

TOWN OF HIGHLAND BEACH • NOV/DEC 2023

# MANAGER'S MONTHLY



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# MESSAGE FROM YOUR MANAGER

I would like to open this edition by welcoming back our seasonal residents to Highland Beach – your "3 Miles of Paradise!" As the warm embrace of our coastal town beckons you once more, we extend our heartfelt greetings and open arms to ensure your return is as delightful as ever.

In the coming months, we look forward to sharing the treasures of our beloved town, celebrating together, and making new memories. Whether you seek the tranquility of the beach or the excitement of community events, Highland Beach offers a little piece of paradise for everyone.

Your presence enriches our town, and we are excited to embark on another season of shared experiences and cherished moments. We hope you'll find your stay in Highland Beach to be as welcoming and rejuvenating as always. Welcome Home!

**NEW FIRE STATION:** As you may have noticed while passing by the Town Hall Complex, we have made significant progress in the construction of our brand-new, state-of-the-art fire station, and we remain on track for our operational go-live date of May 1<sup>st</sup>, 2024. This building symbolizes the vision of your Town Commission, and the late Mayor Hillman, highlighting their commitment to ensuring the highest quality of service and care for the residents.



**REFERENDUM QUESTIONS:** Another critical initiative of the Town Commission over the last few months has been the establishment of referendum questions for the upcoming election. After extensive and thoughtful deliberation, which can be reviewed by [watching past Town Commission Meetings](#), the Town Commission has approved three referendum questions for resident consideration at the 2024 Municipal General Election:

Question No. 1: Shall the Town of Highland Beach undertake and fund a sanitary sewer lining rehabilitation project for a cost not exceeding \$3,500,000 and issue bonds not exceeding such amount, in one or more series, bearing interest not exceeding the maximum legal rate, maturing not later than 30 years from issuance, pledging the town's full faith and credit and ad valorem revenues collected to pay such bonds, all as described in Resolution Number 2023-031?

Question No. 2: Shall the funding limitation of \$350,000, established in 1992 and set forth in the Town of Highland Beach charter at Section 2.01(30), be adjusted to \$900,000 to

account for the past 32 years of inflation and be adjusted annually thereafter on June 1<sup>st</sup> (beginning in 2025) in accordance with the regional consumer price index?

Question No. 3: Shall the Town of Highland Beach amend its charter at Article I, Section 1.06(7) to provide the town commission the discretion to designate, by resolution, the Palm Beach County canvassing board to serve as Highland Beach's canvassing board during uniform municipal elections?

While I would traditionally take this opportunity to explain how and why the Commission settled on authorizing these three questions, I can no longer undertake that exercise per state statute. Therefore, I strongly encourage residents to visit our [website](#) to learn more about the referendum questions or contact me or any Commissioner at your convenience.

**MINGLE & JINGLE EVENT:** I am excited to announce that the Town will be holding our annual Mingle & Jingle food truck event at St. Lucy Catholic Church on December 7<sup>th</sup>. Thank you to Father Horgan and the Church for graciously offering to host this community event where Town staff and residents can gather for an evening of festivity and fellowship. I look forward to seeing you there!

**DELRAY BEACH FIRE RESCUE INTERLOCAL AGREEMENT AUDIT:** The State of Florida Joint Legislative Audit Committee recently concluded an operational audit of the City of Delray Beach's compliance with the interlocal agreement (ILA) with the Town of Highland Beach to provide Fire Rescue services. The draft findings have been unofficially released, highlighting key concerns regarding the City's financial policies and procedures.

Basically, the audit identified that the City lacked adequate financial measures to:

- Maintain accurate payroll records consistent with timekeeping and accounting records.
- Ensure precise billing for actual expenditures on goods and services used in the Town's fire station.
- Consistently utilize the actuarial report to determine pension contributions, leading to underreporting of actual expenditures.

The Town Commission sees these findings as a memorialization of the poor financial management and decision making that have plagued the City for over six years. In fact, at the November 7<sup>th</sup> Commission meeting, Town Attorney Glen Torcivia stated he would be embarrassed if he was Delray Beach and that "...*Delray looks like it wasn't mismanaged, it looks like it wasn't managed at all.*"

Given the serious nature of the audit findings, we wish to express our concern and disappointment regarding both the audit process and specific statements pertaining to contract interpretation (legal matters). It is noteworthy that, throughout the audit, the Town was not contacted, raising concerns about the thoroughness and accuracy of the investigation. We have identified several factual statements that appear to be flawed, further underscoring the need for further unbiased examination.

A significant point of contention is the absence of supporting documentation or work papers to substantiate the findings. Transparency and thorough documentation are essential components of any credible audit process, and the lack thereof raises questions about the validity of the conclusions drawn. In light of these concerns, we are actively developing a pre-litigation/pre-mediation strategy, enlisting the expertise of external legal counsel. Our objective is to ensure the protection of our interests and to address these matters judiciously.

Following the City's 60-day review period, the audit findings will be presented to the Joint Legislative Audit Committee at an upcoming meeting. It is essential to clarify that the operational audit does not constitute an enforcement order or judgment against the Town of Highland Beach. We will continue to report back to the community as the process unfolds.

While representatives and staff from Delray Beach express satisfaction with the findings, we **strongly believe** that the preliminary results underscore our existing concerns and reinforce the rationale behind our decision to establish our own Fire Rescue Service – one that is focused, first and foremost, on the safety of Highland Beach residents.

## MILANI PARK

As you may have heard, Palm Beach County has expressed its intention to proceed with the design and construction of Milani Park. This intention is supported by Highland Beach's County Commissioner, Marci Woodward. However, Commissioner Woodward advocates for a more passive beach park design, which includes reduced parking capacity, the absence of restrooms, and the removal of a lifeguard station. These design changes contrast with the park's original stipulations outlined in the settlement agreement between the County and the Town.

Nevertheless, the Highland Beach Commission remains steadfast in its opposition to the park project. They cite a multitude of concerns related to public safety and welfare, including issues such as traffic, noise, potential trespassing, crime, disruptions to sea turtle nesting, and the possible damage to archaeological materials. The Commission's perspective is that selling the site could generate a substantial sum of money that could be better used to support families dealing with more pressing and challenging issues within the county. The Commission has authorized the Town Manager to solicit outside and special counsel to effectively communicate our message.

Please mark your calendar as the County will be holding a public input meeting regarding the development of Milani Park on February 1<sup>st</sup> at 6 PM in the Highland Beach Library Community Room. I encourage interested residents to attend to learn more about the park design and communicate any concerns to the county team.

Over the next several issues of the Manager's Monthly, I will provide history on this issue.

History: The story of Milani Park began approximately 50 years ago when Cam D. Milani acquired slightly over five acres of land in Highland Beach, now known as Milani Park. His original plan was to develop 130 multi-family units on this property. However, this proposal faced strong opposition from the Town Commission at the time, resulting in years of legal disputes. Eventually, a settlement was reached,



permitting Mr. Milani to build 65 units, although this never came to fruition. The land remained unused for years, and after a failed deal with another developer, Lucia Milani sold the property to Palm Beach County for \$3.9 million, with the condition that it be transformed into a park named in memory of her late husband, who had passed away the year before.

Once again, strong opposition emerged from the Town, citing concerns about increased traffic and potential crime associated with the development of a public park. Development of Milani Park faced continuous delays throughout the 1990s due to funding issues and ongoing legal battles. Progress was finally made in 1999 when the County Commission reaffirmed its commitment to developing the park, and in 2000, the Town granted the necessary zoning approvals for its construction. However, another decade of delays followed, ultimately resulting in a 2010 settlement agreement, stating that Milani Park would not be built until at least 2020, with options to further delay construction to 2025 or 2030.

Contact our County Commissioner: The Town Commission encourages residents to reach out to their District's County Commissioner, Marci Woodward, to express their opinions and concerns about the development of Milani Park. Commissioner Woodward can be contacted by phone at (561) 355-2204 or via email at [mwoodward@pbcgov.org](mailto:mwoodward@pbcgov.org).

## WHAT'S HAPPENING IN HIGHLAND BEACH?

Upcoming Agenda Items (Subject to Change and Additional Items may be Added)

- Referendum Questions – Charter amendments (Ordinances)
- Strategic Priorities – Quarterly update
- Update to Building Recertification Program – Final Read
- Update to Purchasing Policy – Final read
- Discussion on zoning density review
- Continued discussion of Sea Turtle Lighting Ordinance

- Continued discussion of marine facilities
- Updates to zoning map
- Temporary Sign Ordinance review
- Seawall Ordinance review
- Renewal of Sprint Tower Lease Agreement

### Board Vacancies

Board of Adjustment & Appeals – Two (2) vacancies for three-year terms and one (1) vacancy for an unexpired term ending September 2024.

Code Enforcement Board – One (1) vacancy for an unexpired term ending September 2024.

For additional information, please contact the Town Clerk's Office at (561) 278-4548 or email [lgaskins@highlandbeach.us](mailto:lgaskins@highlandbeach.us) (Lanelda Gaskins) or [jdehart@highlandbeach.us](mailto:jdehart@highlandbeach.us) (Jaclyn DeHart), Monday through Friday from 8:30 AM to 4:30 PM.

# COMMUNITY

### Father Horgan's Anniversary of Ordination

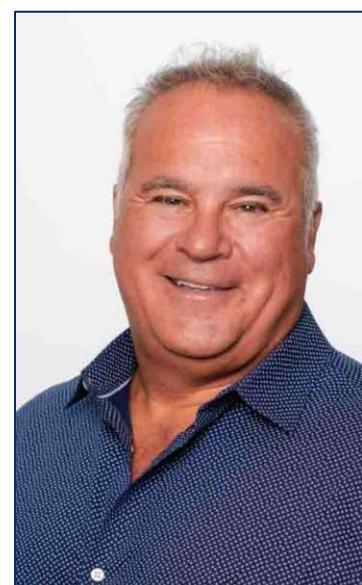
The Town would like to commend and congratulate Father Horgan on his Silver Anniversary of Ordination! In addition to being a Priest for 25 years, Father Horgan has been a standout resident of Highland Beach and a truly valuable and respected member of our community.

### Natural Resources Preservation Advisory Board Workshop

Penthouse Towers invites Highland Beach residents to their building on Wednesday, January 17<sup>th</sup> at 3 PM for an open house event (coffee and cookies included) to view their rejuvenated beach dunes! An overview of what is required to remove dune exotics and allow the dunes to return to their natural habitat for very little money will be provided. Please confirm attendance by emailing [officepenthouse@comcast.net](mailto:officepenthouse@comcast.net) with your name and building. Carpooling is encouraged!

### Board Member Spotlight: Mark D. Zarrilli

Before joining the Financial Advisory Board, Mark D. Zarrilli had an extensive career in Finance. He spent 33 years in New York City working for several bulge bracket banks such as Bank of America, Deutsche Bank, Mizuho USA, and Sanwa Bank. After retiring in 2019, Mark decided to write a book, *Brick & Mortar*, which you can find in the Highland Beach Library!



Mark decided to become a Highland Beach resident in 2018 after spending years attending conferences and bond outings in South Florida. He spends half the year here and the other half in Bay Head, New Jersey, where he recently renovated a home that's over 120 years old – the oldest home in the borough!

Mark and his wife Janice just celebrated 30 years of marriage and have two daughters, Shannon and Hanna, who have come to love this area as much as their parents! Mark likes to spend his days mentoring young athletes in constructive wealth growth and money management and also selling homes as a licensed realtor. We are happy to have Mark as a member of the FAB!

# POLICE DEPARTMENT

Whether you walk, bike, or drive, take five seconds to follow these crosswalk safety guidelines:



## Pedestrians:

- Always cross at marked crosswalks. You forfeit your rights as a pedestrian if you cross elsewhere.
- Obey any pedestrian signals and look left-right-left to make sure the road is clear in both directions before crossing.
- If a vehicle approaches, make eye contact with the driver to be sure they see you before you cross.
- Look before walking past stopped vehicles. Do not cross just because a driver waves you on. Be sure all lanes are clear first.
- Remember that bicyclists are not considered pedestrians unless they are walking their bikes. Otherwise, they are considered vehicles.

## Bicyclists:

- Yield to pedestrians.
- Remember that bicyclists are not considered pedestrians unless they are walking their bikes. Otherwise, they are considered vehicles and forfeit their rights as pedestrians in the case of an accident or citation.
- Use marked bike paths or multi-use paths when available.
- Obey vehicular traffic signals and laws on the roadways.
- Use extra caution as you transition between bike paths, roads and sidewalks. Be aware that your actions are unpredictable to drivers and pedestrians.

## Drivers:

- Yield to pedestrians in crosswalks and at intersections.
- Be prepared to stop at all marked crosswalks. Stay alert and reduce speed in areas with crosswalks.
- Be alert for bicyclists and skateboarders whose approaches to the crosswalk may be much swifter than those of pedestrians.
- Come to a complete stop if pedestrians are crossing or preparing to cross.
- Wait until pedestrians have crossed at least one lane past the lane you are in before resuming travel.
- Never pass another vehicle that has stopped or is slowing down at a crosswalk.

# **FIRE RESCUE DEPARTMENT**

This is Matt Welhaf, Assistant Fire Chief – Community Risk Reduction. Now that Hurricane season is coming to an end (November 30<sup>th</sup>), I want to shed light on an issue all Fire Departments in hurricane affected areas face. Every year, from June 1<sup>st</sup> through the end of November, hurricane season looms. A big part of that is shuttering your property. The Florida Fire Prevention Code (FFPC) is specific on the use of “Hurricane Protection Devices”. The code requirement is as follows:

“The Temporary installation or closure of storm shutters, panels, and other approved hurricane protection devices shall be permitted on emergency escape and rescue openings in residential occupancies during the threat of a storm. Such devices shall not be required to comply with the operational constraints of (NFPA 101) 7.2.1.5. While such protection is provided, at least one means of escape from each occupied unit shall be within the first floor of the unit and shall not be located within a garage. Occupants in any part of the unit shall be able to access the means of escape without passing through a lockable door not under their control.” (NFPA 101, 7.5.2.3)

Basically, if you are residing at your home, you can only shutter at the threat of a storm, which is typically three days prior to landfall, and they should then be removed once the storm has passed. Shutters should not be put up and left in place through hurricane season or anytime your residence is unoccupied. Keep in mind, in the event of a fire, it inhibits access of fire rescue personnel to the interior of the dwelling, which will delay the rescue of anyone trapped inside, and it delays extinguishment of a fire. If you still have shutters up, please remove them as soon as possible.

Stay vigilant regarding the weather. Mother Nature doesn't necessarily recognize our calendar.



Another concern brought to me by Vice Mayor Stern is in regard to Smoke Alarm requirements for condominiums/apartments. Below are the Florida Fire Prevention Code Sections (FFPC) that may apply:

Smoke alarms shall be installed in apartment/condo units in accordance with these sections of the FFPC 7<sup>th</sup> Edition / NFPA 101 - Chapter 9, Chapter 29, Chapter 30; Chapter 43, and NFPA 72.

General guidelines include the following:

1. Smoke alarms shall be interconnected such that the operation of one alarm in the unit will cause the activation of other alarms in that unit.
2. Smoke alarms are required in all sleeping rooms and guest rooms.
3. Smoke alarms are required outside each separate dwelling unit sleeping area, within 21' of any door to a sleeping room, with the distance measured along a path of travel.
4. On every level of the dwelling unit, including basements.

Additionally, smoke alarms are required on any level of a dwelling unit with an interior floor area that exceeds 1000 sq. ft, excluding garage areas; spacing requirements shall meet the following criteria:

1. All points on the ceiling have a smoke alarm within 30 ft in travel distance to the exit.
2. There is at least one smoke alarm for every 500 sq. ft.

Smoke alarms operate ONLY within each dwelling unit; they are not tied into the building fire alarm system. They are for early detection of smoke, and they may even operate prior to visible smoke. This is critical, so occupants of that dwelling can evacuate under tenable (breathable air) conditions.

There is an exception for buildings that are FULLY SPRINKLERED, but I still recommend smoke alarms in every dwelling.

Please safely enjoy the upcoming holidays!

# **TOWN CLERK**

We are proud to announce that our Town Clerk, Lanelda Gaskins, was recently sworn in as Vice President of the Palm Beach County Municipal Clerk's Association. This appointment goes to show the dedication and quality of work that Lanelda has demonstrated over her years as our Town Clerk. Congratulations Lanelda!



# BUILDING DEPARTMENT

Ensuring you're working with licensed contractors is paramount when embarking on home improvement projects. Under Florida law, the licensed individual at the heart of the contracting company is known as the qualifier. Here's why it's crucial to interact directly with the qualifier and verify their credentials:

**The Role of the Qualifier:** The qualifier is the licensed professional who bears the responsibility for the work performed by the company. They have demonstrated their expertise and knowledge in their field, making them a vital figure in any contracting project.

**No Subcontracting to Unlicensed Individuals:** Florida law is clear: a qualifier cannot subcontract work to unlicensed individuals. This regulation is in place to protect consumers like you from subpar work and ensure safety and quality standards are met.

## How to Ensure Compliance:

1. **Speak Directly with the Qualifier:** When evaluating a contractor, make sure to speak directly with the qualifier. This lets you gauge their understanding of your project and ensures you deal with a licensed professional.
2. **License Verification:** Visit the Florida Department of Business and Professional Regulation (DBPR) website to look up the license of the qualifier. Ensure that the person you're dealing with matches the information on the license.
3. **Pay the Right Entity:** When it's time to make payments, write your checks to the company listed on the qualifier's license. This ensures transparency and that you deal with the licensed entity responsible for your project.

## Benefits of Dealing with the Qualifier:

- **Expertise:** You can rest assured that the person overseeing your project is highly qualified and knowledgeable in their field.
- **Accountability:** Dealing directly with the qualifier means there's a single point of accountability for the work performed.

**Protect Your Investment:** By following these steps, you're ensuring compliance with the law and protecting your investment. You'll receive high-quality work and have recourse in case of any issues.

**Stay Informed:** For more information on licensed contractors, the role of the qualifier, and license verification, visit the Florida DBPR website. They provide valuable resources to help you make informed decisions.

Choosing a licensed contractor with a qualified individual at the helm is your best bet to guarantee quality work and compliance with the law. Protect your property and investment by following these simple but vital steps. Your satisfaction and peace of mind are our top priorities.

## Code Tip of the Month: Wild Animals

Highland Beach is home to many species of wildlife, and it is part of the reason why it is such an attractive and relaxing place to live. However, as humans encroach on the land in which these animals reside, these animals can be perceived as an annoyance to residents. So, what can be done about nuisance animals? With regards to raccoons, opossums, ducks, and even coyotes, the Town or Palm Beach County does not have any programs that would remove these types of animals. Raccoons, opossums, and coyotes are native species and a part of the ecology of our area. It is important to note that these animals are not considered "rodents", but indigenous species. Our recommendation is, if they are proving to be bothersome, that you remove any sort of potential item(s) that may attract them — the most important being to keep your garbage cans securely closed. Perhaps even more important, DO NOT FEED THE ANIMALS. Feeding wildlife accustoms them to humans and will likely result in harm to the animal. If you see raccoons or coyotes exhibiting unusual behavior, like losing their fear of humans or chasing bikers, joggers, or leashed pets, this can be reported to the Florida Fish and Wildlife Conservation Commission (FWC).

Iguanas can be quite a problem in the area as many know, however, they are not afforded the same protections as the indigenous species have. The State of Florida classifies Green Iguanas as non-native, invasive species to the state and are only protected by anti-cruelty laws. If you feel Iguanas are causing a nuisance on your property, the Town recommends hiring a professional trapper to remove them from the property and humanely dispose of it. Although the State allows humane killing of Iguanas with pellet guns, the Town does not condone this due to the high resident population density and danger of stray shots that could cause injury. For more information on how to humanely remove iguanas, visit the FWC website at [www.myfwc.com](http://www.myfwc.com).

If you have any questions regarding the Town's policy towards animals and wildlife in the area, please contact the Code Compliance Department at 561-278-4540.

# LIBRARY

We are excited to welcome our seasonal residents back to the library this fall. Parking may be a little tighter during the workday, so we are scheduling our activities in the evenings and on Saturdays. If you can't find parking, call us at 561-278-5455 and we will bring your reserved items right to your car.

### Library Hours:

Monday - Thursday	10:00 AM to 8:00 PM
Friday	10:00 AM - 4:30 PM
Saturday	9:00 AM - 1:00 PM

Thanks to your generous donations to the Friends of the Highland Beach Library, we have a variety of musical events planned this season, as well as a new art exhibit, "Reflections" Gilded Art by B. Corey Johnson.

Upcoming events (all at 5:30 PM):

- November 15<sup>th</sup> Book Discussion: *The Bluest Eye* by Toni Morrison
- November 30<sup>th</sup> Concert: Heart & Soul Duo

Ongoing Activities:

- Current Events Discussion Group: Saturdays at 10:30 AM
- Small Fry Story Time plus Crafts on Wednesdays at 4:30 PM, ages 4 and up
- Toddler Time: Stories and Rhymes on Saturdays at 10:30 AM, ages 2 and 3

Stop by to say hello, try out our new patron computers, and browse the latest books and movies!



# The Town of Highland Beach Presents Mingle & Jingle Holiday Event

**December 7<sup>th</sup>**

**5:30 PM – 7:30 PM**

**St. Lucy Catholic Church  
3510 S. Ocean Blvd.**

**Highland Beach FL, 33487**

**This year's activities include:**



**Food & Dessert Trucks  
Refreshments  
Music (DJ)**

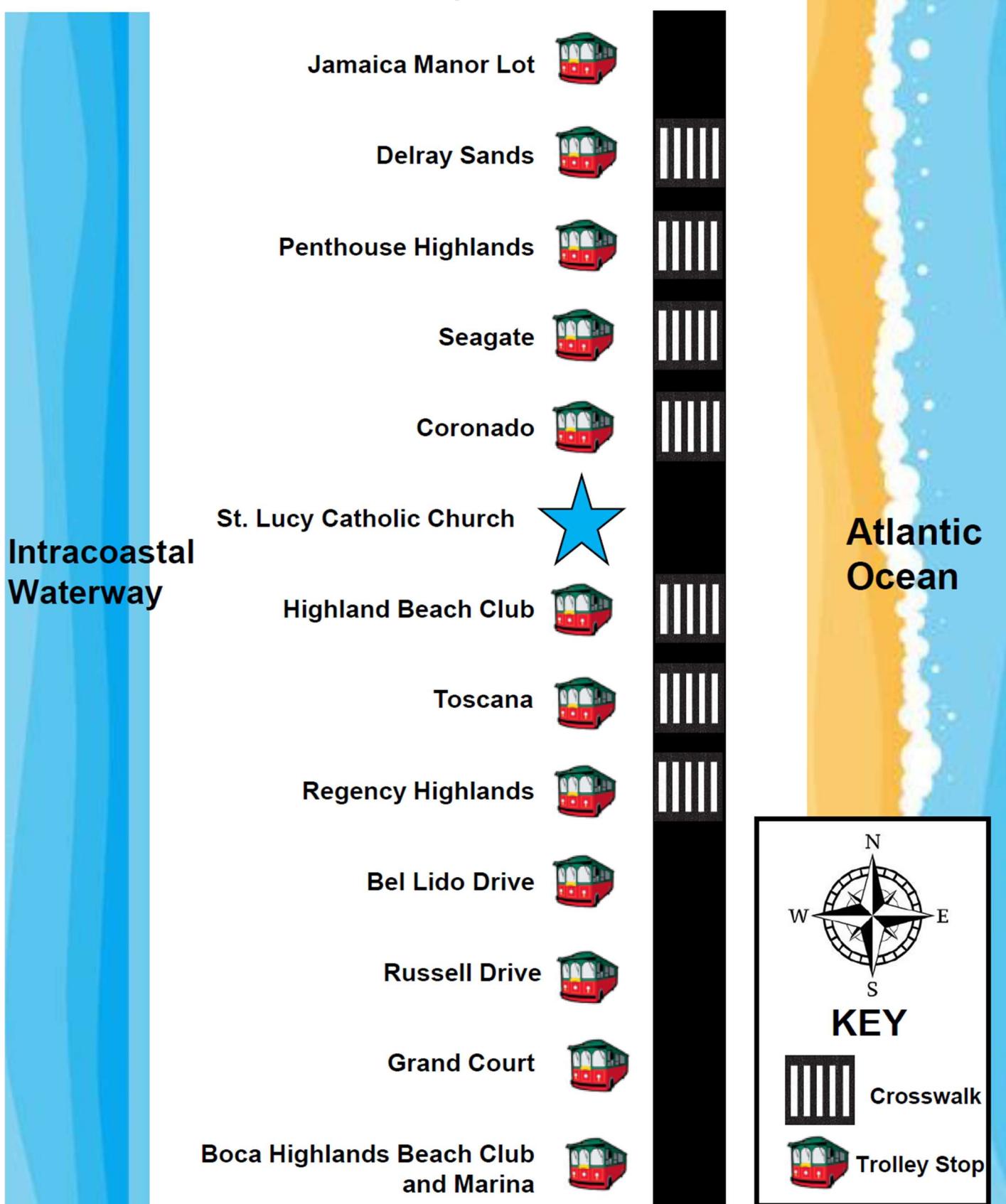


**There will also be Complimentary Trolley Pick Up  
and Drop Off Service along A1A.**

**Trolley service will begin along A1A at 4:30 PM for  
pickups and will end at 8:00 PM for drop offs. The  
designated stops and map are on the back of this  
flyer. The Trolleys are ADA accessible.**

## Trolley Stop Locations

For safety reasons, Trolley pickups will ONLY be on the west, except for the turn around points at each end of town.





Mayor Natasha Moore  
Email: [nmoore@highlandbeach.us](mailto:nmoore@highlandbeach.us)  
Cell: (561) 702-2650



Vice Mayor David Stern  
Email: [dstern@highlandbeach.us](mailto:dstern@highlandbeach.us)  
Cell: (561) 664-0426



Commissioner Evalyn David  
Email: [edavid@highlandbeach.us](mailto:edavid@highlandbeach.us)  
Cell: (561) 414-6109



Commissioner Judith Goldberg  
Email: [jgoldberg@highlandbeach.us](mailto:jgoldberg@highlandbeach.us)  
Cell: (561) 718-3468



Commissioner Don Peters  
Email: [dpeters@highlandbeach.us](mailto:dpeters@highlandbeach.us)  
Cell: (561) 718-3470