five-month extension.

Councilor Delaney felt there was nothing to lose to extend and it would protect the residents.

Councilor Kaufer asked Councilor Kuretski to clarify his intension for the motion.

Councilor Kuretski stated he wanted Staff to make recommendations but he gave direction to renew the existing franchise agreement.

Mr. Baird stated the objective was to have Staff bring back a written item to renew the five-year term of the existing contract or alternatively an amendment to the existing contract to extend the existing contract for seven months.

Councilor Kuretski asked if the Town was negotiating for seven months what would happen.

Mr. Baird said if that were to happen the Town would be where they are now and the Town could go out for an RFP as to not interrupt service at the end of the seven months.

Councilor Delaney said Staff needed to provide recommendations for a time frame with the five-year extension.

Mr. Baird said Staff could provide a recommendation and Council could amend it.

Councilor Kuretski motioned to bring back an agreement renewing the existing five-year contract and for Staff to give recommendations to extend the existing terms for a period of time decided by Council; seconded by Councilor Delaney; motion passed.

Wodraska
Yes

May
Yes

Delaney
Yes

Kaufer
Yes

Kuretski
Yes

REPORTS
TOWN ATTORNEY

- Police Radio Tower - Mr. Baird stated the police emergency tower appeal brought by the Bluffs HOA had been fully briefed and if the Court followed its typical schedule, Council could expect a written opinion within three to five months.

Councilor Kaufer mentioned the next meeting with the County regarding the location for the radio tower was scheduled for Thursday, January 20, 2022.

TOWN MANAGER - NONE
TOWN COUNCIL – LIAISON REPORTS AND COMMENTS – NONE

ADJOURNMENT – 8:32 P.M.

Laura E. Cahill, Town Clerk

Todd R. Wodraska, Mayor