

**Town of Palm Beach
Code Enforcement Board
Minutes**

Thursday, May 20, 2010, 2:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Raychel Houston, Secretary to the Code Enforcement Board at (561) 227-6386. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order: (2:01:49 p.m.)

The meeting was called to order in the EOC at 2:00 p.m. by Chairman Timothy Hoffman. Mr. Hoffman acknowledged the presence of Council Member Diamond in the audience.

II. Roll Call: (2:02:10 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Joel P. Koepfel, Larry Ochstein, Cynthia Van Buren, James M. Ballentine, Jr. and alternate members, W. Anthony Dowell and Scotch Peloso. Board member Madelyn Greenberg was absent (unexcused).

Mr. Hoffman advised Mr. Dowell he would be a voting member today in Ms. Greenberg’s absence.

Staff present: Town Attorney John C. Randolph, Captain John Maio, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer Nick Gerry and Recording Secretary Raychel Houston.

III. Approval of the Minutes of April 15, 2010: (2:02:31 p.m.)

**MOTION BY MR. FRIED FOR APPROVAL OF THE APRIL 15, 2010 MINUTES
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff: (2:02:50 p.m.)

Town Staff who would be testifying were sworn in by Recording Secretary Houston.

V. Public Hearings: (2:03:12 p.m.)

A. Case # CE 10-12, 141 Australian Ave., Gregory J. Pamel

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways to be maintained in good condition

Code Enforcement Officer Nick Gerry said the Town recommends this case be dismissed for compliance.

MOTION BY MR. KOEPPPEL TO DISMISS THE CASE FOR COMPLIANCE

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

B. Case # CE 10-10, 201 Royal Poinciana Way, Vesenz Holding Corp.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as awning covers to be kept in a good state of repair

Code Enforcement Officer Nick Gerry presented the facts of the case and said the Town recommends a finding of non-compliance, waiver of the administrative costs and to give them until June 11, 2010 to comply. Mr. Koeppele asked Mr. Gerry if he had checked with the awning company to see if this was sufficient time for them to get the right of way permit and get the work done and Mr. Gerry said he had and had been told it would be enough time.

MOTION BY MR. KOEPPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, WAIVE THE ADMINISTRATIVE COSTS AND GIVE THEM UNTIL JUNE 11, 2010 TO COMPLY

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

C. Case # CE 10-165, 345 Seabreeze Ave., Ramsey C. Speer

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, properties required to be maintained in good condition and appurtenances such as walls to be kept in good condition and roofs maintained so as not to leak

Code Enforcement Officer Nick Gerry presented the facts of the case and said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give him until July 9, 2010 to comply.

Ramsey Speer was sworn in by Recording Secretary Houston and said he had originally hoped to be able to repair the front section of the roof but the tiles are no longer manufactured so he is going to have to do the entire roof. Mr. Speer said both the roof and the wall will be repaired by July 9, 2010.

**MOTION BY MR. KOEPPPEL TO FIND THE VIOLTAOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE HIM UNTIL JULY 9, 2010 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

D. [Case # CE 10-30, 365 S. County Road, PBI LLC](#)

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior and interior walls and ceilings required to be kept in good condition and roofs maintained so as not to leak and Chapter 46, Section 46-66 which adopts the NFPA 1 and the NFPA Life Safety Code and NFPA 70 National Electrical Code

Code Enforcement Officer Nick Gerry presented the facts of the case and said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until June 11, 2010 to comply. Mr. Fried asked if there were any remaining life safety issues and Mr. Gerry said an electrical inspector had followed up and everything appeared to be secure. Mr. Gerry said there had been a change of ownership during this process and on April 27, 2010 there was a transfer of ownership to Palm Beach Hotel LLC.

John O'Mahony was sworn in by Recording Secretary Houston and said the electrical issue was fixed within 12 hours. Mr. O'Mahony said he did not know he needed a permit to replace the drywall and he was waiting for the roofer to make sure all the repairs were complete so the new drywall would not get wet. The building was under contract and with the new ownership, the building is probably going to be tented and there is preventative termite maintenance which has to be done where the attic area is dusted. He is waiting for a second bid so the new owner can go ahead and dust before the area is closed up. He applied for the expedited permit yesterday. Mr. O'Mahony said he would like to request that the Board remove the \$150.00 fine. Ms. Van Buren asked Mr. O'Mahony if he believed he could get everything done by June 11th and he said his biggest problem is because the building is a historic landmark, he has landmark preservation issues he has to deal with. Mr. O'Mahony said his paint got approved by Landmark Preservation 5 years ago and Sherwin Williams put a new computer system in and lost almost all of their records. His painter does not have the records and the only

reason the painting has not been done is because he has 2 paint chips and Sherwin Williams is trying to match his 1923 paint so he does not have to go back in front of Landmark Preservation to get the color approved. Mr. O'Mahony said he believed the answer to Ms. Van Buren's question was yes, the work could be completed by that date. Mr. Koeppel advised Mr. O'Mahony that the \$150.00 is not a fine, it is administrative costs and asked Mr. Gerry if he had an opinion about waiving the costs and Mr. Gerry said he would leave that up to the Board.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE HIM UNTIL JUNE 11, 2010 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

E. [Case # CE 10-142, 1300 N. Ocean Blvd., McIntosh Trust](#)

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, properties to be maintained in good condition and grass not to exceed 8" in height, Chapter 42, Section 42-87, all exterior surfacing material to be painted and in good repair and appurtenances such as guardrails to be maintained in good condition, Chapter 46, Section 46-66 and NFPA Life Safety Code, 2003 Edition, electrical lights/outlets and wiring to be kept in compliance with the National Electrical Code and Chapter 18, Section 18-242 which requires address numbers to be posted with 4 inch letters in a contrasting color from their background and visible from the street

Code Enforcement Officer Gerry presented the facts of the case and said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until June 11, 2010 to comply. Mr. Ballentine asked if the house was occupied and Mr. Gerry said it was and he had spoken to the property manager several times.

Gail Alexander was present on behalf of the property owner and said everything was completed with the exception of the balustrade work, the masonry work and the electrical work. Ms. Alexander asked for a 30 day extension to complete the work and Mr. Hoffman asked from what date was she requesting the extension. Ms. Alexander said she was asking to be given additional time, until July 9, 2010. Mr. Fried asked Mr. Gerry if there were any life safety issues with the electrical work that needed to be done and Mr. Gerry said there were not and the Town had no objections to the additional time.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JULY 9, 2010 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

F. [Case # CE 10-160, 301 Australian Ave., Brazilian Court Hotel](#)

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, noise over the allowable dBA

Lead Code Enforcement Officer Robert Walton said this was a repeat violation and there are three cases. Mr. Walton said the Town requests, if it is agreeable to the defendant, that these cases be heard as one case as the evidence is essentially the same. The attorney for the Brazilian Court said she had no objection. Mr. Walton asked Mr. Randolph if it would take three separate motions as there are three cases and Mr. Randolph said that was correct. Mr. Walton presented the facts of the case and said he received a citizen complaint about the noise. Mr. Walton said this was a repeat violation as they had been found in violation of this same noise ordinance in February, 2010. In all three cases, the noise reading was taken from approximately the same location, on the sidewalk and on the adjoining property to the west. The amount of the fine for each of the three violations is \$500.00 as it is a repeat violation. The property was brought into compliance on April 20th as insulation was added. The Town recommends a finding of non-compliance as a repeat violator, administrative costs in the amount of \$150.00 and to order them to pay the \$500.00 fine for each case.

Heidi Hinrichs of Greenberg Traurig was present on behalf of the Brazilian Court Hotel and said this was an emergency situation and her client received the first notice on Friday afternoon at 4:00 p.m. They were not able to correct it until Monday and it is not a repeat violation because it is an emergency situation. When the situation occurred in February, they were advised to wrap the equipment with sound blankets or boards and at that time, it alleviated the noise problem. Ms. Hinrichs said her client took all precautions to alleviate the noise problem by using the same mechanism they had in February and took care of it as soon as they could, which was Monday. Ms. Hinrichs said they had the contractor out on Monday and added additional insulation, more than what was required back in February in order to achieve the same noise reduction.

Mr. Hoffman said he believed there had been a change to the noise ordinance in the Town's review of the codes and asked Mr. Walton if he knew what that was. Mr. Walton said there was a proposed change to lawn equipment only and although there was also a discussion of a change to raise these limits, that has not been done. It would also have no effect on this case as this is the code now. Mr. Fried asked Ms. Hinrichs if she was sure the type of insulation they used the second time was the same kind they used the first time. She said she had been advised that was the case but she could present a witness to testify to that.

Michael Williams, Director of Engineering for the Brazilian Court Hotel, was sworn in by Recording Secretary Houston and in response to Ms. Hinrichs' question, said they used the same mechanical contractor and the same sound barrier around the compressor. Mr. Koeppel asked about the problem that is causing this to reoccur. Mr. Williams said the problem in February was with the

condenser/heat exchanger and the most recent one was the evaporator/heat exchanger, two different issues on the same piece of equipment. Mr. Koeppel asked if the equipment was defective or old and Mr. Williams said it was only five years old. Mr. Koeppel asked if it was being properly maintained and Mr. Williams said it was. In response to Mr. Koeppel's question about why these breakdowns were occurring, Mr. Williams said they are having a forensic investigator determine the cause of the failures. Mr. Ballentine asked Mr. Williams if he was satisfied that the capacity they have for the air conditioner can handle the load they are putting it under and Mr. Williams said they took their mechanical contractor's recommendation. Mr. Ochstein asked if anyone was questioning the 71 decibels and Ms. Hinrichs said they were questioning that because the exact same unit with the same amount of insulation achieved a lower decibel level in February and she did not know how the machines were calibrated. Ms. Hinrichs said there might be an issue with the equipment taking the measurements. Mr. Walton entered into evidence the certification of calibration for each of the instruments and told Ms. Hinrichs he would make that available to her.

There was additional discussion and questions from the Board members reference the steps that were taken to reduce the noise levels and the noise level readings that were taken. Mr. Walton said the property was brought into compliance by Tuesday and he is not sure how long the equipment remained there but there were no further problems with the additional installation being installed. Mr. Koeppel said he had a problem calling this a repeat violation and although he thought there should be costs, he did not think a fine should be imposed. Mr. Koeppel said the duty of the Board is to make certain people are not flaunting the law and blatantly violating the ordinances of the Town. Mr. Fried asked if Mr. Walton was suggesting a \$500.00 fine for each case as well as \$150.00 in costs for each case and Mr. Walton said yes. Mr. Walton said he believed it would have been prudent for the Brazilian Court to have called the Town to have the equipment tested since there had been a problem with a similar piece of equipment in the past. Mr. Walton said he believed the equipment showed up on Wednesday or Thursday and asked Mr. Williams if that was correct and Mr. Williams said it was installed on Wednesday, the 14th. Mr. Walton said he saw the equipment but he had no complaints so he did not address it. Mr. Randolph asked if the individual citations were part of the record and Mr. Walton said they were. Mr. Fried said the hotel is a non-conforming use and should be held to a slightly higher standard. He said if they are going to take each case individually, he believed they should be found in violation of the first and second occurrences and the third one dismissed. Mr. Ballentine said his thinking was along the same lines as Mr. Fried, that he believed there was clearly a violation. He said the Board's job is to see the problem is corrected and he is glad the Brazilian Court is going to do a forensic study of the system. Mr. Ballentine said he believed a \$1000.00 fine would be equitable. Mr. Hoffman said he had a problem with the issue also and provided the Board with some decibel level comparisons. Mr. Randolph asked Mr. Walton and Ms. Hinrichs if they would both agree to make what Mr. Hoffman read part of

the evidence and they agreed to do so. Ms. Van Buren asked if the Brazilian Court was in violation on the third day and Mr. Walton said they were.

**MOTION BY MR. KOEPPPEL TO CONSOLIDATE ALL THREE CASES, FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND NO FINES BE IMPOSED
MOTION DIED FOR LACK OF A SECOND**

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$500.00 FINE
SECONDED BY MS. VAN BUREN
MOTION PASSED 6-1 WITH MR. KOEPPPEL DISSENTING**

G. [Case # CE 10-164, 301 Australian Ave., Brazilian Court Hotel](#)

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, noise over the allowable dBA

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$500.00 FINE
SECONDED BY MS. VAN BUREN
MOTION PASSED 5-2 WITH MR. KOEPPPEL AND MR. HOFFMAN DISSENTING**

H. [Case # CE 10-162, 301 Australian Ave., Brazilian Court Hotel](#)

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, noise over the allowable dBA

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE AND ASSESS NO ADMINISTRATIVE COSTS
SECONDED BY MR. BALLENTINE
MOTION PASSED 5-2 WITH MR. OCHSTEIN AND MR. KOEPPPEL DISSENTING**

I. [Case # CE 10-104, 263 Park Ave., Douglas L. Wilson](#)

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks and bike trails in the Town shall be maintained at all times for the unobstructed passage of pedestrians and others using such sidewalks and bike trails

Lead Code Enforcement Officer Robert Walton presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give him until June 1, 2010 to come into compliance.

**MOTION BY MR. KOEPPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE HIM UNTIL JUNE 1, 2010 TO COMPLY
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

J. [Case # CE 10-71, 320 Chilean Ave., # 6, Douglas E. Fredericks](#)

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe and unsanitary conditions not permitted and appurtenances to be kept in a good state of repair

Lead Code Enforcement Officer Walton presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance and no other action be taken.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE AND NO FURTHER ACTION BE TAKEN
SECONDED BY MR. FRIED
MOTION PASSED 6-1 WITH MR. KOEPPPEL DISSENTING**

K. [Case # CE 10-154, 2000 S. Ocean Blvd., # 201N, Lloyd Macklowe](#)

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Lead Code Enforcement Officer Walton presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and he be given until June 11, 2010 to comply.

**MOTION BY MR. KOEPPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE HIM UNTIL JUNE 11, 2010 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- L. [Case # CE 10-159, 215 Worth Avenue, All Year Cooling & Heating](#)
Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances, obstructing the right of way without a permit

Lead Code Enforcement Officer Walton presented the facts of the case and said the individual he cited told him they had originally intended to lift the air conditioner from the parking lot but there were high tension electrical wires and that is why they had to go to the street. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to order them to pay the fine of \$125.00. Mr. Hoffman asked if it would have been possible to get a right of way permit once they found out they had to go to the street and still complete the job in that time frame. Mr. Walton said the Public Works Department generally needs a 72 hour lead time for right of way issuance but in emergency situations, they will give them verbal permission and call both him and the police department dispatch so they are aware. One of the issues is that emergency services cannot get down the street.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$125.00 FINE
SECONDED BY MR. KOEPEL
MOTION PASSED UNANIMOUSLY**

VI. Fine Reduction:

- A. [Case # 09-2642, 445 Brazilian Ave., Rosalind LLC](#)
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions not permitted and appurtenances such as concrete driveways to be maintained in good condition

Lead Code Enforcement Officer Robert Walton said Adam Falkoff was present to request a fine reduction and said the property is now in compliance but there was a daily running fine which totaled \$1000.00. Mr. Walton said Mr. Falkoff had paid the \$150.00 hearing costs.

Adam Falkoff told the Board the reason for the delay in making the repairs to the driveway was because his contractor's wife had gone into labor early and had some medical issues after the birth of the baby. The contractor resumed the job as soon as he was able. In response to Mr. Ballentine's question, Mr. Walton said the fine ran for 20 days at \$50.00 a day. Mr. Hoffman asked Mr. Falkoff what he was asking for and Mr. Falkoff said he was requesting a fine reduction to zero. Ms. Van Buren said she believed the fine had already been reduced considerably as it could have been \$250.00 a day but she did not favor reducing it to zero. Mr. Ochstein also said he would be in favor of some reduction but not one hundred percent.

MOTION BY MR. FRIED TO REDUCE THE FINE TO \$500.00
SECONDED BY MR. OCHSTEIN
MOTION OPPOSED

During discussion on the motion, Mr. Hoffman said the fines are imposed in order to encourage compliance and said he would be in favor of reducing the fine to \$250.00. Mr. Fried said he was prepared to amend his motion to that effect and Mr. Randolph said Mr. Fried could make a motion to reconsider since he was on the prevailing side.

MOTION TO RECONSIDER BY MR. FRIED
SECONDED BY MR. KOEPPPEL
MOTION OPPOSED

ROLL CALL VOTE:

MR. FRIED	YES
MR. KOEPPPEL	YES
MR. OCHSTEIN	NO
MS. VAN BUREN	NO
MR. BALLENTINE	NO
MR. DOWELL	YES
MR. HOFFMAN	YES

MOTION PASSED 4-3

MOTION BY MR. FRIED TO REDUCE THE FINE TO \$250.00
MOTION SECONDED BY MR. KOEPPPEL
MOTION PASSED WITH MR. OCHSTEIN, MS. VAN BUREN AND MR. BALLENTINE DISSENTING

B. [Case # 09-2669, 445 Brazilian Ave.# 8, Kimberly Flynn & Rosalind LLC](#)

Violation of Chapter 10, Section 10-9 of the Town of Palm Beach Code of Ordinances, no person shall keep, possess, feed or maintain any live animal within the Town other than domesticated household pets or domesticated animals; under Chapter 10, Section 10-1 of the Code, domesticated household pets means dogs, cats, birds, reptiles, rabbits, guinea pigs, hamsters, fish and turtles and specifically prohibits all animals of the equine, bovine or swine class

Lead Code Enforcement Officer Robert Walton said the fine in this case totaled \$5250.00 and the hearing costs of \$150.00 had also been paid. Adam Falkoff gave a brief background of the case and said his tenant, Ms. Flynn, had been advised that only cats and dogs were allowed in the apartment so he was surprised when he got a letter from the Town advising there was a pig there. Mr. Falkoff said he called Ms. Flynn who denied having a pig but a couple of weeks later, another

resident called his leasing agent and said there was a pig roaming the hallway. Mr. Falkoff said he began eviction proceedings but estimates the building lost over \$21,000.00 due to this incident. Mr. Falkoff said Ms. Flynn was a deadbeat renter; she stopped paying rent after the first two months. The pig caused significant damage to the floor and walls of the apartment and he had to dispose of the furniture. Ms. Flynn did not vacate the apartment until October and due to all of the repairs, he missed the rental season and the apartment remained vacant for the first time. Mr. Falkoff asked that the fines be reduced to zero due to his cooperation with the Town and the amount of monetary damages he had already suffered.

Mr. Ballentine asked Mr. Falkoff if he had any recourse against Ms. Flynn and Mr. Falkoff said he did not as the landlord/tenant laws in the state are very favorable to the tenant. Mr. Falkoff said he proceeded with a criminal action against Ms. Flynn but due to the lack of some evidence, she was able to avoid the charges.

Mr. Koeppel said he thought the fine should be waived as Mr. Falkoff took every action he could to get Ms. Flynn out of the apartment. Ms. Van Buren asked if the fine was also levied against Kimberly Flynn and Mr. Walton said it was but the fine went with the property. Ms. Van Buren asked if the fine was reduced for Mr. Falkoff, would that also reduce the fine against Ms. Flynn. Mr. Randolph said it could be made clear that the fine was being waived strictly for the property owner and not for the tenant. In response to Mr. Randolph's question as to whether the case was brought against the property owner initially, Mr. Walton said it had been and that both parties had been found in non-compliance. Mr. Randolph said the fine could be waived just against the property owner and left in effect for Ms. Flynn.

MOTION BY MS. VAN BUREN TO WAIVE THE FINE AGAINST ROSALIND LLC ONLY AND LEAVE IT IN EFFECT AGAINST MS. FLYNN
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY

VII. Board Comments: (3:57:46 p.m.)

Mr. Hoffman advised the Board they would be meeting at the new Town Council chambers in July and asked the Board if they would like to stay after the June meeting or come early before the July meeting to familiarize themselves with the new equipment. The Board agreed to come early for the July meeting.

VIII. Adjournment: (3:59:21 p.m.)

The meeting was adjourned without benefit of motion.