TOWN COUNCIL MINUTES OF MEETING HELD ON MAY 11, 1993

Roll Call

I. CALL TO ORDER AND ROLL CALL: The May meeting of the Town Council was called to order by President Weinberg at 9:30 AM on May 11, 1993 in the Town Council Chambers. On roll call, the following Elected Officials were found to be in attendance: Mayor Ilyinsky, President Weinberg, President Pro Tem Wiener, Councilwomen Douthit, Smith and Royal.

Invocation

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Invocation was given by Father Lechera of St. Edward's Catholic Church. Pledge of Allegiance was led by President Pro Tem Wiener.

President Weinberg called everyone's attention to the fact that this meeting will be conducted by the requirements of the Code, specifically Sections 2.68 and 2.59.

III. PRESENTATIONS:

Recognition of Lindley Hoffman

A. Recognition of Lindley Hoffman - Code Enforcement Board. Mayor Ilyinsky presented a plaque to Mr. Hoffman in honor of his service on the Code Enforcement Board.

Recognition of Jesse Newman

B. Recognition of Jesse D. Newman - Architectural Commission. Mayor Ilyinsky presented a plaque to Mr. Newman in honor of his service on the Architectural Commission.

Retire. - Ricky Rickerson

C. Retirement of Ricky Rickerson, Equipment Operator, Public Works Department - 27 years 9 months. Mayor Ilyinsky presented a plaque to Mr. Rickerson in honor of his service to the Town.

Recognition of Fire-Rescue Dept

D. Recognition of Fire-Rescue Department Emergency Medical Services - State of Florida Department of Health and Rehabilitation Services Awards for Exemplary Service Records Status and Exemplary Vehicles Status. Mrs. Linda Schooty, on behalf of the EMS Department, State of Florida presented to Chief Elmore the Exemplary Service and Vehicles Record Award, commending the Department on the high standards and professionalism maintained. Chief Elmore accepted the award on behalf of the residents, the Mayor and the Town Council who have provided the Department with the means to win these awards and congratulated his EMS Coordinator, Chic Price, and all the men and women in the Fire-Rescue Department who have made the award possible.

IV. COMMENTS OF THE MAYOR: None.

V. COMMENTS FROM THE HONORABLE BARRY E. KRISCHER, STATE ATTORNEY. (Heard later in the meeting.)

VI. APPROVAL OF AGENDA: Motion was made to approve the regular agenda as printed by Mrs. Wiener, seconded by Mrs. Royal.

APPROVED AGENDA (ITEMS VII. THROUGH VIII.) Motion was made by Mrs. Smith, seconded by Mrs. Douthit to approve the Approved Agenda. On roll call, the motion carried unanimously. On roll call, the motion carried unanimously.

VII. APPROVAL OF MINUTES OF JANUARY 12, MARCH 9, APRIL 13 (10:30 A.M. AND 5:01 P.M.), 22 AND 29, 1993

VIII. NEW BUSINESS

A. Other

Lease Royal Poinciana Theatre

1. Royal Poinciana Theatre - Request for Additional One (1) Year Extension of Lease Agreement to Continue Wednesday Matinee Program from December 1993 to April 1994.

2. Consideration of Request by Ms. Barbara Norcross to Transfer Occupational License to Conduct Business at 205 Worth Avenue.

REGULAR AGENDA

IX. COMMITTEE REPORT

ORS Report

A. Ordinance, Rules and Standards Committee Report of May 7, 1993 Meeting -

REPORT OF THE ORDINANCE, RULES & STANDARDS COMMITTEE

MEETING OF MAY 7, 1993

Roll Call

I. CALL TO ORDER AND ROLL CALL. Chairperson Douthit called the Ordinance, Rules & Standards Committee meeting to order at 9:37 AM on May 7, 1993. On roll call, the Chairperson of the Committee, Councilwoman Nancy S. Douthit and the Committee Member, Michele Clarke Royal were found to be in attendance. Other elected officials attending were Mayor Paul R. Ilyinsky, President of the Council M. William Weinberg, and Councilwoman Lesly S. Smith. For all or portions of the meeting, Town Manager Doney, Town Attorney Randolph, Town Clerk Peters, Recreation Director Bitzer, Assistant to the Town Manager Jakubiak, and Deputy Building Official Zimmerman were in attendance.

II. APPROVAL OF AGENDA. Agenda was approved as printed.

III. CONSIDERATION OF TOWN BOARDS AND COMMISSIONS, DISCUSSION OF LENGTH OF TERMS, CONFLICTS OF INTEREST ATTENDANCE, ETC.

Board & Commission Members

A. REMOVAL OF BOARD OR COMMISSION MEMBERS AND ALTERNATES DUE TO LACK OF ATTENDANCE: After discussion, it is the RECOMMENDATION OF THE COMMITTEE that members and alternates of Town Boards and Commissions can be removed with or without cause at the pleasure of the Town Council. IT IS THE FURTHER RECOMMENDATION OF THE COMMITTEE that in the event a Board or Commission Member have more than three unexcused absences in a calendar year, they will be automatically removed as a member of such Board or Commission. Unexcused absences are those other than for illness or personal hardship. Chairperson Douthit and Committee member Royal were not in agreement that this automatic removal should also apply to Alternates.

B. CONFLICTS OF INTEREST: After discussion, it is the RECOMMENDATION OF THE COMMITTEE when a member is being considered for reappointment to a Board or Commission, there shall not be an excessive amount of conflicts of interest forms filed and the Committee recommends that the Council make the determination of defining what is an excessive amount. A Board or Commission member may also be removed for excessive conflicts of interest. Conflicts of Interest

C. APPOINTMENT AND TERMS OF ALTERNATE MEMBERS: After discussion, it is the RECOMMENDATION OF THE COMMITTEE that the appointment of three alternates not be mandatory and be at the discretion of the Town Council, depending upon whether or not the particular Board or Commission has the need for three alternates. The COMMITTEE FURTHER RECOMMENDS the terms of Alternate Members being appointed to Boards or Commissions would be the same as regular members, two three year terms. The Committee was not in agreement on the issue of alternates being required to attend all Board and Commissions as Chairperson Douthit did not believe that should be a requirement and Committee member Royal believed it should be a requirement. At any time during their service as an Alternate member, he or she would be eligible to be appointed as a regular member; or after serving the two three year terms, an alternate member would be eligible to be appointed to a Board or Commission as a regular member. Appt. & Terms of Alternate Members

D. EXEMPTIONS FROM PROVISION THAT ALL MEMBERS AND ALTERNATES OF BOARDS AND COMMISSIONS SHALL BE TOWN REGISTERED VOTERS. After discussion, it was the consensus of the Committee that exemptions from this provision would apply to the Public Employees Relations Commission, the Building Board of Adjustments and Appeals, the Code Enforcement Board and the Landmarks Preservation Commission and the Town Attorney was requested to revise the language existing in the Ordinance with regards to the Landmarks Preservation Commission to be more explicit as to this particular appointment being an acknowledged expert in the field of historic preservation. Exemptions that members of Boards & Commissions

E. ALTERNATE MEMBERS' PARTICIPATION BY DISCUSSION IN THE BOARD OR COMMISSION MEETINGS. Heard the comments of Mr. Zimmerman for Mr. Moore who suggested alternate members be allowed to participate in the discussions at the meetings they attend as alternates. Heard comments of Mr. Randolph who did not agree as it his opinion it is inappropriate for someone who is not going to be voting on an issue to participate in discussion as a member of the Board or Commission, as it could influence the vote. After full discussion, it is the COMMITTEE'S RECOMMENDATION the Town Attorney look into the legalities of alternate members participating in the discussion at Board or Commission meetings on which they serve as alternates and if permitted legally, to allow alternates to participate in discussion even though they are not sitting as voting members. Alternate Members' Participation

IV. ANY OTHER MATTERS:

A. ARTICLE II. ELECTIONS. After discussion, it is the COMMITTEE'S RECOMMENDATION THAT Section 2-36 "Canvassing and declaring results, inducting successful candidates" be amended to read: Sect. 2-36

Section 2-36. At the first regular meeting of the Town Council following such election, or at an earlier meeting called for such purpose in the discretion of the Town Council, the Council shall declare the results thereof as certified by the Supervisor of Elections of Palm Beach County and the Town Clerk of the Town of Palm Beach; and the successful candidates at such election shall be sworn in and take office at such meeting.

B. IT IS FURTHER RECOMMENDED BY THE COMMITTEE THAT Section 2-37 be deleted. Sect. 2-37

C. LIMITING NUMBER OF ABSENTEE BALLOTS WHICH COULD BE PICKED UP BY ONE PERSON. The Committee discussed this matter and have no recommendations as the Florida Legislature was considering this and this will be monitored.

V. ADJOURNMENT. Meeting adjourned at 10:55 AM. Adjournment

SIGNED BY NANCY S. DOUTHIT AND MICHELE CLARKE ROYAL.

Mrs. Douthit pointed out she and Mrs. Royal did not agree on everything that has come up, and they have put it into the Report and now will discuss it with the Council. She stated she did not think it should be mandatory to have the alternates of Committees and Commissions attend every meeting, and Mrs. Royal thinks they should, which would put them under the regulation that there could only be three absences permitted during a one year period or they would be automatically off the Committee and Commission.

Mrs. Douthit stated another item which Mr. Randolph was researching is whether or not alternate members should participate in the decision making. Attorney Randolph reported his decision will depend upon whether or not an alternate is required to be in attendance at every meeting. He recalled the advice that he gave to the Committee was he didn't think it was appropriate for alternates to take part in the discussion when they did not have a vote, as it may not be fair to an applicant who is facing a seven member board to have the decision swayed by two or three alternates who may not ultimately vote on the question. He stated his advice is that they should not participate in the discussion, unless they are filling the role of a regular member and voting.

Mrs. Douthit advised it was her thought that attendance at every meeting should be mandatory, nor would the rules of absence apply to them, and she felt they could be chosen to be elected to a Committee or Commission at any time. Mrs. Royal did not believe that service as an alternate should not be construed as taking away the right for them to be chosen later to serve as a full member of a Commission. She viewed the alternates as sort of an apprentice system, and their full attendance at all meetings would mean they would be very prepared and always able to fill in at any time when any full member of a Commission was not able to attend. She also thought they should be allowed to participate in discussions at their meetings, but not vote, except when they are serving as a member when a full member is not available.

Mrs. Wiener viewed this as creating ten member commissions with only so many voting, and she did not agree with that. She thought that having people come all the time as alternates is a waste of time and if someone wants to come once or twice to familiarize themselves with what was going on, that would be alright.

She noted the one issue that has not been addressed is the removal of a member. She recalled there have been notorious conflicts of interest; and absences that were unexcused, but she thought there were other things which have been happening, which went deeper, as people talking to staff members and doing things that the members of the Council are not permitted to do. She thought people needed to know when they accept a Commission or Committee appointment that they are representing the Town and they are at all times responsible for their actions, and one of the other things is that members of the Town Council on an annual basis should visit one of these Commissions and observe what is going on at their meetings.

Councilwoman Smith believed that each Commission operates independently, recalling with her service on the Architectural Commission, the alternates were indeed very important and if they had not been present for most of the meetings, they would not have been up to speed when it came to reviewing the applications. She thought if an alternate did not know the background on a project that was before the Commission, it would have put them through a very extensive ordeal as the architects and attorneys would probably have had to come back to another meeting. She recalled Attorney Randolph always instructed the alternates, prior to the meeting, that they were not to take part as an alternate. She recalled Mr. Newman was an alternate and did attend all of the meetings, but was current with every project coming before the Commission, which saved a lot of time for the applicants.

Mrs. Douthit agreed there was a certain degree of personal conscience involved here and some people would attend all of the meetings, but others will not and she would like to have all of these things down in black and white, so everybody knows what is expected of them. She stated the alternates can be appointed to the Commission at any time when a regular member retires or resigns from the Commissions or Committees. Mrs. Wiener recalled there are minutes of all of these meetings made, and it would seem to her that that would be one way of keeping all of the alternates informed, and the alternates should be furnished copies of the minutes, just as the regular members are. Mr. Moore advised the alternates do receive the agenda but the back-up material is kept in the Building Department and they all have the opportunity of coming in and reviewing the plans. Mrs. Smith did not know whether or not the alternates came in to view the plans. Mrs. Douthit stated that is why she made the statement of personal conscience.

Mrs. Royal pointed out the conflicts of interest had been addressed and she felt in their efforts to standardize and codify the commissions, it would not be inappropriate for the Council to have drawn up a handbook as to what the appropriate behavior is for commission members.

Mrs. Douthit pointed out each Commission is totally different. Attorney Randolph announced in response to Mrs. Royal's comments, there was some discussion about having a Mini-Workshop for the Committees or a presentation at each of the beginnings of their meetings so that they could do as Mrs. Royal had suggested, however, they didn't want to do that until these amendments were adopted.

Mrs. Wiener did not think any member has ever been removed from a Commission for any reason whatsoever, and what she would like to do, as she has seen a number of things which she finds highly improper, and she would like to see some method whereby members could be removed, if their actions are not appropriate. She pointed out this Council is here to serve all of the people in this Town in a fair and equitable manner and some things are not as pleasant as others, and when there is something unpleasant that needs to be done, it is there and there wouldn't be any problems for anybody.

Mrs. Smith thought that the discussion on the qualifications of the members appointed to the Commission does underline the fact that the best qualified need to be appointed and that would be people whose ethical standards in their personal lives and their business are beyond reproach. She recalled they did not remove a commissioner who was accused of murder, so the qualifications needed to be looked into for the people that are appointed. She felt by the same token, she hesitates to put another layer of bureaucracy into the book on the behavior of the Commissioners. She knew that every Commissioner was given the Ethics pamphlet.

Mr. Weinberg commented because of these statements of Mrs. Smith is one of the main reasons he has been insisting about interviews before anyone is appointed to a Commission.

Mrs. Wiener recalled everyone is given the Ethics information, and they are all supposed to know what they are to do ethically and everyone serves in any governmental office does know what is allowed and what is not allowed, and there are still scandals. She would like to preclude that and would like to see a figure be put on the number of Conflicts of Interest which are filed, be it ten, or whatever, and if they exceed that, they would be automatically removed. She referred to the unexcused absences and here again, she didn't care what the figure is, but they needed to do it correctly and properly so there is no question.

Mrs. Douthit noted the Committee report does address the unexcused absences and that figure was three and they would be off automatically. She would be happy to look at this again and suggested this be referred back to the Ordinance, Rules & Standards Committee.

Mrs. Wiener moved the report be accepted and the matters discussed be returned to the Committee for further recommendations. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

Comments from Hon. Barry E. Krischer, State Atty.

V. COMMENTS FROM THE HONORABLE BARRY E. KRISCHER, STATE ATTORNEY. Mr. Weinberg noted Mr. Krischer was now in the room and called on him for his comments. Mr. Krischer addressed the Mayor and Town Council noting that he is attempting to get in place community based prosecution. He distributed materials describing the program which has been implemented in other jurisdictions.

Mr. Krischer noted the most important aspect is when a person is arrested, the computer at the Sheriff's Jail randomly assigns a Judge and then his office randomly assigns that case to one of three prosecutors assigned to that particular Judge. He advised what he is proposing is having the County divided into seven geographic areas, as they have seven felony judges sitting in West Palm Beach. He advised under this program he would assign the three attorneys that are assigned to a particular division of the Court to a specific geographical area and the end result would be that three lawyers would be assigned to Palm Beach and would prosecute all of the cases which came out of Palm Beach. He reported what the benefits would be:

1. Law enforcement always know who their prosecutors will be.
2. The prosecutors will be dealing with the same police department and get to know them and their standard operating procedures. He thought the end result would be a closer working relationship.
3. The prosecutors would get to know the geographic area.
4. Once a month, the prosecutor will visit the Town Hall, and their Law Enforcement department and the residents of the Town and the Town leaders and at this meeting, they will make the determination of what goals they want to achieve in their jurisdiction.
5. There will be a working relationship achieved between the citizens of the Town, the Law Enforcement, and the prosecutor.

Comments from Barry Krischer

He advised this is something that has never been done before in this County, noting that the crime problem is such that needs to be addressed in a different fashion and he hoped that by bringing the law enforcement, the prosecutors and the residents together, working as a unit, making decisions as to what should be done in the individual communities.

He is here because he needs the Town Council's support for this program. He stated there presently is an administrative order as to how these cases are to be assigned and that is randomly and he needs to have that changed. He noted there will be a panel of judges who will examine this and he will present this program to them, and would like to be able to submit to them resolutions from the 37 communities in Palm Beach County, in support of this concept.

He stated he would like to see this program given a two year test period to see if it does work.

Mr. Weinberg called for questions from the public. Jeanne Habicht, Chairman of the Public Safety Committee for the Palm Beach Civic Association addressed the Council in support of the Plan and offered her help.

Mrs. Smith asked if Mr. Krischer has talked to the Chief of Police about this to which he responded the concept has been endorsed by the Criminal Justice Commission, the Law Enforcement Council of the Criminal Justice Commission, the Police Chief Association, the Sheriff, the League of Cities and all of the major newspapers in Town and he has not been to any Town or city which has rejected the Plan and has been on the road since the second week in January.

Mr. Doney noted a draft resolution has been received and if Council approves, it can be on the agenda for the next Town Council meeting.

Mrs. Wiener congratulated Mr. Krischer for bringing this to the Town of Palm Beach and stated she didn't have any objection. Mrs. Wiener asked if he was going to be coming every month to the Town Council meeting? Mr. Krischer responded once a month they will meet but it wouldn't be at the Town Council meetings.

Mrs. Douthit noted the Criminal Justice system is in poor order and a change is needed and this sounds like a logical change, and she was in approval.

After discussion, the Council approved the concept and asked that the Resolution be on the agenda for the next regular meeting of the Town Council.

Mrs. Wiener suggested in the meantime a letter of support be sent to Mr. Krischer indicating that a resolution on the issue will be forthcoming.

X. OLD BUSINESS

A. Ordinance - Second Reading

1. Ordinance No. 12-93 - Requirements of National Pollutant Discharge Elimination System (NPDES) Regarding Stormwater. Mr. Randolph read the Ordinance No. 13-93 by title: Second Reading Ord. 12-93

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 11.5 OF THE TOWN CODE RELATING TO NATURAL RESOURCE PROTECTION SO AS TO PROVIDE A NEW ARTICLE RELATING TO STORM WATER CONTROL; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITION: PROVIDING FOR EXEMPTIONS; PROVIDING FOR INSPECTIONS AND MONITORING; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mrs. Douthit noted this was necessary because of a Federal mandate to which Mr. Randolph agreed and Mrs. Douthit moved the Ordinance No. 12-93 be approved on second reading. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

B. Appointments

1. Architectural Commission - Three Alternate Members - A motion was made by Mrs. Douthit, to nominate Cathleen McFarland as an alternate to the Architectural Commission. Motion carried with a negative vote cast by Mrs. Royal. Arch. Commission

Mrs. Smith recalled there was a procedure set out at a past meeting to vote on a short list. Mrs. Douthit did not think that was necessary. Mr. Weinberg agreed.

Mr. Weinberg nominated Bruce Helander to serve as an Alternate to the Architectural Commission. On roll call, the motion carried 3-2 with Mrs. Douthit and Mrs. Smith voting against the nomination.

Mrs. Smith nominated Allen Wyett to serve as an Alternate to the Architectural Commission. On roll call, the motion carried 3-2 with Mr. Weinberg and Mrs. Wiener voting against the nomination.

Golf Commission

2. Golf Commission - Three Alternate Members - A motion was made by Mrs. Wiener to defer this nomination to the June Town Council Meeting. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

C. Other

PEP REEF Project

1. PEP Reef Project at Mid-Town - Consideration of Request for Time Extension by American Coastal Engineering, Inc. Beth Mitchell, Vice-President of American Coastal Engineering addressed the Council, recalling subsequent to her memorandum of May 6, 1993 providing the Status Report, she wished to report that this morning she received preliminary information from Mr. Harvey Sasso, Coastal Engineer, and he is preparing another monitoring report, which will be available later in the week. He reported to her that based on the survey information gathered in April, there has been no additional settlement of the units.

She advised there has been an average accretion of 20.3 cubic yards of sand directly in the lee of the reef, and the last conclusion made shows an additional accretion about one half mile south of the partial installation.

Miss Mitchell reported three more units were installed last week, but there has been bad weather since that time. She noted since that letter there have been additional weather days and she suggested there be an extension of time, other than what was stated in her letter which was July 5, 1993 and with the additional bad weather days since her memo, it would bring it up to July 10, 1993, which means she would have to come back and ask for another extension and asked this extension be to the next meeting of the Town Council and they address the issue at that time.

Mrs. Wiener did not see the point of American Coastal coming on a regular basis to ask for extensions and she moved the time be extended to September 1, 1993. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

Mrs. Douthit noted Dr. Dean has sent a list of people he would like appointed to the Evaluation Committee and she would like to see appointed to the Committee three people and suggested Dr. A. J. Meta, an expert in sediment transport; Dr. John Fletemeyer, of the Town's Beach Patrol who is a marine biologist and an expert on turtles; and thirdly, Peggy Van Arman from Palm Beach Atlantic College.

Mrs. Wiener asked if more monies would have to be budgeted for this project if these people are appointed to the Evaluation Committee? Miss Mitchell believed that question needed to be answered by Dr. Dean as whether or not the travel expenses would be covered by the monies for the test plan she did not know.

Mr. Al Dusey, Director of Public Works, addressed the Council believing that every member of this Committee will be on someone's payroll. Mr. Weinberg asked if the Town finances that Committee to which Mr. Dusey responded the Town's share is twenty-five per cent. Mr. Dusey noted local people driving to Gainesville will have travel expense. Mrs. Douthit felt local input on this subject was quite important, as these other people might do it all on paper and wouldn't have the opportunity of observing it firsthand.

Mr. Doney advised what is missing from the discussion is the historical perspective for the newer members of the Council, Mrs. Smith and Mrs. Royal, as because the history of this project has been lengthy, there is another ongoing process with the Town entering into an Agreement between the Town, the University of Florida and the Department of Natural Resources for the monitoring contract on this Reef and it contains many provisions, one of which is to employ a surveyor and the deadline for those submissions was last Friday and nine local firms applied for the documentation of the technical data, which will be reviewed by this Evaluation Committee. He advised the Town is not the ultimate decision maker on this and through Mr. Dusey, a decision will be made on the surveyor issue.

Miss Mitchell advised when they talk about surveyors, they are talking about data collection. She noted when they talk about the Scientific Review Panel, they are talking about the interpretation of that data, and based on the list of the people supplied to the Town by Dr. Dean, there is no local representation. She thought that not only will Dr. Fletemeyer address the turtle issues and that has been a concern, but he would be able to present a point of view which is in the best interest of the Town.

Mrs. Wiener stated she would go along with the suggestion of adding Dr. Fletemeyer to this Committee, but that would be it. Mrs. Smith thought perhaps they needed to have fifty per cent local people. Mrs. Douthit responded the Town has no choice, and that is why she suggested these people be added to the panel.

Mrs. Royal thought there should be representation up to the amount they are funding, at least twenty-five per cent.

Miss Mitchell pointed out they are talking about paying this twenty-five per cent for the monitoring plan, the Town has paid for the project.

Mrs. Smith thought they should have local people on this panel. Mrs. Wiener advised the approval of the State was needed for this experimental project and in order to have this as clean an experiment as possible, she thought there should be a local person on this panel, but she didn't believe they should be loading it. She felt if the State finds that it is working, we will have a deal, but if there is a lot of haggling back and forth, there may not be a deal and if in the final analysis, they come to the worse possible scenario, the Town may have to remove the reef, and that is why it is important to have someone local on that Committee such as Dr. Fletemeyer.

Mr. Doney noted there were five names submitted by Dr. Dean for this Committee which includes Dr. Dean. Mrs. Douthit thought they should suggest additional names. Mrs. Wiener thought the suggestion should be for one local person.

Mr. Dusey advised the vast majority of the monies for the monitoring will be paid locally, such as surveying which will be a local firm, and other aspects such as sea turtles will be local contractors who will be hired to do that type of thing. He stated the technical review will be done elsewhere.

Mrs. Smith asked if they could insist that Dr. Fletemeyer be a part of this panel? Mrs. Wiener thought they should send Dr. Dean a letter and thank him for his recommendation and make the suggestion that Dr. Fletemeyer be included in that group. PEP Reef Project

Mr. Doney read from Dr. Dean's letter who asked for comments or recommendations which the Town may wish to offer. Mrs. Douthit remarked that Dr. Dean really didn't have to pay any attention to whatever the Council recommends. Mr. Dusey responded he found Dr. Dean to be a professional, employed by the State of Florida, and is Chairman of the Coastal Engineering Department at the University of Florida.

Mrs. Wiener made a motion that Dr. Dean be advised that the Town would like to have Dr. Fletemeyer included in this Panel. Seconded by Mrs. Smith asking that the letter strongly advise Dr. Dean about this recommendation. Mrs. Royal asked to amend the motion to have the name of Peggy Van Arman added along with Dr. Fletemeyer, who is the head of the Marine Biology Department at Palm Beach Atlantic College, as this will give more local representation and would add a woman to this panel. Mrs. Wiener did not agree. There was no second to the amendment and it died for a lack of a second. On roll call, the motion carried with a 4-1 vote with Mrs. Douthit voting against the motion, as she thought there should be greater local representation. She then changed her vote to affirmative and the motion carried unanimously.

Motion was then made by Mrs. Royal to include Peggy Van Arman as a recommended suggestion for the Panel to Dr. Dean. Seconded by Mrs. Smith. On roll call, the motion carried 3-2 with Mrs. Wiener and Mr. Weinberg voting against the motion.

2. Consideration of Proposed Interlocal Agreement Regarding Potable Water Supply with City of West Palm Beach - Comments by Mr. William Sundstrom and Request to Set Date and Time for Special Workshop Town Council Meeting and Consideration of Proposed Rate Study by West Palm Beach. Proposed Interlocal Agreement re: Potable Water Supply with WPB

Mr. Doney noted there are two recommendations he has on the proposed Inter-Local Agreement:

(1) A workshop Town Council meeting be set to review the content and provisions, with the consultants in attendance.

Mr. Doney suggested the tentative date be set for June 15, 1993 at 9:30 AM for a Workshop meeting.

Mrs. Wiener stated she has been quiet on this subject, but that will change, as the Town has spent a fortune and now they are going back to Step One, and she would like to know when this will end. She noted the City of West Palm Beach wants to do something and they will meet with us and on and on and the bills still are pouring in and she finds this very disturbing and they needed to get serious about this, recalling $400,000 plus has been spent and now they are giving us an invitation to spend much more and they don't seem to be any further along than two years ago, as the consultants seem to be part of the staff. She didn't believe that the two consultants needed to be in attendance at the workshop as one can do it.

Mrs. Douthit believed the meeting with the City of West Palm Beach needed to have Mr. Osterman there and she asked if the Workshop meeting would be before or after.

Mr. Doney responded the City of West Palm Beach is undertaking the rate making process and since staff does not have that expertise, he agreed that Mr. Osterman be in attendance.

Mrs. Wiener noted she was talking about the Workshop with the Council and she thought this is getting way out of hand, and they needed to let them know they are coming to the end of their patience.

Mrs. Douthit recalled there was a preliminary agreement worked out with the City of West Palm Beach and the elections may have changed this, but the Town needed to protect themselves to the utmost.

Mrs. Smith asked if it would be possible for the staff to prepare a report what exactly has been accomplished by the experts in the past two years, prior to this Workshop meeting.

Mr. Doney responded this can be done, recalling a water study was done by James M. Montgomery and a study was done on the Aquifer Storage Recovery system and those studies will be provided. He recalled the charge to the consultants was to find alternative water supply sources. Mrs. Smith advised she has seen the studies and it was not entirely clear why the Town was using consultants from Tallahassee and not local people as there are extra expenses for the traveling, telephone calls and the meetings. She would like to know what has been accomplished during the two years after the studies have been submitted and where does the Town stand with regards to the Agreement which has no specifics about the problems, such as water pressure, etc. and she would like to see this report before the meeting.

Mr. Weinberg recalled they have all read the reports and if he is going to go through all of that, he will get lost and he would like to suggest that instead of having the materials made available, that Mr. Dusey and Mr. Bowser meet with her and explain the technicalities in layman language. Mrs. Smith responded she has read the studies but still has no specifics. Mrs. Wiener thought the way to handle this was to meet with Mr. Dusey and Mr. Bowser.

Mr. Doney advised he could arrange this meeting and go over the alternatives. He reported that at this point, based upon the proposed Inter Local Agreement, it does provide an opportunity for the Town to consider one of the alternatives in the future, if the Town Council so directs, and in the meantime the Town can continue to receive its water directly from the City of West Palm Beach.

Mrs. Smith believed she has read all the material furnished and wants to know the specifics of what the Town of Palm Beach will require from the City of West Palm Beach in the final water contract. Mrs. Wiener commented she read the latest letter from Mr. Osterman as she feels it is laying the groundwork for another two years and she thought that all the consultants need to know she has had enough of this and she feels strongly about it. Mrs. Smith thought they needed a discussion as to where they stand, as she understood the letter about the rate structure and she has read all the reports but now wants to hear the specifics from the Town. Mr. Doney responded there are no more specifics than what has been furnished her. Mrs. Smith stated she meant specifics as to what the Town of Palm Beach wants out of this, after the input of the reports which cost hundreds of thousands of dollars and what has the Town decided they want, as that is most obviously not in the contract.

Mr. Weinberg believed the professional staff members could digest this material for Mrs. Smith. Mrs. Smith responded then they don't need a workshop with Mr. Sundstrom, as the Town experts will be used.

Mrs. Wiener believed they are now getting duplication and she didn't think they needed these people to hold their hands, as she believed they have gotten to the point where a decision was made by Council and it had nothing to do with staff, that it was better to pay the experts to do something that for the most part, the staff could do. She knows there are times when the experts are needed for certain things, but they don't need them to be the main handler of things, as we do have staff who is well able to do that work and if they can't, they should be fired, but she knew they were capable of doing 85% of this work.

Mr. Doney reminded all a workshop is needed with the Town Staff, the Town Attorney, Mr. Dusey and Mr. Bowser so policy direction can be obtained from the Town Council as to what they want. After discussion, the Town Council requested the Workshop date be set for June 1, 1993 at 10:00 AM.

Mrs. Douthit pointed out Mr. Osterman is still needed to meet with the City of West Palm Beach on the rate structure issue. Mr. Doney noted on the second item, authorization is needed to do the phased approach and have Mr. Osterman participate in Phase One and give a report to the Town on the criteria set for the rate study and provide the Town with a more definite cost estimate of what it will take to complete the Town's participation in the rate analysis. He advised the City of West Palm Beach has engaged rate consultants and there is no expertise nor the time on the staff level to participate in detailed rate analysis. Mr. Weinberg agreed it should be done one phase at a time and if there is more than one phase necessary, they would have to come back to the Council.

Motion was made by Mrs. Douthit that Mr. Osterman be given the authorization to participate in the rate schedule meeting with the City of West Palm Beach on Phase One. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Mrs. Wiener recommended that they get from Mr. Dusey, as they go along through these phases, those things which he feels can be handled by the staff and those things where he feels it would be most advantageous to the Town to have one of the consultants handle the issue. Mayor Ilyinsky agreed. Mr. Weinberg asked the staff to accomplish that to which Mr. Doney agreed.

XI. NEW BUSINESS

First Reading Ord. 11-93

A. Ordinance - First Reading

1. Ordinance No. 11-93 - Amendment to the Architectural Commission Ordinance Regarding Logos. Mr. Randolph read the Ordinance No. 11-93 by title:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 5 OF THE TOWN CODE OF ORDINANCES AT ARTICLE IX, SECTION 5-392 THEREOF, SO AS TO DELETE THE PROHIBITION OF EXTRANEOUS PICTURES AND SYMBOLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mrs. Wiener moved for adoption of Ordinance No. 11-93 on first reading. Seconded by Mrs. Royal. Motion carried, 4-1 with a negative vote cast by Mrs. Douthit, noting she was voting against the motion on the grounds that the logos were too big, in her estimation.

Bid awards

B. Bid Awards

Res. 20-93

1. Sealed Bid No. 93-004 - Palm Beach Marina Dredging - Consideration of Resolution No. 20-93 Mr. Randolph read the Resolution No. 20-93:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AWARDING A CONTRACT TO PREMIER DREDGE AND MARINE, INC. FOR THE PALM BEACH MARINA DREDGING.

Motion was made by Mrs. Smith, seconded by Mrs. Wiener to approve the Resolution No. 20-93 to award the bid to Premier Dredge and Marine, Inc. On roll call, the motion carried unanimously.

Res. 21-93

2. Sealed Bid No. 93-014 - E-3 and E-5 Wetwell Rehabilitation - Consideration of Resolution No. 21-93. Mr. Randolph read the Resolution No. 21-93:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO CEM ENTERPRISES D/B/A SUNSHINE PAINTING FOR THE E-3 AND E-5 PUMPING STATIONS WETWELL REHABILITATION PAINTING.

Mr. Dusey explained the low bidder made a mistake on his bid and has withdrawn it and the recommendation is to award this to CEM Enterprises. Mrs. Wiener moved for adoption of Res. No. 21-93 for the awarding of the bid for the wetwell painting. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

Res. 22-93

3. Sealed Bid No. 93-011 - Town Hall Re-Roofing - Consideration of Resolution No. 22-93 - Mr. Dusey advised the specifications were done in-house to save the engineering fees and award is recommended to Thermo Seal Roof, Inc. for reroofing the portion of Town Hall over the Central Fire Station in the amount of $26,200.

Mr. Randolph read the Resolution No. 22-93:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AWARDING A CONTRACT TO THERMA SEAL ROOF, INC FOR THE REROOFING OF TOWN HALL OVER THE CENTRAL FIRE STATION. Res. 22-93

Motion was made by Mrs. Wiener to approve Res. No. 22-93 awarding the bid for the reroofing of the Town Hall roof over the Central Fire Station. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

C. Other

1. Consideration of Request from Mrs. Bertles, 201 Angler Avenue, to Abandon the West One-Half of Ocean Way North of Angler Avenue. Mr. Dusey reported a request has been received to abandon one-half of North Ocean Way and they have gone through the normal procedure and notified all departments for their comments and the applicant has notified all of the utilities for their concerns. He noted the Town Attorney raised the issue about only abandoning half of the street and that needs to be discussed. Mrs. Bertles addressed the Council noting this application process has been in the works since January and they are requesting the abandonment, and the reason is there is no utility usage and it is a dead end usage and was evidently a mistake as it was shown to be a large 40' roadway and that has been broken up. She has a problem with people parking there and it has been a point of contention in the neighborhood. She has talked to her neighbor who would be affected by the other part of the roadway and she was willing to do this. She recalled that Mr. Roddy did not follow through with the application, as he was very busy. She would like to see the whole 40' abandoned and she asked them to approve the abandonment for at least the twenty feet which she is requesting. She noted her property is presently undersized, and is 85' and for her it would be a great advantage to bring her lot into compliance. Request from Mrs. Bertles re: 201 Angler Ave.

Mrs. Smith asked Mrs. Bertles noting this would be a great enhancement to her property as it would then be a buildable lot, and asked if she would be purchasing the footage from the Town or is she expecting the Town to just give it to her? Mrs. Bertles noted they are requesting the property be abandoned and her plan is to turn this area into a greenspace, which will enhance her property as it would be landscaped and bring her lot to a normal conforming size. Mrs. Smith understood this but asked what would happen if the property was sold, as then it would be a financial benefit to her as it would be creating a buildable lot, and she thought the Town should be financially reimbursed for the extra footage.

Mrs. Royal thought it would be a reimbursement as that property would now be back on the tax rolls. Mrs. Smith thought both of these properties, Mrs. Bertles and Mr. Roddy's would increase in value if they are increased by twenty feet.

Mrs. Bertles noted her property was taken away to build this road and she is 15' short. Mrs. Smith asked if she was the owner of the property when the road was built? Mrs. Bertles responded she was not, but her grandparents were.

Mrs. Wiener stated in her reading of this, she has also come to the same conclusion to which Mrs. Smith has just referred, and this is all very fine, but to actually abandon it without any remuneration doesn't make sense to her. Mr. Doney clarified that this is a right-of-way within the Town of Palm Beach. Mr. Randolph advised when requests of this type come into the Town, the various departments review it and comment on it and he comes back to the Council with a Resolution and a public hearing is held. He noted that usually happens when utility easements are being abandoned and he flagged this, not because it was an abandonment of only half a street, which looked peculiar but he didn't think it was appropriate to follow the same procedure for the abandonment of a public right-of-way as they do for a utility easement and before this was advertised and a public hearing was held, they needed direction from the Council as to how they wished to proceed. He advised the purpose of today's meeting is not to make a decision as to whether it will be abandoned, as a public hearing needs to be held after advertisement, but whether they want staff to proceed with it.

He pointed out a few issues are whether or not any consideration has been given to payment. He advised the law as he has understood it, is that it is not appropriate to request payment for a public right-of-way which the Town does not own. He stated they would be abandoning it back to the private property owner, and he has checked with the County which has in place an Ordinance which does require payment in certain circumstances for abandonment of public rights of way. He checked with the City of Boca Raton who have something similar and they are sending him a package with their procedures. He felt if it is to be a policy decision, the staff needed to know whether or not the Council wanted them to do that, as based on the Attorney General' s opinions and the case laws he has read, he did not think it was appropriate to extract payment for an abandoned right of way, although other places are doing it.

He advised the other question before them in the event they go forward with the abandonment, he thought they ought to give consideration as to whether the entire 40' should be abandoned as they would be left with the responsibility of maintaining the 20', which he stated did not make sense. He has been in contact with Mr. Roddy and his attorney and they have no objection to the abandonment of the full 40', but they would object to an abandonment of twenty feet.

Mayor Ilyinsky asked if the Town could just take it over and no one can build on it. Mr. Randolph stated the Town holds it in trust for the benefit and use by the public. Mrs. Smith thought that the discussion indicates there are many questions on the abandonment of property in the Town, so it will be obvious that the Town Attorney will have to look into the procedure. Mr. Randolph responded the primary question is whether from a policy standpoint, if they could do it legally, would they wish to extract payment for an abandonment of a public right-of-way, as he doesn't recall every requiring payment. Mrs. Douthit recalled they were utility easements about five feet wide, and this is a sizeable amount.

Mr. Bowser reported they have abandoned street ends along the ocean front for the benefit of beach houses and some have been 30'wide in the north end, back in the fifties. He advised he did speak with Mr. Roddy yesterday and he is not in favor of a partial abandonment and he has agreed to make the proper application through the Town, and he thought it should be able to be ready for the next meeting and the 30 day requirement would be waived. He believed the utility companies would want a six foot easement.

Mr. Bowser advised Mrs. Bertles has stated she wanted to turn the property into green space and Mr. Roddy does utilize this for primary access to his property and that would need to be maintained and could only be done by the property continuing to be the road right-of-way or transfer it to Mr. Roddy's ownership where a driveway could be installed across this land for his access.

Mr. Weinberg asked if Mr. Roddy was interested in paying the Town for this to which Mr. Bowser responded Mr. Roddy indicated he would be willing to pay the $250 application fee, as required by the Code. Mrs. Wiener noted this is a 40 x 80 piece of land and that is a nice piece of property.

Mr. Roddy asked what the size of the whole Roddy property to which Mr. Bowser responded he was not sure. Mrs. Smith stated that would be something she would have to know before she made any decision, as the value of each of these properties will increase with this additional property added to it. Mr. Bowser reported the parcel is 40.50' by 101.41'. Mrs. Douthit noted that would be 2000' each. Mrs. Royal pointed out this will not change the use of the piece of property. Mrs. Smith noted one of the lots would not be buildable if the house were removed and the property sold, she would have a buildable lot which she doesn't have under the present zoning.

Mrs. Wiener agreed that this needs to be looked into before they take any action. Mr. Randolph stated they needed to consider whether there would be a continued use for the benefit of the public and that is the first determination and once that is determined, then they may or may not abandon it and the question as to whether they can extract payment for it, he doesn't think so, but he will investigate that further.

He read the attorney general's opinion which stated it was not proper to extract payment from the adjacent property owners as a result of an abandonment, but that does not mean they have to abandon it but he will investigate this further and look at the information which the County has and which Boca Raton has, and report back to the Town Council with his report.

Motion was made by Mrs. Douthit that this matter be deferred to the June meeting. Seconded by Mrs. Smith. On roll call, the motion carried 4-1 with a negative vote cast by Mrs. Royal who thought they could do it today.

Consideration of Actuarial Study on Group Health Ins. Plan

2. Consideration of Actuarial Study on Group Health Insurance Plan - Proposed Medical Plan Premium Rates. Mr. Doney recommended that the Town Council maintain the same monthly premium for health insurance, which is currently being charged for their dependent coverage and with regards to the Retirees, it is recommended the premiums be increased slightly from the current sixty per cent of the total premiums to sixty-five per cent as outlined in the exhibit. He advised there is a memorandum of May 4, 1993 to the Mayor and Town Council and he recommended those recommendations be adopted.

Mrs. Wiener was glad to see there is no monstrous increase and she moved the recommendations of the Actuarial Study be accepted on the Group Health Plan for this year and adopt the proposed premium rates as recommended. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Lunch break was taken. President Weinberg reconvened the meeting at 1:30 PM.

Consideration of DER Permit for Dredging of Lake Worth Inlet

3. Consideration of DER Permit for Maintenance Dredging of the Lake Worth Inlet - Mr. Doney explained a memorandum has been sent to the Mayor and Council on May 5, 1993 and recommended a letter of endorsement be sent from the Town, indicating that the Town does support the permit and its conditions as currently identified, and there is no action required. Mrs. Royal noted they have now decided to place the sand on the beach. Mrs. Wiener stated then there is no problem. Mrs. Smith asked if a letter should be written telling them how pleased we are that they are putting the sand on the beach to which the remainder of the Council agreed.

Consideration of Spc. Town Council Wksp on Gen. Town Matters

4. Consideration of Special Town Council Workshop on General Town Matters - After discussion, it was decided by the Mayor and Town Council that the Workshop with the Town Staff and the Town Attorney will be held on June 1, 1993, after the Workshop scheduled earlier on the water agreement.

XII. APPROVAL OF WARRANT LIST AND FUND EXPENDITURES FOR APRIL 1993 - Motion was made by Mrs. Douthit, seconded by Mrs. Wiener that the Warrant List and Fund Expenditures for April be approved. On roll call, the motion carried unanimously.

Communications from Citizens

XIII. COMMUNICATIONS FROM CITIZENS -

A. Heard the comments of Erik Nord Gilbertson on the fact that taxes have increased over 45% in the last five years, which he found alarming and requested the Council to freeze taxes.

Development Reviews

XIV. DEVELOPMENT REVIEWS

A. Major Matters Previously Considered by the Architectural Commission at Their Meeting of April 28, 1993 - Motion was made by Mrs. Wiener, seconded by Mrs. Douthit to approve the major matters considered by the Architectural Commission on April 28, 1993.

The major matters were:

B73-92 - Sidney Kimmel, 1020 N. Lake Way - new residence. -removed from agenda.
B11-93 - Mr. & Mrs. Joseph Rimoni, 218 Miraflores Drive., new residence. Deferred.
B76-91 - Mr. & Mrs. Mark Klaine, 157 Dolphin Rd., - landscape plan. Deferred.
B84-92 - New residence for Mr. & Mrs. James Zisson, 1679 N. Ocean Blvd. Approved project but deferred the landscape plan.
B13-92 - New Residence for Casacore, Inc., 201 Kawama Lane - Deferred.
B14-93 - New Residence for Casacore, 207 Kawama Lane - Deferred.
B15-93 - Alterations and additions to residence of Mr. 7 Mrs. George Milidrag, 445 Antiqua Lane - Deferred.
B69-92 - Wall at 1341 S. Ocean Blvd for Mr. 7 Mrs. Malcolm Healey, Approved conditionally.
B28-91 - Roof change for Palm V Associates, Ltd., 240 Worth Avenue - Approved.
B25-92 Roof Tile and Shutters for residence of Alice Meerwarth, 243 Merrain Rd., approved roof

tile but deferred the shutters.
B22-92 Landscape Plan for Mr. & Mrs. Guyott, 4 LaCosta Way. Approved.
B59-92 - Landscape Plan for Mr. & Mrs. Green, 583 N. Lake Way - approved conditionally.
B18-93 - New residence for Palm Beach Land Investment, Inc., 4 Windsor Ct. - approved conditionally.
B19-93 - Addition to home of Mr. & Mrs. Scott Gordon, 216 Tradewind.Approved conditionally.
B20-92 - New Storage Building at the Recreation Center,. 340 Seaview Ave., approved.
B21-93 - New residence for Solcon 3000, 127 Everglade Avenue. Deferred.
B22-93 - Patricia Francis, 310 Plantation Rd., addition. Approved conditionally.
B23-93 - Addition to residence of Richard Limehouse, 215 Mediterranean Rd., - deferred.
B25-93 - New residence, pool and tennis court for Straub Capital Corp., 10 Blossom Way - Approved conditionally.
B26-93 - Addition to residence of David S. Mack, 958 N. Lake Way - Deferred.
B27-93 - Parking deck for J. Grace at 230 Sunrise Avenue - Deferred.

B. Variances, Special Exceptions and Site Plan Reviews

Old Business

1. Variance No. 15-93 - Christan Odasso, 201 W. Indies Drive; to allow installation of an 8' high trellis located 2' from the north property line in lieu of the required 15' setback. R-B District. John Mitchell, builder, addressed the Council noting when this house was remodeled last year, there was an orchid house at the property line which the Building Department requested be demolished which they did. He advised he would like to put up an orchid house with a screened roof for the applicants to have a place for their orchids and he exhibited pictures of same. Var. 15-93

Mr. Mitchell stated it would be a trellis eight feet in height and the roof would be the screening to keep out the sun. He noted there will be latticed enclosed sides. Mrs. Carlson, addressed the Council for the applicant, noting she will be taking care of the orchids and the lattice work is basically there for aesthetics and the shade cloth is necessary across the top to protect the orchids from the sun. Mrs. Smith asked why they did not attach this orchid house to the main house where a variance of this size would not be needed as if it were attached to the house only a four foot variance would be required. Mrs. Carlson responded the reason is because air is very important to orchids and if it was placed at the house, there would not be sufficient air or light. Mrs. Smith asked what the exact area would be from the house to the north side of the trellis to which Mr. Mitchell responded 16.5' and it will not be roofed. He explained there is a ten foot ficus hedge around the property and a chain link fence at the front corner going north and that is 4' high and there are bushes within the property to screen it.

Mrs. Smith noted on the drawing a fence showing there and asked what that was. Mr. Moore noted it is a gate. Mr. Mitchell explained they were trying to tie that architecturally with the house. Mrs. Smith stated it might but in her mind it is another room and that is why she suggested it should be attached to the house. Mr. Mitchell noted the width of the actual orchid area is 9.5'.

Mrs. Douthit noted she had a hangup on this application as she didn't see what the hardship was to which Mr. Mitchell responded the only other place where this could be placed is where the swimming pool is or in the front yard and that is why they recommended it be put in this area. Mrs. Wiener asked if it could be brought closer to the house so there wouldn't have to a large variance. Mrs. Royal asked if the letters received were from all of the neighbors? Mr. Moore reported the neighbors are in an immediate proximity and all approve, except for the immediate neighbor to the west, who is in opposition.

Mrs. Wiener asked if the variance could be lessened? Mrs. Smith thought they may have a better change of getting the variance if they move it closer to the house and still get the air they need. Mrs. Wiener pointed out the variance now is at 13' and that is too much and if they moved it closer to the house, it would be more in the area of seven or eight feet. Mrs. Douthit noted she has used fans in the growing of her orchids and they work wonders.

Mr. Mitchell stated they would be willing to attach it to the house.

Mrs. Wiener moved the Variance be granted by attaching the orchid room to the house and instead of a 13', it be reduced to 7' variance. Seconded by Mrs. Royal. On roll call, the motion carried 3-2 with Mrs. Smith and Mr. Weinberg voting against the motion.

New Business

2. Variance No. 20-93 - Dorothy DePaola, 124 Onondaga Avenue; to allow construction of a garage providing a 7.5' side yard setback in lieu of 12.5' required. R-B District. Steve Bruh, Architect, representing the applicant addressed the Council requesting a 7.5' side variance in lieu of 12.5', to allow a construction of a garage. He recalled there was a garage on the property but was enclosed a few years ago as it was deteriorating and was a space 16'4" and 9.4' wide and housed a laundry facility and air conditioning units, so it was not useable as a garage space. He stated the applicants wish to retire here full time and would like to have an enclosed garage area. He noted the house is built off-center on the property and this is the only area where there can be a garage structure and with heavy vegetative screening, they don't believe it will be a problem for the area and requested the variance be granted. Var. 20-93

Mr. Moore recalled this was brought before the Council about a year ago and the request at that time was for the garage to be located further on the west property line in line with the 5' that does exist. He verified the house is set back unusually on one side as at the time the house was built, it was in accordance with the setbacks at that time. He noted there is a large sideyard on the east, and the request has been modified in that it is less of an encroachment on the required sideyard, however, he must point out the existing garage was converted to a room by this owner. He noted there are a couple of hardships as the original house was built close to the sideyard; and the original garage was not a large garage and was fairly difficult to use to house their car; the applicant has made an effort to reduce the request from the last time he applied and the hardship is self-imposed.

Mrs. Wiener asked how close is the neighbor which would be most affected to which Mr. Moore responded it is pretty close as his house is located close to the property line. Mrs. Wiener asked where the car is kept now to which Mr. Bruh responded it is kept in the driveway. Mrs. Wiener noted they were completely redoing the house and asked if in the redesign, if there was some other way of doing this to which Mr. Bruch responded there was no way to put the garage anywhere else on the property as it is a very small house. He advised there may have been some short sightedness in enclosing the old garage, but it was not functional as a garage and could not accommodate a full size car.

Mrs. Smith noted it doesn't have to be as long as they have made it as it looks as if they are trying to balance this out with the other side of the house to which Mr. Bruh agreed. Mrs. Smith noted the new garage entrance will be directly facing the street to which Mr. Bruh agreed, noting the house is being changed to give it some styling. Mrs. Smith wondered if they could redesign it so the garage doesn't open onto the street, to which Mr. Bruh responded it would not be possible, due to the setbacks to relocate the garage.

Mrs. Wiener asked if this was a substandard garage which was enclosed to which Mr. Moore responded affirmatively.

Mrs. Wiener moved that Variance 20-93 be granted. Mr. Weinberg turned the gavel over to Mrs. Wiener to chair the meeting and seconded the motion. On roll call, the motion carried 3-2 with Mrs. Smith and Mrs. Royal voting against the motion.

Var. 21-93

3. Variance No. 21-93 - Paul and Catherine DeGuzman, 219 Everglade Avenue; to allow construction of a two-family dwelling on a lot containing 10,877 square feet in lieu of the required 13,333 square feet. R-C District. Attorney Robert Deziel addressed the Council for Mr. & Mrs. Paul DeGuzman, noting the request will reduce the density from three to two units. He pointed out surrounding this lot is a twelve unit structure, a nine unit structure, an eight unit structure and across the street, is a six and two unit structures. He advised the hardship is the fact that this lot if it were required to be used for single family purposes would be a hardship surrounded by the multi-family uses. He stated they wish to build a two-family townhouse or duplex and to have what he has now, he would have to be in a multi-family zoning district. He stated the granting of this variance will remove this nonconforming structure and have a building there which will better blend in with the neighborhood.

Mrs. Douthit noted they would be reducing a nonconformity and they will be trading off density for square feet. Mrs. Smith noted there are two structures, one with two apartments and one with one unit, so this proposal is one structure with two units, asking if the variance was granted, would there be any problem with them agreeing that the density will never go back to three units on the property to which Mr. Deziel responded he would agree. Mr. Moore pointed out they couldn't build three with the current zoning.

Mrs. Royal asked if the dwellings were legal at the moment? Mr. Deziel responded it was at one time a conforming lot that had a single family home with two guest units and they have been rented out. Mr. Moore pointed out they are grandfathered units and the presumption is there is no record they are in violation so they would be three legitimate units.

Mrs. Wiener moved the Variance No. 21-93 be approved. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

Mr. Moore advised the new structure will be conforming .

Var. 22-93

4. Variance No. 22-93 - Richard Braunstein, Trustee, 115 Clarendon Avenue; to allow construction of a residence on a lot with a street width of 100' in lieu of 125' required. R-A District. Attorney Peter Broberg addressed the Council on behalf of his client, requested a variance to make the 100' lot available for the building of a residence. He noted the lot does comply with every other aspect but for the width of 125' required. He pointed out Lot 17 to the west, was divided and was sold and a variance was granted to build a house, which does exist. He stated on Lot 18, he is asking for a similar variance to be granted because there is no possible way to use the lot in its existing status.

Mrs. Douthit asked if the applicant owned the curved property on County Road to which Mr. Broberg responded he does not. He stated the hardship is a hardship that runs with the land which was not created by this owner, and is the smallest variance that could be granted to allow them to use the property in conformity with the other houses on the north side of the street.

Mrs. Wiener recalled these have been traditionally granted and she would like to move the approval for Variance 22-93. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

Spc. Excep. 12-93

5. Special Exception No. 12-93 - SBF Investments, Green's Pharmacy, 151 N. County Road; to allow new owner to continue occupancy of 4,900 square feet restaurant and drug store. C-TS District. Mr. Bart Yachbes addressed the Council, stating they wished to continue the pharmacy and the luncheonette which they recently purchased in February. Mrs. Douthit asked if they would be willing to prove that fifty one of their clients are local to which Mr. Yachbes responded affirmatively, noting they have installed a new computer system which will substantiate this. Mrs. Douthit advised this is to be done on an annual basis.

Mrs. Douthit moved for approval of the Special Exception No. 12-93, with the condition that an annual report would be submitted that they remain Town-serving. Seconded by Mrs. Wiener. On roll call, the motion carried unanimously.

Spc. Excep. 13-93

6. Special Exception No. 13-93 With Variance - Via Mizner of Worth Avenue, Inc., 337 Worth Avenue; to allow a shoe shine stand use and allow it to be located outdoors. C-WA District. Attorney Robert Deziel addressed the Council on behalf of the applicant, who has entered into an agreement with Via Mizner, Inc., with the condition being that appropriate Town Council approval would be obtained and Mr. Frank Shiels, as part of the Johnny Brown operation would be able to locate a shoe shine box in a location shown on the picture and have a shoe shine person man the box.

Mr. Moore reported the permitted uses are listed in the Code and in the Special Exception list, there is a list of approved special exceptions and Item J reads: "Uses not specifically enumerated previously under Permitted Uses, but having traffic, patronage intensity of use characteristics similar to those uses cited thereon" which is a catch all to identify those uses which are not listed. He noted if they found for the applicant to utilize this Special Exception, they would have the right to permit that Use. He stated there are no objections to the Use which is being asked for, but the staff has some problems with the variance because the variance is for an area which would not be behind the weather walls of the gross leasable area, which the Ordinance contemplates, and the applicant is bordered on the north by the elevator shaft and on the south by a doorway and has the roof over it as is shown, so he is not totally outdoors with the application, but also is not within the gross leasable area.

He noted this is a study item for next year's Zoning Calendar as the Code states that the use must be contained within the building, but with this application, he is not totally outside nor totally inside the confines of a business. He pointed out there are two other similar areas on the south side of Worth Avenue where applications such as this type of service request could come forward, as this is not totally a retail business but to provide shines on shoes to those in need of that service. He recalled this does nave some unique circumstances which would let it stand alone in future applications, so there is room for the Council to consider it favorably.

Mr. Weinberg asked if it was mobile? Mr. Deziel responded that his client had this made by a boatmaker and it is very heavy and it doesn't roll around on rollers. Mrs. Smith thought it was a great idea. Mrs. Douthit stated she was afraid that it might turn into a Turkish Market there as this is a service being offered.

Frank Shiels addressed the Council indicating he will be operating the stand and they are not looking for a profit center in this venture as the box was built by a craftsman from Rybovich and it is portable and cost about $1100 to build and the thought was they could provide this service as there is no place to get shoes signed unless you are a member of the Everglades Club. He hoped to be able to provide this service to the husbands whose wives will be shopping. He suggested if they wish to, they approve it on a temporary basis and see how it is working out. Mrs. Wiener thought it was a great idea and she moved for Special Exception 13-93 with Variance to be granted. Seconded by Mrs. Smith. On roll call, the motion carried 3-2 with Mrs. Douthit and Mr. Weinberg voting against the motion. Mrs. Douthit advised she voted against the motion on the grounds that it might set a precedent.

7. Special Exception No. 14-93 With Variance - Merrill Lynch, 249 Royal Palm Way; to allow expansion of a Council approved special exception use with parking variance adding 1,533 square feet on the first floor for Trust needs, and allow an additional variance to the parking by one space. C-OPI District. Attorney James Brindell addressed the Council on behalf of Merrill Lynch, recalling last year the operations of his client were moved from South County Road to Plaza Center and at least 65% of their business is conducted with Town residents and he has a letter from Harold Corrigan who is First Vice-President for Merrill Lynch as well as District Director and the purpose of the application is to provide an additional 1533 square feet of space, so trust services can be provided to their clients. He noted a variance is needed for one parking space. Spc.Excep. 14-93

Mrs. Wiener moved Special Exception 14-93 be approved, conditioned upon the furnishing of proof of their Town-serving clients. Seconded by Mrs. Royal. On roll call, the motion carried unanimously.

C. Other

1. Consideration of Request for Waiver to Section 6-34, "Construction Specifications, Permit Fees", of Town Code by George F. Isiminger, P.E., Gee & Jenson, for Bulkhead Repairs at the Palm Beach Resort and Beach Club, 3031 South Ocean Boulevard - Mr. Isiminger from Gee and Jenson addressed the Council indicating the Town has a prohibition of batter piles on the west side of the seawall in Lake Worth and the east side on the Atlantic and explained the batter pile is a diagonal piling which would be placed in front of the bulkhead to shore it up, and the bulkhead he is talking about is that on the west end of the peninsula of land at 3031 South Ocean Blvd and on inspection, they have found it to be in advanced stages of deterioration and the recommended repair calls for the battered piles, as that is the only feasible alternative. He advised they could use tie backs to hold it up which are rods extending landward from the bulkhead underground to an anchor weight and the reason they don't wish to use that is because there have been improvements made since the installation of the bulkhead and there is a pool just landward of the dead men and if they used the tieback system, it would threaten the integrity of the pool. Consideration of Waiver to Sect.6-34

Mr. Moore stated the reason this is prohibited in the Ordinance is because of aesthetics and not for structural reasons, and this is a remedial form to shore up an existing bulkhead and he believed they would be seeing more and more of these as the Town's seawall system ages.

Mrs. Smith believed they did look terrible and asked if they would be filled in with rocks? Mr. Isiminger responded the existing rocks will be pulled out a little bit for the construction and then replaced. Mrs. Royal asked if applications such as this could be handled administratively if as Mr. Moore has stated they are going to be seeing more and more of these. Mrs. Douthit and Mrs. Wiener did not agree.

Mrs. Douthit moved the request be granted for the batter piling. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

2. Consideration of Request for a One-Year Extension to Variance No. 26-92 by Mr. Horst Koch, 1226 North Lake Way. Mr. Moore explained this is a request for a one year extension for an undersized lot requested by a new owner of the lot. Motion was made by Mrs. Wiener that the request for a one year extension be granted for Variance No. 26-92. Seconded by Mrs. Royal. Motion carried unanimously on roll call. Considera-tion of ex-tension to Var. 26-92

3 Consideration of Request for Waiver to Sections 12-50, "Operation of Certain Machinery During Winter, Sundays and Legal Holidays," and 12-51, "Hours for Construction Work," of Town Code and Right-of-Way Permit by John C. Cassidy to Replace Air Conditioning Water Tower on Esplanade Building Mr. Jack Cassidy addressed the Council advising they need to Consideration of Waiver to Sec. 12-50 & 12-51

change the water tower at the Esplanade which is located at the upper parking level, and requested permission to perform the work on a Sunday, June 13, 1993, as they have to use a crane which will take up parking spaces and one lane of right-of-way. He announced the reason for the request on Sunday is there will be less people and traffic to contend with and requested this authorization. He advised it would take about four hours. Mr. Weinberg asked if they had been in touch with the Winthrop House? Mr. Cassidy explained they will be about 50 yards from the edge of the Esplanade and they would be another 100 yards from that area as the tower is located in the center of the Esplanade. He advised he did call the manager of the Winthrop House so they are aware.

Mrs. Douthit made a motion to approve this Sunday work to replace the tower at the Esplanade. Mr. Moore asked the work not commence before 9 AM. Motion was seconded by Mrs. Wiener. On roll call, the motion carried unanimously. Mrs. Royal noted she is trying to shorten up the agenda and wondered if this type of subject needed to come before the Council. Mrs. Douthit and Mrs. Wiener stated they thought the Council needed to look at each application on an individual basis.

Consideration of Approval of 93/94 Zoning Calendar

4. Consideration of Approval of 1993/94 Zoning Draft Calendar and Tentative Study Items to Date - Mr. Moore noted there was an error on the overlay district in the R-B "Sea" streets and should read Pendleton Avenue rather than Clarendon Avenue. Mrs. Wiener commented she had a problem with this "overlay" business as she considers it spot zoning and thought that should be eliminated. Mr. Moore advised this is why they are bringing this to the Council as they will need to advertise and start the work on the items and they don't want to work on any items on which the Council has any objection. He noted additional items can be added until September 1, 1993. Mrs. Wiener felt Item 8 should be eliminated and she so moved. Mrs. Smith wondered if they were going to discuss this item by item. Mrs. Douthit thought they may have needed more time. Mayor Ilyinsky asked Mr. Moore if he wanted the Council to go through this item by item? Mr. Moore responded this is why they have it before them at the May meeting.

Mr. Moore noted Item 1 through 4 will be handled by the staff and Mr. Brisson and Mr. Randolph will review their recommendations on Item 2.

Mr. Moore stated Item 5 is to decrease front and side yards for one story portions of two story houses to one story setbacks in the R-B Zoning District which was requested by the Zoning Commission. Mrs. Wiener and Mrs. Douthit did not think it should be a study item as they would not be in favor of decreasing front and side yards. Mrs. Smith asked if the Zoning Commission was the one who wanted this item studied to which Mr. Moore responded affirmatively. Mrs. Wiener suggested it be removed. Mr. Moore advised after the study, it would go to Mr. Brisson for his review. Mrs. Wiener did not think it should be considered if it is the Council's feeling that they don't want to decrease setbacks. Mr. Moore stated if the Council didn't want this studied, they should say so, so money is not spent on this study.

Mr. Moore reported the sixth item is to increase lot coverage to 40% for one story dwellings in the R-B District. Mrs. Wiener, Mrs. Douthit and Mrs. Smith did not agree, noting they would like this study item removed also.

Mr. Moore went over the remainder of the study items, Item 7 was to develop sliding scale for FAR for large and small lots in the R-B Zoning District. Mr. Moore stated Item 9 is to clarify for single family, two family and townhouse development, to allow one of the two required parking spaces per unit in front yard (driveway); Item 10 will be handled by staff to revise Section 5.50 and 5.51 relative to R-C, R-D (1) and R-D(2) Districts for accessory structures, space between principal and accessory structures; and Item 11, to clarify prohibition of outdoor business activity - Section 6.61 (Shoe shine stand) and this will be handled by staff and the Town Attorney. Mrs. Douthit asked if they could discuss Item 8 a little more.

Mr. Moore noted Items 5 and 6 have been removed from the Zoning Calendar by consensus of the Council to which Mr. Weinberg agreed.

Mrs. Royal suggested they deal with the problems in the R-B Sea streets by the variance method to which Mr. Moore responded they can. Mrs. Wiener restated her motion to remove Item 8 from the zoning items to be considered on next year's zoning calendar. Seconded by Mrs. Royal.

Mrs. Smith suggested before Item 8 is removed, she would like to know how many houses they are talking about in this area and she would like this information before she votes on removing it from the list. Mr. Moore advised at least ninety per cent of the houses in this area are nonconforming. Mrs. Douthit recalled the "Sea" streets have been talked about for a number of years and need this attention. Mrs. Wiener called for the question.

On roll call, the motion carried 3-2 with Mrs. Douthit and Mrs. Smith voting against the motion.

Mrs. Royal asked for an item to be added and that is that all of the items to be studied be reviewed to be in compliance with the Comprehensive Plan. Mrs. Douthit believed that was automatic. Mrs. Smith noted that is always done. Mr. Moore explained the Zoning Ordinance is the implementation of the Comprehensive Plan and that is why Mr. Brisson checks each of the items to ensure that the Plan is not violated.

Motion was made by Mrs. Smith, seconded by Mrs. Wiener to approve the Zoning Calendar for the Zoning Hearings for 1993-1994, as amended. On roll call, the motion carried unanimously.

Mr. Moore recalled last year twelve days after the deadline a group of study items were submitted by a citizen and there was no accompanying application and the Town Council put these items over to this year. He advised he is now bringing this back to the Council as to whether they would like any of these items studied as they are legal matters and a great deal of input would have to be put into the study and it would have to be reviewed by the Town Attorney and by Mr. Brisson. He added the staff is not recommending the study of any of these items. Mr. Weinberg asked if each item would have to have an application and a fee submitted to which Mr. Moore responded affirmatively, noting none has been received and all they have is the list.

Mrs. Douthit believed many of these items are already in the Zoning Ordinance and this is redundant. Mrs. Wiener moved that the unofficial request that has been received with a number of study items not be included in the Suggested Study Items for the 1993-94 Zoning Season. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

5. Consideration of Newspaper Racks in Town Hall Square - Comments by Town Staff and Town Attorney - Mr. Moore recalled a few years ago a request was made of staff to investigate in the Town Hall Square District the installation of newspaper rack covers on the vending machines in this historic district. He noted in his investigation, they found in Boca Raton there is a newspaper rack which has been acceptable to all of the newspapers.

Newspaper Racks in Town Hall Square

He had put together some specifications and put this out to bid and has received bids for the wooden racks of lattice design so that the color of the vending machine could be seen through the lattice work and this would be at a cost of about $6200. He advised they do have a donor for these racks who has offered to pay for these for the Town Hall Square District only and the Town would maintain them. He advised they will be constructed out of pressure treated hard wood. He recalled this was authorized by a previous Town Council but now there are two new Council members who have not had input into this. He advised before Mr. Randolph proceeds with the negotiations with the newspaper companies, authorization is needed from the Town Council.

Mr. Randolph reported it is not unusual to have a regulation that newsracks be housed in a particular housing and particularly in an area such as a Historic District. He didn't think most of the newspaper companies objected, as long as the newspaper can be seen from the front. He recalled an informal agreement was received that there would no objection, however, he doesn't know if that will be true of all of the companies. He suggested that ultimately what they would have to do is amend the Ordinance so as to provide that in this particular district, that newsracks be housed in this lattice work housing. He advised he will move forward with discussing this with the newspapers involved but he doesn't anticipate much opposition.

Mrs. Smith asked if they could write them a letter as she doesn't want to see this take up a lot of time. Mrs. Douthit thought it should be done in a most expeditious fashion. Mr. Weinberg thought they should leave it up to Mr. Randolph as to how he wishes to handle this.

Motion was made by Mrs. Smith that the generous donation be accepted and they move forward with the latticed coverings for the newspaper racks in the Town Hall Historic District. Mrs. Royal seconded the motion. Mrs. Smith asked who was the donor to which Mr. Moore responded it was Leighton Rosenthal.

Mrs. Smith wondered if the Ordinance should be changed to allow this covering for the newspaper rack in any Historic District, as there are others other than the Town Hall Square. Mr. Randolph responded he will look into that. Mrs. Wiener wondered if it should be stretched further than the Historical Districts in the Town and asked the Attorney to pursue that subject, noting if the newspapers approve, we will do it when the funds are available to do so. Mr. Randolph suggested they start with the Town Hall Square and then go through the entire Town.

On roll call, the motion carried unanimously.

XV. ANY OTHER MATTERS

A. WATER FOUNTAIN DONATION FOR THE INLET DOCK. Mr. Doney reported there has been an offer of a donation for a drinking fountain at the Inlet Dock by Mrs. Ruth Stein and she requested a cost estimate. Mr. Doney reported Mr. Dusey has found a fountain, meeting the ADA requirements for both cooled and uncooled water would cost, for the cooled fountain approximately $3700 and for the non-cooled fountain approximately $2800. Mrs. Douthit asked if the maintainence would be the Town's after the donation? Mr. Doney responded affirmatively.

Water Fountain Donation for Inlet Dock

Mr. Doney indicated he was seeking Town Council's authorization to respond to Mrs. Stein and if she finds that she can fund the donation, they needed to be thinking about others that might want to make donations of this type and called on Mr. Randolph for his comments. Mr. Randolph informed the Mayor and Town Council that there could be a liability as in this particular location, there is no one there as it is not a public park area, and one of the concerns they should be thinking of is whether they wish to accept donations like this and the liability that may go with it. He stated if they do not think there are liabilities connected with it, then they shouldn't worry about it. Mr. Doney reported this is on Town property. Mrs. Barbara Martinuzzi, Risk Manager, reported that the liability for a water fountain is somewhat remote, but she thought this is something that should be considered when they are looking at accepting donated items. She noted there is a possibility that the water could be contaminated in some way, but that is remote.

Mrs. Smith noted if the donor finds that it is too expensive for her to donate this water fountain, that is the end of this discussion, but if she does want to donate it, then they should talk about what it will cost to maintain it and what the liability will be. Mr. Doney indicated the furnishing of the water will be minimal, unless it is vandalized as that is always a potential. He reported the only reason he brought this forward in this fashion was he didn't want to accept the donation on behalf of the Town and then find that the Council had other concerns, such as a potential liability and the cost of maintenance.

Mrs. Royal suggested that perhaps they could seek an endowment to go along with the donation which would take care of the maintenance.

Mrs. Wiener moved that if Mrs. Stein, is agreeable with the figures that will be furnished her on the cost of a water fountain that her generous offer be accepted. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

B. AGENDA ITEMS. Mrs. Wiener suggested that whenever possible, the matters that are considered under Any Other Matters should be a part of the regular agenda.

C. PALM BEACH COUNTY MUNICIPAL LEAGUE SEEKING CANDIDATES FOR NOMINATIONS TO THE BOARD OF DIRECTORS OF THE FLORIDA LEAGUE OF CITIES. Mr. Doney advised he has received a communication from the Palm Beach County Municipal League who ask for a Town Council action to recommend nominations as a candidate to serve on the Board of Directors for the Florida League of Cities. There was no response and no action was taken.

Nominations to the Board of Dr. of the Fl.Leagu of Cities

By-Laws of the Florida League of Cities

D. PALM BEACH COUNTY MUNICIPAL LEAGUE LETTER REQUESTING COMMENTS ON THE PROPOSED AMENDMENTS TO THE BY-LAWS OF THE FLORIDA LEAGUE OF CITIES. Mr. Doney noted he has read through this and he finds nothing objectionable. The Council took no action on this matter.

Memo from Chairwoman McCarty

E. MEMORANDUM RECEIVED FROM PALM BEACH COUNTY COMMISSION CHAIRWOMAN MARY MCCARTY ABOUT THE SCHOOL SYSTEM REQUESTING THE ELECTED OFFICIALS POSITION TO THE REPORT CARD PROGRAM. Mr. Doney reported they already have sufficient opportunities for the employees to provide for adequate leave policies and he will write Mrs. McCarty that it is his thought that the Town already has in place adequate policies to allow the employees make accommodations for this school matter. Mrs. Wiener suggested Mr. Doney write the letter.

Adjournment

XVI. ADJOURNMENT - There being no further business, the meeting was adjourned at 3:45 PM.

Grace T. Peters,
Town Clerk