

**FINAL MINUTES AND AGENDA  
TOWN OF JUPITER  
TOWN COUNCIL MEETING  
TOWN COUNCIL CHAMBERS  
TUESDAY, FEBRUARY 1, 2022**

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

Roll Call: Mayor Todd R. Wodraska; Vice-Mayor Cameron May; Councilor Ron Delaney; Councilor Ilan G. Kaufer; Councilor Jim Kuretski; Interim Town Manager Frank Kitzerow; Acting Town Attorney Jamie Gavigan and Town Clerk Laura E. Cahill.

**CITIZEN COMMENTS**

Ms. MB Hague, resident of Bourne Drive and Planning and Zoning Commissioner, discussed derelict vessels and the pollution to the eco system.

Mr. Richard Kelly, resident of South Seas Drive, spoke regarding his opposition to the location of the radio tower and the health effects to both humans and animals from radio emissions.

Mr. Rob Tendler, resident of South Seas Drive, also opposed the location of the radio tower.

Mr. John Kovalcik, resident of South Seas Drive, did not support the location of the radio tower and asked Council to look into an alternative location.

Ms. Kathy Kelly, resident of South Seas Drive, discussed how she had submitted a petition with 400 signatures opposing the location of the radio tower and would provide an additional 100 signatures.

Mr. Ed Schiffbauer, resident of South Seas Drive, opposed the location of the radio tower and suggested the Karen Marcus Preserve as a better location.

Mr. Brett Leone, resident of Barbados Drive, discussed concerns with intersection lighting in Abacoa and asked Council for a letter of support to help preserve some of the land along the Loxahatchee River.

Ms. Linda McDermott, resident of Chadwick Drive, spoke regarding the waterways, natural habitats, and infrastructure funds.

Mr. Andrew Weston, resident of Dolphin Court, discussed public safety concerns with emergency vehicles being able to access Dolphin Drive.

Ms. Drita Perleshi, resident of South Seas Drive, opposed the location of the radio tower.

Mr. Patrick Gallagher, resident of Laura Lane, discussed Rubicon Global, the Waste Management Agreement, and suggested Council consider a three-year agreement.

Mr. Wayne Posner, resident of Carina Drive, stated Mr. Kitzerow would be the best candidate as the new Town Manager. He also suggested the Town find a new place for the radio tower and thought the curbs were too tall in the Hamptons subdivision.

The Town Clerk stated there were six comment cards from residents who preferred not to speak but were opposed to the location of the radio tower location.

**MINUTES**

1. January 18, 2022 Town Council Meeting Minutes and January 18, 2022 Town Council Workshop Meeting Minutes.

Councilor Delaney moved to approve the January 18, 2022 Town Council Meeting Minutes and January 18, 2022 Town Council Workshop Meeting Minutes; seconded by Vice-Mayor May; 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 Vice-Mayor May; motion passed.

Wodraska	May	Delaney	Kaufer	Kuretski
Yes	Yes	Yes	Yes	Yes

**PUBLIC BUSINESS**

2. **Resolution 18-22**, Approving an award for contract EPW 2022-17, Jupiter Community Park Sports Lighting to M. Gay Constructors, Inc. in an amount not to exceed \$3,120,726.
3. Approving the use of State Forfeiture Funds in the amount of \$6,220 for the Ninth Annual Jupiter Police Soccer Tournament.
4. **Resolution 16-22**, Approving the “Reimbursement of Maintenance and Operation Costs for Street Lighting” agreement between the Abacoa Property Owner’s Assembly, Inc. and the Town of Jupiter.

**REGULAR AGENDA**

**PUBLIC HEARING**

5. **Ordinance 1-22, First Reading, Admirals Cove Golf Village – Golf Training Facility – Quasi-judicial** - Large Scale Planned Unit Development (PUD) amendment with a waiver request to reduce the width and depth of parking spaces to allow for golf cart parking and a site plan amendment to add a golf training facility building east of the existing clubhouse on golf course land located on a 248.8+/- acre property located north of Frederick Small Road and West of Alternate A-1-A. (Second Reading – 2/15/22)

*Ex-Parte Communications:*

- Councilor Delaney stated he had a phone conversation with Mr. Dick Sheehan of Admirals Cove.

Town Clerk swore in 11 people.

**REGULAR AGENDA**

**PUBLIC HEARING**

**5. Ordinance 1-22, First Reading, Admirals Cove Golf Village – Golf Training Facility**

Mr. Scott Thatcher, Principal Planner, stated Planning and Zoning and the Planning and Zoning Commission both recommended approval. The Planning and Zoning Commission questioned the amount of \$5,000 as being an adequate public benefit for the requested waiver.

Councilor Delaney moved to approve Ordinance 1-22, First Reading, and to waive the \$5,000 PUD waiver; seconded by Vice-Mayor May; motion passed.

Title read by Mr. Gavigan.

Wodraska	May	Delaney	Kaufer	Kuretski
Yes	Yes	Yes	Yes	Yes

**6. Resolution 6-22, Town Hall Building and Town Green – Quasi-judicial** - Special Exception and Site Plan amendment applications to construct a new Town Hall building, community greenspace and parking lots, on a 22.5± acre property, located at 210 Military Trail on the southwest corner of Indiantown Road and Military Trail.

*Ex-Parte Communications:*

- Councilor Delaney mentioned he had a couple conversations with Cheryl Schneider.
- Councilor Kaufer stated he had a conversation with the Interim Town Manager.

Town Clerk swore in 8 people.

Mr. Robert Castrovinci, with Song and Associates, gave a presentation regarding the New Town Hall master plan. He included the campus design, initial site design, and the proposed site plan.

Mr. Garret Watson, Principal Planner, stated Staff recommended approval. He mentioned the Planning and Zoning Commission added a few conditions to the resolution related to the Town green, adding shade trees or structures, and increasing pervious spaces.

Mr. Mike Villella, Director of Finance, discussed the budget, including the \$22 million for the proposed Town Hall project and how it was going to be funded. The funding would be available through the sales tax, surtax, American Rescue Plan (ARPA) funds, and the Enterprise, Water and Building funds. He mentioned the project would come back to Council for the final pricing and would have a guaranteed max cost.

Councilor Kuretski stated he wanted to move along regarding the site plan for the building but would come back for other suggestions for the rest of the project.

Councilor Kaufer stated his concerns with the main entrance, having unusable space, and using the American Rescue Plan Act funds for the project. He mentioned there were other critical infrastructure projects that could be funded by ARPA.

**REGULAR AGENDA**

**PUBLIC HEARING**

**6. Resolution 6-22, Town Hall Building and Town Green**

Councilor Delaney and Mr. Scott Reynolds discussed constraints regarding the use of ARPA funds.

Ms. Gloria Tucker, resident of Dimond Street, stated she was not opposed to a new Town Hall but mentioned the eligible use of the ARPA funds.

Mr. Andrew Weston, resident of Dolphin Drive, mentioned the retention pond at the current Town Hall, green space, and the possibility of adding basketball courts.

Ms. Linda McDermott, resident of Chadwick Drive, also spoke regarding the APRA funds and reducing the cost of the Town Hall.

Councilor Kaufer mentioned his concerns again regarding using ARPA funds and that he couldn't support moving forward with the project at this time.

Councilor Kuretski stated the current Town Hall was at significant risk structurally and needed to be replaced.

Councilor Kuretski moved to approve Resolution 6-22; seconded by Councilor Delaney; motion passed

Wodraska	May	Delaney	Kaufer	Kuretski
Yes	Yes	Yes	No	Yes

**PUBLIC BUSINESS**

**7. Waste Management franchise agreement.**

Ms. Kate Moretto, Senior Director, External Customer Services, gave a summary of four options proposed by Waste Management (WMI) which included: a seven-month extension to the current agreement with no changes to the terms, to terminate September 30, 2022; a seven year agreement effective March 1, 2022 with a change in terms to allow a higher residential rate of \$19.45 taking effect on October 1, 2022, with a transition to automated service and an extended agreement term from five to seven years; a five year extension of the agreement under the current level of service with an increase to \$26.00 for the residential rate effective March 1, 2022; and a twelve month extension of the agreement under the current level of service, with an increase to \$22.00 to the residential rates beginning March 1, 2022. She noted the last option provided a 60-day notice for the opportunity for the Town to enter into discussions with Waste Management on a further extension.

Ms. Moretto explained the first option would not allow the Town to go out for bid but options two, three and four would provide time.

Councilor Kaufer asked how much time the Town would need for a Request for Proposal (RFP).

Ms. Moretto said between twelve and eighteen months.

## **REGULAR AGENDA**

### **PUBLIC BUSINESS**

#### **7. Waste Management franchise agreement.**

Mr. Kitzerow stated time was the biggest issue and the Town needed to ensure there was no disruption in service.

Councilor Kaufer asked what decision needed to be made this evening.

Mr. Gavigan stated it was not critical to make a decision on the agreement since it was not ending until February 28, 2022.

Councilor Kuretski asked if the written notice from the original franchise agreement with the renewal provision suggested the terms of renewal would be different than the existing contract.

Mr. Gavigan stated both parties could renew or extend the existing agreement.

Councilor Kuretski asked what the official date was when Waste Management asked to change the rate.

Mr. Kitzerow stated the document received on January 28, 2022 outlining the four options was the first document to his knowledge that addressed any rate change.

Councilor Kuretski stated Waste Management would be changing to automation which was a few years away and he was open to it in the future. He noted at the last meeting, Mr. Sabin stated he had the authority to extend the rate for seven months. He said the Town should not agree to such a significant rate increase just because of a good past relationship. He believed option four would provide an extension, hold the rate for seven months and allow for the RFP process.

Mr. Kitzerow presented a document from WMI representing a culmination of the conversations with them. He mentioned it had been a challenge to get anything in writing until now.

Councilor Delaney mentioned the agenda back up materials weren't available until today and he would have expected information six or eight months ago. He felt a one-year extension would be appropriate to give time for an RFP which could normally take up to 18 months. Councilor Delaney felt option four was the most palatable but did not agree with the high rate increase.

Mr. Wayne Posner, resident of Carina Drive, felt the Town should have gone out for bid months ago and the previous Town Manager had not handled the situation. He said WMI had done a great job for 43 years and it would be best to negotiate a contract that everyone could agree on. He felt competitive bids would give an indication of current prices.

Mr. Marc Dobin, resident of Tresana Boulevard, said WMI was a monopoly and he wasn't sure what the alternatives were. He suggested having an analysis done to see if it was worth spending \$2 million to find out if there was a cheaper alternative. He also supported automation.

## **REGULAR AGENDA**

### **PUBLIC BUSINESS**

#### **7. Waste Management franchise agreement.**

Councilor Kaufer said options two and three presented problems. He stated for option four, he would like to avoid an increase but would support seven months at the present terms and five months at the \$22 rate to bridge the gap and protect residents.

Councilor Kuretski stated WMI never said a word about a cost increase and to do so on January 28, 2022 was morally, ethically and contractually wrong. He said they should come back with justification for a reasonable cost adjustment because the numbers did not make sense.

Mr. Jeff Sabin, Government Affairs Director WMI, stated and felt very strongly that the company always abided by high moral and ethical standards. He explained what happened at the meetings entering the last year of the contract including the June letter and September Council update stating the intention to exercise the opportunity for levels of service, updates on Covid, and reviewing operational dynamics and different approaches for collection. He felt the company was clear about moving in a different direction with automation and he reiterated WMI commitment and history with the Town for the last 43 years.

Mr. Sabin admitted there was a lag on delivering pricing, which was why WMI offered seven extra months for breathing room for the Council to decide on automation. He suggested a citizen survey to see if automation was wanted. He noted the service they were receiving now was premium. Mr. Sabin mentioned options were delivered as asked, WMI wanted to remain flexible, they remained mindful of Council's position and they wanted to move forward with negotiations.

Councilor Kuretski reiterated no pricing was discussed until January 28, 2022 for the record. He said his ask, was honoring the \$19.45 rate starting on October 1, 2022 and to justify that rate at the next meeting.

Mr. Luigi Pace, Government Affairs WMI, said the options given were the only ones authorized. He said with option one, the thought was the final extension would be worked out. He stated Mr. Sabin had always communicated how MWI could mitigate increases to the Town. Mr. Pace said in these times it was necessary to compete to get labor, including offering signing bonuses and good benefits. He noted manual collection was a challenge and mentioned price increases in steel, fuel, rubber.

Councilor Kuretski said Council direction was given in September and he wanted to ask the company to adjust option four for the price increase not to become effective until Oct 1, 2022.

Mr. Pace said he could ask but did not see it happening. The \$19.45 represented a seven-year deal that included \$10 million worth of capital investments and facility upgrades. It also represented reduced labor.

**REGULAR AGENDA**

**PUBLIC BUSINESS**

**7. Waste Management franchise agreement.**

Vice-Mayer May said \$19.45 was the best rate presented and automation created challenges. He asked if that option was chosen if there would be a hybrid approach and if manual pick up would be available in certain areas of the Town that needed it. He stated he would need that commitment to support the option.

Mr. Sabin said the Town was unique and there would be a customized program for automation.

Vice-Mayor May said he supported the seven-month same rate option to figure out how the automated system could work at the \$19.45 rate and how it would be customized.

Councilor Delaney supported at least a year extension at the present rate because Council had been put in a difficult position.

Councilor May said an RFP would need to be decided on and if the \$19.45 was acceptable with a hybrid approach.

Councilor Delaney reiterated he would only support a one-year extension at present terms.

Mayor Wodraska said it came down to being good stewards of government. He noted the monthly dollar amount to residents was not substantial but an increase to \$22 represented \$2 million.

Councilor Kaufer agreed on slowly introducing automation and the focus should be on an extension for due diligence.

Councilor Kuretski still wanted justification for any rate increase. He noted the only path to automation was to sign another franchise agreement and in the meantime he would only support the same terms until October 1.

Mayor Wodraska asked Staff to bring an action item back in two weeks based on Council feedback.

**REPORTS**

**TOWN ATTORNEY**

- Requesting Attorney services – Mr. Gavigan requested Council to motion to engage David Dee to assist Staff in preparing the RFP for the waste and recycling services.

Councilor Kuretski moved to approve the motion; Seconded by Councilor Delaney; motion passed

Wodraska	May	Delaney	Kaufer	Kuretski
Yes	Yes	Yes	Yes	Yes

**TOWN MANAGER – NONE**

**TOWN COUNCIL – LIAISON REPORTS AND COMMENTS**

**COUNCILOR KURETSKI**

- Litigations regarding the radio pole – Councilor Kuretski *asked for the Town to share any updates with the public*. He stated Council didn't speak about topics that were in litigation but mentioned Staff had been communicating with the County. L.C. 02/15/22

**COUNCILOR KAUFER**

- The Hamptons – Councilor Kaufer stated he sent an email to Mr. Kitzerow regarding the project and asked for a follow-up in the weekly report.

**COUNCILOR DELANEY**

- Jones Creek – Councilor Delaney asked for an update regarding Jones Creek at the next meeting.

**VICE-MAYOR MAY**

- Dolphin Drive – Vice-Mayor May stated he wanted to start taking action soon regarding widening Dolphin Drive.

**MAYOR WODRASKA**

- Jupiter Jubilee – Mayor Wodraska mentioned the Jupiter Jubilee was on Saturday, February 5, 2022 11am-4pm at Abacoa Community Park.

**ADJOURNMENT** – 9:34 P.M.

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Laura E. Cahill, Town Clerk

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Todd R. Wodraska, Mayor