

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON MONDAY, MARCH 2, 2009

1 I. CALL TO ORDER AND ROLL CALL

2
3 The Special Town Council Meeting was called to order on Monday, March 2,
4 2009, at 7:00 p.m., in the Town Council Chambers. On roll call, all of the elected
5 officials were found to be present:

6
7
8 II. PLEDGE OF ALLEGIANCE

9
10 President Rosow led the Pledge of Allegiance.

11
12 III. APPROVAL OF AGENDA

13
14 President Rosow added the discussion item of Martin Klein's application to the
15 Agenda.

16
17 **Motion made by Council Member Diamond, seconded by President Pro Tem**
18 **Coniglio to approve the Amended Agenda. On roll call, the motion carried**
19 **unanimously.**

20
21 IV. A. CONSIDERATION OF WILLIAM GUTTMAN'S RESIGNATION FROM
22 THE PLANNING AND ZONING COMMISSION AND HIS WITHDRAWAL
23 OF THAT RESIGNATION.

24
25 President Rosow indicated that he had called the Special Town Council Meeting
26 due to the resignation by William Guttman on Friday, February 27, 2009 and his
27 rescinding of the resignation on Sunday, March 1, 2009. Since there were two scheduled
28 meetings of the Planning and Zoning Commission on Tuesday and Wednesday, a
29 decision needed to be made fairly quickly by the Town Council to either accept or reject
30 his resignation.

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1 Town Manager Elwell described the time line and what decisions the Council had
2 to make.

3
4 Town Attorney Randolph offered a legal opinion on the legality of the resignation
5 and whether the notice to rescind the resignation was binding. He also read part of the
6 Town Code which outlined the Town Council's ability to decide whether Mr. Guttman
7 should remain on the Commission or not.

8
9 There was discussion both in favor of keeping Mr. Guttman and the reasons why
10 the Town Council should accept his resignation.

11
12 Steve Brown, 184 Bradley Place, spoke in support of Mr. Guttman.

13
14 Bruce McAllister, 224 Bahama Lane, spoke in support of Mr. Guttman

15
16 **Motion made by President Pro Tem Coniglio, seconded by Member Kleid to**
17 **not accept Mr. Guttman's resignation.**

18
19 **Upon roll call, the motion was defeated 2-3.**

20
21 **President Rosow No**
22 **President Pro Tem Coniglio Yes**
23 **Council Member Wildrick No**
24 **Council Member Kleid Yes**
25 **Council Member Diamond No**

26
27
28 **Motion made by Council Member Wildrick, seconded by Council Member**
29 **Diamond to accept the resignation of Mr. Guttman.**

30
31 **Upon roll call, the motion carried 3-2.**

32
33 **President Rosow Yes**
34 **President Pro Tem Coniglio No**
35 **Council Member Wildrick Yes**
36 **Council Member Kleid No**
37 **Council Member Diamond Yes**

38
39
40 **B. CONSIDERATION OF APPLICATION BY MARTIN KLEIN**
41

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1 Town Manager Elwell described the situation where Mr. Klein had submitted an
2 application for a position on the Planning and Zoning Commission after the 5:00 p.m.
3 deadline. The Council was to consider whether or not to accept his application.

4
5 Town Manager Elwell further explained that in December 2008, the Council gave
6 direction to staff to adhere to the 5:00 p.m. deadline, when in the past, many applications
7 had been considered after being received after the deadline. Mr. Klein had subsequently
8 submitted emails stating that the website and policies were not consistent from Board to
9 Board.

10
11 The Council discussed the matter on whether to accept the application and also
12 what the policy should be from this point forward.

13
14 William Cooley, 8 Windsor Court, indicated that he printed the various
15 applications from the Town website, and each stated different deadlines. He noted he
16 recently applied for a Board position and out of abundance of caution, emailed the former
17 Town Clerk for clarification and read her email into the record that stated a person had
18 until midnight Saturday to submit an application.

19
20 Norman Goldblum, 109 Everglade Ave., asked the Council for clarification on
21 what positions they were filling on the Planning and Zoning Commission. He was
22 informed that an alternate position would be filled at the March 10, 2009 Town Council
23 Meeting and an additional notice of vacancy would be advertised for the April Town
24 Council Meeting.

25
26 Alan Golboro, Planning and Zoning Commission, pointed out that had Mr. Klein
27 not resigned from the Planning and Zoning Commission previously, the Council would
28 be appointing Mr. Klein to a full voting member.

29
30 Former Mayor Marix defended Mr. Klein as he was not in attendance, and said
31 that Mr. Klein felt he was unfairly treated and that was his reason for resigning.

32
33 President Pro Tem Coniglio apologized for the inconsistencies on the website and
34 with the applications and indicated that those issues would be looked into.

35
36 Susan Markin, 1450 N. Lake Way, asked for clarification on the advertising and if
37 it would specify an alternate or a permanent position. She suggested advertising for an
38 open position instead.

39
40 **Town Manager Elwell was directed by the Town Council to proceed as**
41 **indicated for the March 10, 2009 Town Council meeting and fill the vacancy for the**
42 **Alternate Member. Advertising is to be done immediately for applications for a**
43 **regular voting member seat. That appointment will be made at the April 14, Town**

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1 Council meeting. The news release will specify an application deadline of April 3,
2 2009, at 5:00 p.m. and will advise that if an alternate member is promoted to a
3 regular voting member, then the Town Council will appoint a new alternate
4 member on April 14.

5
6 Lori Volk, read the guidelines for Board Appointments from Municode.

7
8 V. ANY OTHER MATTERS
9

10 Town Attorney Randolph announced that the Administrative Law Judge issued a
11 decision against the Town on the Reach 8 Beach Renourishment project. Town Attorney
12 Randolph asked for permission to schedule a closed door Attorney/Client session
13 following either the Tuesday or Wednesday Town Council Meeting next week.
14

15 The Town Council directed Town Attorney Randolph to proceed and
16 schedule the session for immediately following Tuesday's Town Council meeting.
17

18
19 VI. ADJOURNMENT
20

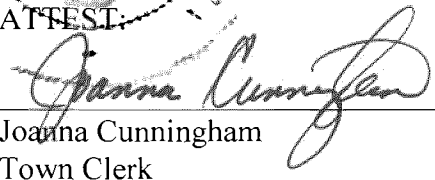
21 There being no further business, the March 2, 2009, Special Town Council
22 meeting was adjourned at 7:57 p.m.
23
24

25 APPROVED:

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29 David A. Rosow
30 Town Council President
31

32 ATTEST:

33 
34 Joanna Cunningham
35 Town Clerk
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