

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF SPECIAL TOWN COUNCIL MEETING HELD ON MAY 10, 2006

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting of May 10, 2006, was called to order at 9:30 a.m., in the Town Council Chambers. On roll call, the following elected officials were found to be present.

President Coleman announced that Mayor McDonald had an excused absence as he was in Washington, D.C.

President Denis P. Coleman
President Pro Tem Richard M. Kleid
Council Member William J. Brooks
Council Member Susan Markin
Council Member Allen S. Wyett

Others present for all or a portion of the meeting were:

Town Manager Peter B. Elwell
Attorney John C. Randolph
Veronica Close - Planning, Zoning Building Director
Paul Castro - Zoning Administrator
Jay Boodheshwar - Recreation Director
Tim M. Frank - Planning Administrator
Susan Eichhorn, Town Clerk

II. PLEDGE OF ALLEGIANCE

President Coleman led the Pledge of Allegiance.

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III. APPROVAL OF AGENDA

The agenda was approved with the following addition:

ADD as Item IV. - Code Enforcement Item - Gosman Property

The Agenda was approved as amended through a motion of Council Member Brooks, seconded by President Pro Tem Kleid, carrying unanimously on roll call.

IV. CODE ENFORCEMENT ITEM - GOSMAN PROPERTY

President Coleman stated that there was an issue relating to the size of a hedge on the Gosman property, now owned by Donald Trump. He advised that this morning he contacted Mr. Trump, via telephone, who stated that he was not aware of the problem and would contact Director of Planning, Zoning & Building Veronica Close to discuss same. Mr. Trump then advised President Coleman that he would work with the Town to resolve the issue.

After discussion, it was the consensus of the Town Council not to hear this item today, as it appeared the Town's concerns over the hedge would be resolved.

V. CONSIDERATION OF PALM BEACH CIVIC ASSOCIATION REPORT REGARDING TOWN BOARDS AND COMMISSIONS

Royall Victor, on behalf of the Palm Beach Civic Association, advised that, in the summer of 2005, a Committee had been formed by the Palm Beach Civic Association, to review the functions and workings of the Town's Commissions and Boards. He noted that he was Chair of the Committee, which consisted of the following members: Doyle Rodgers, Esq., Gerry Frank, and Elizabeth Murphy, Esq.

Mr. Victor advised that the full report dated February 6, 2006 had been submitted to the Town Council in February and distributed to the Town's boards and commissions as well as staff. He provided a brief summary of the report dated February 6, 2006, which was included in the back-up material.

Mr. Victor thanked, publicly, the Palm Beach Civic Association Committee Members as well

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as the board and commission Chairs Gene Lawrence, Floyd Wideman, Harrison Robertson and Gene Pandula noting that they had been consulted on a regular basis.

President Coleman made the following comments regarding his concerns relative to Boards and Commissions:

- The application form was deficient;
- Should applicants be allowed to apply to more than one board or commission at a time;
- How could positions be made available to a broader cross section of qualified citizens?
- How could the quality of board and commission members be improved?

Mr. Victor commented that he noticed there was a significantly higher level of interest and commitment between the Town Council and the Town's boards and commissions, since the Palm Beach Civic Association formed their committee.

In response to President Coleman, Mr. Victor made the following comments:

- In respect to finding qualified citizens, there were a variety of ways that could be used to come up with a better census of individuals. The combination of press coverage, primarily in the Shiny Sheet, and the increased level of importance of issues the Council and the boards and commissions dealt with would naturally encourage more people to come forward.
- It would be desirable to obtain a list of individuals who resided in Town, whether full or part time, with certain professional or background interests, which would benefit a particular board or commission.
- If an individual had interests that crossed over to more than one or two commissions, it would be appropriate to have that individual apply to both. In the interview process, the applicant should articulate his or her interests and the reasons as to why either one or two board assignments would be appropriate for that individual.
- The physical form of the application encouraged multiple applications. The form could be redesigned to require the applicant to focus on his or her strengths relative to the particular board or commission.
- Disclosure was important. Applicants' should disclose any member in their immediate family that was in a business that might present a conflict with their

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service on a particular board or commission. The applicant should disclose that information in order for it to be considered by itself or in combination with other factors during the selection process.

In response to President Pro Tem Kleid, Mr. Victor responded that he believed it would be appropriate to have individual applications for each board and commission.

President Pro Tem Kleid addressed Mr. Victor's comment that Town Council members attend and observe, on a rotating basis, other board and commission meetings noting that he, as well as other members of the Council, had voluntarily attended board and commission meetings. He emphasized Mr. Victor's use of the words "attend and observe" and questioned how the Palm Beach Civic Association's Committee viewed Town Council Members speaking in front of those boards and commissions to express opinions on matters that might eventually come before the Town Council?

Mr. Victor responded that was a difficult issue in the sense that the Town Council, as a body, presumably, considered issues that came out of those individual board and commission meetings. The thrust of that suggestion was to further involve the Town Council to become aware of the qualities, capabilities and function of Town boards and commissions. He stated that on an occasional basis, and that was the reason for suggesting rotating assignments, it would be appropriate for Town Council members to attend meetings. He noted that he did not believe speaking at meetings would be particularly useful, unless the board or commission was going down a road that clearly contravened Town policy, etc.; and then input from an attending Town Council member could be very helpful.

Council Member Markin made the following comments regarding boards and commissions:

- Supported educating members of the Town Council as well as members of boards and commissions;
- Supported providing funds for that education;
- Internal education through departmental presentations to the Town Council was valuable;
- Supported the idea of assigning, on a rotating basis, a Council member to a particular board or commission;
- Council members when attending board or commission meetings, should observe what was going on, and should speak if asked to by that board or commission;
- Suggested, relative to Commission appointments, the placement of voluntary sign-in sheets at each board or commission meeting.
- Suggested as a criterion for selecting a member for a particular board or commission, that they attend particular board or commission meetings at least three times before

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applying for appointment to that board or commission. The sign-in sheet could become part of the application process.

Mr. Victor responded to Council Member Markin's comments and advised that the application form could be redesigned to force the kind of response that would show why the applicant was qualified to sit on a particular board or commission. He stated that the idea of some type of required attendance prior to the application was a very good suggestion.

Mr. Victor stated that he strongly agreed with Council Member Markin's point on internal education. He advised the creation of an operating manual, which would be unique to that particular board or commission, containing its own mission statement, and which would be reviewed annually by the board or commission, itself.

Councilman Brooks commented on the following issues:

- Advised that he chose not to speak at board or commission meetings;
- Attendance of Council members at board or commission meetings should be on a voluntary basis;
- Suggested mandatory attendance for applicants either the day before the November Town Council meeting or the March Town Council meeting. The reason for that suggestion was that rarely did the Town Council have an opportunity to address applicants in the Sunshine.

In response to Council Member Brooks' comments, Mr. Victor stated that an applicant's exposure to governmental processes, during the application period, was a very useful procedure. He advised that the committee spent a great deal of time discussing the problems of the Sunshine Law, without denigrating the fundamental precept in which the Sunshine Laws came into being. He explained that more often an ultra conservative approach was taken when dealing with Sunshine Law issues, which was what drove the committee's suggestion to review those laws and to see if there might be a way to operate in a somewhat different fashion. He advised that he did agree with Mr. Brooks that everything had to be in the open.

Councilman Brooks commented that presently, if there was an opening on a Commission or a Board, Town staff would generate a news release so that citizens could apply. Staff would then provide copies of all of the applications to the Town Council as part of the back-up material for the next Town Council meeting; a ballot was also included in the back-up material for the next Town Council meeting, and an agenda item was added to the agenda for that meeting. The ballots were collected at the Town Council meeting, and the Town Council President would announce the results of the voting at some point during the meeting. He expressed concern that there was no opportunity, in the Sunshine, for the Mayor and Town Council to address any issues concerning the applicant, nor

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was there the opportunity for the applicant to likewise address the Mayor and Town Council. He referred to the appointment of Martin I. Klein to the Code Enforcement Board, at the April 11, 2006, Town Council meeting, and the lack of opportunity to discuss, in the Sunshine, any special circumstances or issues of concern regarding the applicant. He explained that his point was that the present system did not allow any discussion in the Sunshine.

President Coleman commented that, in all equity, Mr. Klein should be informed of the discussion today, and offered the opportunity to address this matter at the next Town Council meeting. The other Town Council members agreed.

After further discussion, Council Member Markin suggested that the Council return to the issue at hand. She noted that she believed what Councilman Brooks was trying to point out, relative to interviewing applicants, was whether the Council wanted to get into interviewing applicants in the Sunshine. She advised that it was the consensus of the Council that they did not want to get into lengthy interviews. She explained that President Coleman had asked applicants to come before the Council for a quick three minute interview, which gave the Council an opportunity to put a face to the name of the applicant. She suggested that, in the future, the Council could allow for little more time. She stated that once an applicant was appointed to a board or commission, and they were doing a good job, she did not see any reason to question the character of that particular person.

In response to Council Member Markin, Mr. Victor advised that the committee suggested the formation of a Blue Ribbon Panel in order to review the operating application of the Sunshine Laws in Palm Beach, and to draw on other communities to obtain information. The Panel would consist of a small group of highly regarded Palm Beach citizens, lawyers and business people, who would look at the existing Sunshine Statutes. The Panel would look at the application of them by the Town in how they conducted business, and would look at how interpretations of the Sunshine Law, in the court system, had evolved over the years. He noted that the Panel would obviously, work very closely with Town Attorney Randolph.

President Coleman suggested that Mr. Victor discuss the matter with Mayor McDonald upon his return from Washington, D.C.

Mr. Victor noted that the Sunshine Laws do apply to public hearings of applicants. He noted that in the Committee's view, having some sort of public meeting where applicants present themselves and their qualifications as well as providing an opportunity for the Council to ask the questions of the applicant was a highly laudatory step for the Town to take. It was one more step in raising the visibility of the boards and commission and was an excellent process to populate the Town's boards and commissions.

President Coleman advised that the Council had started the process of applicants appearing

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before them, which he viewed as an invitation and not an interview. He noted that people that were reluctant to appear in public, should realize that when on a board or commission, they would be out in the public and in the Sunshine.

Councilman Wyett made the following comments concerning boards and commissions:

- Applicants to a board or commission should be lauded for their interest in helping the Town;
- Agreed with the suggestion that applicants attend Town Council meetings in order to learn how the Town operates;
- Advised that it was important for applicants to attend one or two meetings of the board or commission they planned on applying to.

Councilman Wyett stated that he read all minutes of board and commission meetings but only attended their meetings once or twice a year. He advised that on occasion, when asked for information, he had spoken at meetings. He stated that he tried not to give his opinion, because he did not believe he should influence a board or commission, but if he had information that could help them arrive at a decision, and that information was factual, he believed they were entitled to get it.

President Pro Tem Kleid requested that Mr. Victor respond to the following two items:

- The recommendation that boards and commissions are more proactive in setting their agendas.
- Boards and Commissions have prerequisites for their members. The Planning and Zoning Commission, did not have such a requirement, but it had been suggested that they require as members of that Commission an attorney, preferably a real estate attorney, and an architect.

Mr. Victor responded that inherent in their idea to "expertise" the Commission was that type of suggestion, which was exactly to that point. He stated that to have that level of knowledge and that skill set was extremely important.

Mr. Victor advised that the issue of interface and participation in setting the agenda was more of an observation of a number of their interviewees that commented it was uneven, commission to commission, board to board, as to the involvement of the chair of that commission, and staff. He noted that with some commissions, the agenda was set by staff based on what had come through their office that needed to be attended to. He stated the chair or commission should have a more proactive role in leading the setting of agendas. He explained that the Committee believed that the board or commission and primarily, the chair, in all cases, should be a fully participating party and should manage the agenda setting process.

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Council Member Markin stated that the report was excellent. She commented on the Town, occasionally, not having enough people to apply for an open position on a board or commission, and stated that if the Town placed more requirements on an applicant, the more difficult it might be to get people to apply, particularly those boards and commissions in the forefront, such as ARCOM and Landmarks, which usually had many interested people. She recommended creatively providing positive reinforcement, acknowledgment and recognition for members when they were appointed and as they serve their terms.

Mr. Victor stated that the Town took a more passive approach in recruiting applicants for boards and commissions. The report discusses actively marketing the desirability, the excitement, the interesting aspects of boards and commissions to perspective members. He advised that, at the same time, the Town should seek a wider pool of individuals. He explained that implicit in their recommendations was the idea of going from a more passive approach in finding board and commission members to a more active approach.

In response to Council Member Markin, Mr. Victor suggested that the use of databases would assist the Town in achieving a more active approach. The information obtained from those sources would have to be treated with great care, but to the extent that data might generate a population of one hundred potential applicants, whose names were previously unknown to the Town, and whose specific interests and areas of expertise were also unknown.

Council Member Markin questioned whether that should be part of the responsibility of each chair of a board or commission or the board or commission itself to come up with a certain amount of recruits or alternate members so that there was always a good feed of alternates to fill in the seats when other members' seats were up.

Mr. Victor responded that responsibility should reside with the boards and commissions and not at the Council level. He advised that the accumulation of information, the creation of a database of names, should probably occur at a centralized level rather than on a commission to commission basis.

President Coleman suggested that staff compile a list of items that each Council member expressed interest in, which could then be reviewed at a future meeting.

President Pro Tem Kleid made a motion to accept the report of the Palm Beach Civic Association, with thanks to the Committee; and the Town Council requested staff report back to them on the means of implementing this report.

In response to Town Manager Elwell, President Pro Tem Kleid explained that basically, his

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intent was that the Council, generally, was in agreement with many of the items in the report. He commented that, for example, the Council talked about the application, and suggested that, perhaps, staff should come up with another format for the application for review. The Council could come up with suggestions with respect to the Planning and Zoning Commission, such as whether they should have more stringent requirements for membership.

President Coleman suggested that they take the report as a basic guideline, and then invited each Council member to comment on the items of interest to them, using the report as a basic document.

President Brooks seconded the motion. On roll call, the motion carried unanimously.

Council Member Markin made the following suggestions:

- A sign-in sheet at meetings for perspective applicants;
- Should each board or commission be responsible for recruiting a certain number of applicants for their board or commission?

Town Manager Elwell suggested that each Council member be given a final opportunity to add an item(s) to the list as well as provide the public an opportunity to do same. He stated that based on the motion and the clarification that was made, staff's plan would be to take the items, from today's discussion, and report back on each of those items as to how to proceed to facilitate further review by the Council.

Councilman Wyett noted that he wanted to discuss the attendance of individual board members noting that he had previously discussed same with Town Manager Elwell. He advised that he found that there were too many excused absences as well as unexcused absences of Board and Committee members. He noted that there were several instances where a member had three and four absences a year, often three in a row. The combined absences of just a couple of people on a board or commission exceeded all the absences of this Council in the past five years.

Mr. Victor stated that all boards and commissions report to the Council and serve at the pleasure of the Council, with a little footnote for Code Enforcement. The chairs of the boards and commissions should be more empowered in dealing with issues of administrative matters. It would not only increase the value and importance of the chair, and hence, the commission, but would also permit them to deal with disciplinary issues.

In response to Mr. Victor's comments, President Coleman advised that the chairs were the ones who made the decisions of whether an absence was excused or unexcused, and they were hesitant to even take that minor step.

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Discussion ensued regarding absences, and for the record, Town Manager Elwell clarified that Councilman Wyett's observation on unexcused absences was accurate. The absences were not intended for convenience issues such as being away on business or on vacation. The Code was very clear on this subject, and very specific about the very few instances in which an excused absence could be granted. It related directly to two things: medical situations and court processes.

President Coleman suggested that the list should include the review of definitions of excused absences.

Town Manager Elwell advised that he had made a note on whether they ought to eliminate excused absences or further restrict them. He noted his point was that excused absences were currently very restrictive. He commented that the Council's observations were very true regarding their schedules and that they built them around Council meetings, which they almost never missed. He noted the same was not true of board or commission members.

Town Manager Elwell advised that there was one other item he would like the Council to consider as they prepared for future discussion, was that boards and commissions explicitly were set up with alternate members. The purpose of alternate members was that it became the training ground for that person as well as providing the opportunity for someone to step in and fill a seat when necessary. He noted that there were a lot of issues here that were working together. He advised that staff would, as requested by the Council, include on the list, whether or not the attendance provisions should be changed.

Council Member Markin stated she was all for empowering boards and commissions with more and more power within the realm of what their responsibility was. She explained that it would go a long way in getting better and better people to serve on the boards and commissions; it would make the Town Council more efficient; it rewarded members for the time and effort they put into making decisions; it was an incentive for people to participate more when they felt they were providing more valuable input to the Town; and it reduced the work load of the Council on many time-consuming issues.

President Pro Tem Kleid, following up on the request for further items, recommended the creation of a manual or a guidebook for specific commissions.

President Coleman stated that in addition to previous discussion regarding whether there should be informal assignments of Town Council members to attend meetings, he would like to see a representative from each board and commission at Town Council meetings.

President Coleman stated that he would also like to discuss whether the Council should

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receive from boards and commissions an annual written report, presented by the Chair, reviewing the work they had done, what needs they had, how they could work smarter.

President Coleman advised that he had a number of comments and suggestions relative to the application form.

- Requirement to list meetings attended by Council Members;
- Requirement to list meetings attended by a particular board or commission member;
- List conflicts of interest: transparency pertaining to a spouse and children, business interests within the Town; issue of disclosure;
- Suggested inclusion of any involvement with other communities.

Councilman Brooks advised that he submitted a letter to Mr. Elwell on April 25, 2006, included in the back-up, and four of the items he listed had been covered earlier. He stated that he supported the mandatory appearance of applicants before the Town Council in the Sunshine.

Mr. Victor concluded his remarks by stating that the Chairman of the Palm Beach Civic Association, Stanley Rumbough had authorized him to inform the Council that if the Civic Association could be of any additional help, with any of these issues, where it was appropriate for them to assist, outside of Town staff's jurisdiction, they were most willing and able to serve.

PUBLIC COMMENT:

Mr. William J. Strawbridge, ARCOM Member, referred to the submission of ARCOM's Discussion Regarding the Palm Beach Civic Association Report, which was included in the back-up. He discussed the following two items from that discussion:

- Number 5: "Because ARCOM has architects as commission members, it would not be necessary to hire an architectural consultant to attend their meetings."

He noted that this issue came up because the Mayor had suggested it would be a good idea. After discussion at ARCOM, it was noted that the limitation of residency for members of ARCOM would make the pool of architects who could be members very small. He noted that the Town had dealt with this issue, in the past, of whether there should be a strength in the residency requirement for architectural members. He advised that it was an issue and that when dealing with quality, it was the architects on the board or commission that really had the responsibility of leading the direction.

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- Number 6: "At first thought, the recommendation to have commission members involved with the selection of new appointees was a good idea. But after further thought, this may put the commissioners in a position to be solicited by potential candidates. One consultation to collect opinions from commission members should be enough input for the Town Council."

He advised that Mr. Wheelock suggested that this was something ARCOM might not want to do, but Mr. Strawbridge wanted to discuss the statement that members might be solicited by potential candidates. He noted that this issue already existed since many of their members visit applicants and the applicant's architects before a presentation was to be made to ARCOM, which was clearly a solicitation of the first order. He commented that many members do not go to the architects ahead of time, because they want to maintain their distance and do not want to have any type of relationship when involved in the selection process.

Mr. Harrison Robertson, 134 Seagate Road, Chairman of the Planning and Zoning Commission, noted that he had written a letter with seven or eight proposals, most of which have been covered. He discussed the following two items that had not been covered noting that each would save a lot of time for this Council.

1. With reference to appeals to the Council, the Code presently specified that there was a right of appeal for all boards and commissions but it did not specify how the appeal was taken. He noted that a few weeks ago an appeal came up from ARCOM, and the lawyer for the appellant took an hour and a half going over the case, again. He advised that it was a de nova trial, which he believed was wrong. He advised that he thought there should be written in the Code a presumption in favor of a decision made by a board or commission that would require quite a burden of proof on the appellant. The appeal should be on the record. The Council would have a record of the proceedings and simply the burden of determining whether or not there was sufficient evidence to sustain the decision of a board or commission. He noted that was the conventional way it was done. He noted that, in his experience, you did not have appellate courts or appellate Councils hearing things all over again.
2. He recommended that the Council stop hearing variances. He commented that ninety percent of variances granted by the Council should not have been granted, because the undue hardship test was not satisfied. He believed it was better done by an independent board or commission or by an official of the Town such as the Zoning Administrator or an Assistant Zoning Administrator. The Council should not be burdened with the obligation to hear variances. He suggested that consideration of whether or not variances should be heard by the Council or by an independent agent

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or agency should be placed on the agenda being prepared by Mr. Elwell.

Town Manager Elwell advised that an independent review for variances and special exceptions would be added for discussion, by staff, to the agenda. The question of whether or not to hear appeals de nova rather than just on the record was addressed briefly at yesterday's Town Council Meeting, and the consensus was to schedule that for consideration on June 13th.

Town Manager Elwell clarified that the process of reporting back to the Town Council might take some time, as it also involved developing recommendations for the Council for the implementation of the recommendations discussed today.

Councilman Wyett advised that the purpose of today's meeting was to discuss boards and commissions and not to get into the operations of appeals or who hears variances. He commented that there had not been enough discussion by Council on either subject and requested that the two suggestions be struck.

President Pro Tem Kleid stated that he was not sure about that because at yesterday's meeting, he had brought up, during Town Council member comments, the fact that the Council should consider not having de nova appeals and have them just purely based on the record. He noted that he asked that President Coleman put that on the agenda for the next meeting, which he believed was being done.

Town Manager Elwell advised that the issue of de nova appeals had been placed on the agenda for next month.

Councilman Wyett advised that might be true of de nova appeals, but the hearing of variances was not discussed by the Council nor was it noticed for the public. He stated that if the Town Council wanted to discuss this issue, it should be scheduled for another meeting rather than a staff study first.

After further discussion of variances, it was the consensus of the Council, as suggested by President Coleman, that this issue be placed on the agenda, as a separate item, for next month's Town Council Meeting, but not as part of Mr. Elwell's tick list.

In response to Town Manager Elwell, the Council agreed to place the issue of variances on the agenda for the next month's meeting. The Council advised that staff was not required to prepare a report as this was a discussion item that would provide further direction to staff.

President Pro Tem Kleid clarified that staff did not need to prepare a report, but should be well prepared with factual and statistical matters in order to discuss this issue.

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Town Manager Elwell clarified that, from what he heard, in contrast to what President Pro Tem Kleid stated, was that the Town Council wanted to have a more conceptual and philosophical conversation first.

President Coleman advised that he did not believe that the Council had predetermined this issue to come before them as an action item but more of something to ruminate.

Mr. Harris Fried, 44 Cocoanut Row, advised that he had recently been appointed as an alternate member of the Code Enforcement Board. He commented that he agreed that applicants should appear before the Town Council as part of the application process, and that the process should be continued; the Council should consider making it mandatory. He commented on the discussion of the talent pool for people that might wish to serve on boards or commissions, and that he believed that the Council should be realistic because the pool of people for particular boards or commissions might not be very deep. He advised that he would not encourage developing a data base of people noting that whatever privacy Americans had left, should be preserved.

Mr. Fried suggested making as much of an effort as possible to reach out to the community, and suggested if nothing else, then a nicely prepared ad could be placed in the Shiny Sheet, which was basically the Town's voice. He agreed with educating those people that have been selected so that they would be better able to make a contribution.

President Coleman advised that he had two more items to add to the checklist:

- Whether Commissions should meet year round;
- The suggestion that applications should be typed or should be interactive online.

Town Manager Elwell advised that, in the future, when the system was upgraded, one of the things the Town wanted to do was to make the website more interactive rather than just informative. He noted that for now the form was available to be printed. He advised that it would take time and money to make it interactive.

Attorney James Wearn advised that he had served on the following boards:

- Member from the inception of the Police Officer's Board of Trustees of the Retirement System, in October of 2004;
- Served previously from 2000 to 2005, as Chairman of the General Employees Retirement Board of Trustees;
- Served from 1990 to 2000, when there was just one Board of Trustees covering the Police Officers, Fire-Rescue, and the General Employees.

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Attorney Wearn requested that the Council consider, separately, their concerns for the boards in the Retirement System, noting that currently there were three Retirement Boards. He discussed some of the differences between Retirement Boards and the other boards and commissions.

- From the inception of the Retirement System down to 2000, the Mayor and the President of the Town Council served as members on the Retirement Boards. He stated that because the majority of the activities of those Boards related to investments rather than policy, the Mayor and Council President passed on participating in them when the boards separated in 2000. They preferred to receive the minutes of meetings as well as any comments made specifically to them from the boards on policy matters.
- The Retirement Boards may differ from the other boards and commissions because they were governed by very strict federal and state laws and rules.

President Coleman asked if the driving force behind the separation of the three boards was the management of funds or was it due to other issues that boards deal with? He also asked if it was conceivable that the three Retirement Boards might consider pooling their resources into one investment fund, while maintaining their independence?

Attorney Wearn advised he personally believed that pooling resources would be much more efficient. He explained that the separation occurred, in part, because public safety officers wanted to go in a different direction with their investments, but he believed investments were not the driving force in the separation. He explained that state funds were involved and the choice was made to accept and use those funds, which had certain requirements placed on the investment process. The general employees were not bound by those requirements.

Town Manager Elwell advised that he would be attending the meetings tomorrow of both the Police Retirement Board and the Fire-Rescue Retirement Board. He noted that the boards would address that question as well as some others, in terms of communications, relationships, and a change that was being proposed in the employee benefit package, which related to each of the three pension plans. He advised that this would be further reviewed by the Town Council in the coming months.

Council Member Markin concurred with Mr. Wearn's comments and agreed that it would be a mistake for the Town Council to be involved with the Retirement Boards.

Mr. Richard Raffo, 173 East Inlet Drive, commented on the Code Enforcement Board stating that Rob Walton, Chief Compliance Officer, needed assistance. He advised that help was also needed to change and fix the antiquated Code rules and regulations.

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In response to President Coleman, Mr. Raffo advised that he was speaking about both enforcement and antiquated codes.

President Coleman informed Mr. Raffo that enforcement had been a high point of discussion at Town Council meetings this week.

Mr. Raffo stated that it was his request, as well as the request of all members of the Code Enforcement Board, who agreed that something needed to be done to get extra help for Rob Walton.

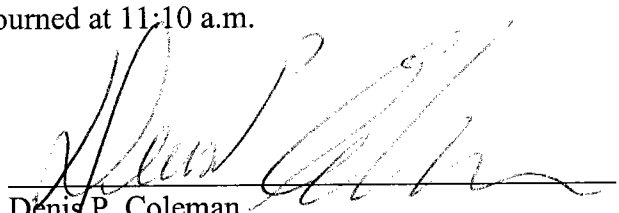
President Coleman advised Mr. Raffo that issue has been placed on the agenda.

VI. ANY OTHER MATTERS

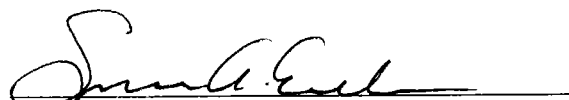
There were none.

VII. ADJOURNMENT

There being no further business, the Special Town Council Meeting of May 10, 2006 regarding Boards and Commissions was adjourned at 11:10 a.m.


Denis P. Coleman
President

ATTEST:


Susan A. Eichhorn
Town Clerk