



**Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, February 3, 2010, 7:20 p.m.
Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, February 3, 2010 at 7:20 p.m. Present were Mayor DuBois, Vice-Mayor Carey, Commissioners Daly, Osterman, and Rumsey, Town Manger Maria Davis, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley.

Mayor DuBois led the Invocation and the Pledge of Allegiance.
Town Clerk Vivian Lemley performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA

None.

**Motion: A motion was made by Vice-Mayor Carey to approve the agenda;
Commissioner Rumsey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Daly	X		
Commissioner Osterman	X		
Commissioner Rumsey	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0

Public and Other Comments:

Rick Goodsell, 410 9th Street stated that he was proud to live in Lake Park and hoped that the Town could work together to rectify the issues.

Public Comment Closed.

Consent Agenda:

1. Regular Commission Meeting Minutes of January 6, 2010
2. Resolution No. 07-02-10 American Reinvestment Recovery Act Florida

- Forest Health Improvement Grant
- 3. Resolution No. 08-02-10 Cooperative Authority Library Automation Agreement
- 4. Notification of Confirmation of Expenditures – Street Lighting Demonstration Project – Bayberry Drive
- 5. Notification of Great American Cleanup on April 17, 2010
- 6. Settlement of Carlisle vs. Town of Lake Park Lawsuit
- 7. Renewal of Intergovernmental Consultant (Lobbyist) Agreement
- 8. Resolution No. 09-02-10 Repealing the Street Lighting Bond Referendum

Public Comment Open

Steve Hockman, 638 Flagler Blvd., stated that he was concerned and confused with the Notification of Confirmation of Expenditures on the Street Lighting. He stated that he questioned the amount the Town is spending on the engineering. He mentioned several vendors that could be contacted to get better figures for street lighting. He stated that the Town should go out for bid.

Public Comment Closed

Motion: A motion was made by Commissioner Daly to approve the Consent Agenda; Commissioner Rumsey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Daly	X		
Commissioner Osterman	X		
Commissioner Rumsey	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0

ORDINANCE ON FIRST READING:

ORDINANCE NO. 2-2010 Amending Chapter 34 and 78 Landscape and Vegetation Standards

Community Development Director Patrick Sullivan stated that this item was a housekeeping change to the landscaping regulations. He explained that this item will clean up a lot of the language in the code. He stated that the only substantial change is in the grandfathering language.

Motion: A motion was made by Vice-Mayor Carey to approve Ordinance 2-2010; Commissioner Rumsey made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Daly	X		
Commissioner Osterman	X		
Commissioner Rumsey	X		
Vice-Mayor Carey	X		
Mayor DuBois	X		

Motion passed 5-0

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Rumsey stated that at the last Commission Meeting he raised his voice and let the situation get the better of him. He apologized to the residents for this behavior. He requested an update on the Palm Beach County Legislative Delegation Meeting that Attorney Baird and Town Lobbyist Fausto Gomez attended regarding the Sober House issue in Town. The Town has requested from the Legislative Delegation the licensing of Sober Houses.

Attorney Baird indicated that he would provide an update during his comments.

Commissioner Rumsey stated that he was approached by a disabled resident that worked with the Town on getting new windows put into their home in 2002. He indicated that circumstances beyond their control had not allowed them to place new windows in the home. He asked if there was a way that the Town could look into the situation.

Town Manager Davis stated that she was familiar with this case and that the Town had a Community Beautification Fund that could be used to assist the resident.

Commissioner Rumsey congratulated the Marina Manager on a successful Sunset Party.

Vice-Mayor Carey

None

Commissioner Osterman reminded everyone of the February 12, 2010 Safety Walk that will begin on 9th Street and Park Avenue at 6:00 p.m.

Commissioner Osterman stated that the next thing she would address is the conflict that has been going on within the Commission and the community. I have come to the decision to speak on several of the issues not lightly. It is with quite a heavy heart as I sat

down to write, I saw that I had a journal entry from back in February of 2009, a year ago. Where I was writing about the cancer that was growing in the Commission. Up until now I thought it was in the best interest of the Town to be quiet and to take it and to hope that things would resolve themselves. Unfortunately that has not been the case. I believe that there is real damage potential being done and then I have a responsibility as an elected official to speak up, because I was elected not to remain silent but to speak up especially when it's the hard stuff.

One of the things that this Commission has been accused of from the floor and also from Commissioner Daly has been that we are rubber stampers. I know that I have shown myself to be a person who asks the tough questions and I have seen that repeatedly from my colleagues up here as well. In some ways I can understand the concern because there isn't a lot of decent, because a lot of it goes on before the meeting. I have worked now with three Town Managers, and I know what it was like with the first two. It did not matter if a conversation was made, was had upstairs in a meeting room or a conference room or whether it was had in public, pretty much the Commission's desire was ignored. That is not the case with this manager. With this manager I know that when I have a problem I can go to her directly and I can speak with her and the problem is resolved. I don't believe that a problem needs to be addressed in public and that somebody needs to be reprimanded from the outset. I believe that you have the opportunity to express yourself in a respectful manner and give a person an opportunity to make the necessary changes. That is how I believe good business is done and that has been my experience up here and the experience of my colleagues. I believe you speak out when there is a problem, not necessary here, but that you do speak out.

There have been several questions that have been raised, one of them was the employee handbook, which we discussed in some depth last time. Attorney Bass who overhauled the employee handbook, which had not been updated in over 15 years and even then it had only been a cut and paste job. We needed to have it done because laws change and we were in jeopardy and liability. Because of the manager's experience and network of professional connections our cost was less than 50% of any of the other hourly quotes. I would say that is good business.

Another issue that has been addressed repeatedly is the meters and again I think we have covered much of this already. We have said that this was not a decision we wanted to make. It was something that we felt we had to do if we did not want to raise taxes or cut services or employees. Really in the amount of money that we had to cut from the budget \$ 900,000 is that correct, that is what I'm recalling. It's pretty amazing that our Town fared as well as it did and I give credit to that to the Town Manager for leading us through an extremely difficult budget year. I can not imagine what this next one is going to be, especially if she is not here. Because although we have not gotten the report from the legislature coming down on the political side, in my work with the college, I have received information from the education lobbyist who are anticipating an additional \$3 billion dollar funding cut. That's half of the cut that happened last year and 1.5 billion is needed for just necessary services.

So I can not apologize for trying to find an alternative source. I think it is interesting that other Town's are now scrambling. There was just an article in the paper about Jupiter

adding parking, paid parking up at the Square Grouper and I always say the name wrong, I believe its Guanabanas.

Mayor DuBois said Guana Bananas or something is what I always say. (Giggles)

Commissioner Osterman it's not bananas, it's what I want to say but I think its Guanabanas. What I believe about the parking meters is that we can not yet determine the outcome. Its short, we've only had a small time, we could have made a good decision, we might have made a bad decision. Unfortunately I believe one of our Commissioners is actively campaigning against the meters and the success of them. Rather than going with the majority decision of this Commission and I think that's just wrong. I don't understand how a leader in a community can fight against something that has, the money has been spent. The meters are in. Why would any one of our leaders want something to fail? I don't understand that. If we made a wrong decision then, I'm sorry, but I'm happy that we tried something different and we did it with great consideration. And beyond that, if the situation with the meters negates and all the other things we have done in this Town, the beautification, the development, if that one thing negates all of the other progress then don't re-elect us. But if it doesn't then we should look at the big picture and move forward together.

Another issue that was addressed was the CRA. One of the specific questions that was asked in an email was if businesses that are helped by the CRA Director to find a location would pay back the CRA for helping, for that help. And that makes me understand that there is some real confusion about what a CRA is and how it works and how its funded. Because, and I'll be happy to sit down with anybody and explain that, its separate funding, its our county investing in our Town by giving County dollars back to us. That money can't be used for anything else and our CRA office is not a real-estate office, its not for profit. Its purpose is development. Tonight we had two new businesses that we welcomed the first new restaurant, and at the last meeting we had a business owner who came in and praised CRA Directors work and said that it is paying off, literally, in terms of appraisals of property, and that appraisers are paying attention to what is going on in Lake Park and looking at the developments very favorably. That's huge! That is what development is and this ultimately generates revenue for the entire Town. It improves our tax base and it improves quality of life for the entire Town. So no, they don't have to pay back, we are being paid back already by there investment their businesses in our Town.

Other questions have been asked about the Marina and those questions are about problems that are going on now. But there doesn't seem to be any concern about what happened that got us here. And there is only one member of this current Commission who could have demanded oversight of the construction that was done, but that didn't happen. There were no questions asked then, nothing voiced then, so why now. Our Town Manager was on the job a few months. I don't remember exactly. I would have to go back. When she recognized the deficiency at the Marina and she came to us and said we have a time crunch here if we don't do something we will not have the opportunity to even seek damages. Because of her proactive vision, because she was so quick to pick up on the problems and to research into it we were able to file a lawsuit in time where we have the opportunity to recover potential damages. So that the Town Manager and the Commission are now being accused of misusing funds because we are trying to recover

the losses I believe is not only unfair but inaccurate. To me it seems like an illusion, it's the let me focus your attention here so don't look here.

You have questions, you have concerns. I do too. But mine are about who and what got us here not just what we are doing now. So I question motivations of what's going on. As I've said before I believe the attacks on the Town Manager, which I do not believe began from the floor are being driven by a personal agenda and anger and are not in the best interest of the Town. I don't have any problems with dissenting opinions when they are done from a place of honest communication. But when things are done in covert and what seem to me to be backhanded ways I question that. So I'm asking those who are asking questions to ask more questions and consider the other side; to be a leader and not just be led. Go back look at the history. Ask who and what has changed, why is there such a dramatic shift from high praise and confidence to disdain and disrespect. What happened?

One of the things my colleague has talked about is going out to bid. About paying less and not hiring friends. In February, 2008 I sat here on this dais and was shocked to watch my colleague reprimand the Town Manager for a letter she had written reprimanding the Marina security for behavior. I was shocked to see the Marina security defended as opposed to the Town. I was shocked because the Marina security owner of the company was a friend of my colleague. I say that "friend" because that's the way my colleague introduced me to him at the Marina long before I was a Commissioner. I was very confused about what was going on, and so I looked back and I asked for records of the original bid. I have that packet here if anyone wants to look at it. This is from the November 16, 2005 Commission meeting. There were two agencies that bid for the security bid at the Marina. One was \$37,000 and change and the other was \$45,800 almost \$49,000. The staff memo stated that the higher, the company with the higher bid, that the documents had been reviewed and there was some confusion. Staff had done a search and on several occasions the company providing the service was by a different name. They did a search of Florida Corporations and found no listing. They said this is not a disqualifier; many companies operate as an individual, but that the other company had been operating with the State of Florida registered as a corporation since 1990. As I read through the minutes of the meeting I was shocked to see that my colleague had made the motion to hire the more expensive agency that was owned by a friend. So that's a concern of mine and it echoes the same concerns that are being voiced about the manager and that I find to be confusing.

I also wanted to take a look at past performance evaluations so I went back and I looked at the comments from the 2008 performance review. My colleague scored the manager a 4.8 out of 5 but I found the comments to be especially interesting and I will read them out. "I find it difficult to give anyone a perfect score when doing an evaluation as no one is perfect, but it's difficult in the case of Maria Davis because Maria has been extremely effective in all categories. Over the past number of years Lake Park has been ineffective when it came to Town Managers. We are now enjoying for the first time a Manager that is not only able to work with the Commission but staff as well. Maria I feel is making the Commission aware of information regarding many possibilities that we need to take Lake Park in the right direction. It would be difficult not to give Maria high marks as she is a true leader and has an outstanding ability to get the job done."

A year later we have an incomplete evaluation. At a time when vague and unfinished statements were being made; allegations of there's a mysterious packet, "If you knew what I knew." Although the Commission, I know I asked for it directly, I asked the attorney to ask for it, I know the Commission asked it wasn't until many, many, many months later that that came out.

I've said before that as I look back, that to me, a real turning point was the incidents of sexual harassment. Because that is when I recognized that suddenly my colleague stopped attending all functions, stopped attending all other, anything, meetings. It wasn't at that time. It wasn't until later that we were informed of that. I then said okay, that goes back, that corresponds, that was in May of 2008. I understood that when I mentioned this the last time that there were denials, but I can call the HR Director to the podium if we need to go through that because I don't want this to be said; that I am throwing out allegations or making things up because that's just not who I am.

Someone from the audience asked for Commissioner Osterman to do so.

"The HR Director then, if I am being told that I am making things up, if you would please come to the stand, I mean to the podium."

Bambi Turner "HR Director, Town of Lake Park."

Commissioner Osterman stated "Could you just give a very brief explanation of the role that you took in the situation that developed?"

Bambi Turner stated "Absolutely. I was advised by employees, female employees of the Town of the situations that were of concern to them that came under the heading of sexual harassment. The individuals did not want to file a formal complaint. I brought the concerns to the attention of the Town Manager. we knew them to be credible. We had a discussion with the Town Attorney. The Town Attorney and I met with the individual. And as I said the individuals who brought the complaint did not want to file a formal complaint they just wanted the behavior to cease. The Town Attorney and I talked with the individual, the behavior cease and we were satisfied with that outcome."

Commissioner Osterman Thank you.

Bambi Turner Yes.

Commissioner Daly I'd like to ask her a question while she's up here if I may.

Commissioner Osterman That's the Mayor's decision.

Mayor DuBois "Well actually let's, let's still stay, just jot it down and let's finish, let Patti finish and then I will give you the opportunity to go after her just like I said."

Commissioner Daly "Okay."

Commissioner Osterman "Okay. One resident who I respect greatly called me and said how is it possible that one person can be wrong all the time as opposed to the other members of the Commission? And I answered, when someone has a bitter lens, you know that's my opinion, if you have a bitter lens then that's how you view the world, then that's what you're going to see. And as a human being I feel great compassion for the losses that my colleague has undergone. It's been hard to watch. Somebody that I like and respect so much shift. But as a Commissioner it is not my job to be concerned about personal issues, but to be worried about the guardianship of this Town. And I do believe that there is damage. I see it in the stress levels in Town Hall. I see it in the affects of staff's work and morale. And while I believe them to be too professional to complain, I see it in their body language; I see that they are fearful that the manager will even, I see them nodding in the audience now. They are fearful that either the manager will be fired or that she will leave. And I feel their fears are legitimate."

Like I said, my journal from almost a year ago this was a problem. And I see it only as increasing as the election gets closer. So if the voters don't like the direction the Town is moving in, they can support the candidates that want her gone, but I'm not one of those. I'm happy with the directions that we're moving in. I want to see continued progress. And I also know that I am putting a huge target on my back by speaking tonight. I've been informed, in a round about way, that I need to keep my mouth shut or I'll be sued. And I expect accusations and lies to be told about me, I've been through that before in an election. But I felt I needed to put all of that aside because I am not a politician and don't ever consider myself to be a politician, I consider myself to be public servant. And I can no longer remain quiet when I believe that untrue and unfair accusations are being delivered as facts. I'm not going to compromise my values and my beliefs to remain in office. So if it means that I am not re-elected, so be it, because I'm proud and grateful to have been a part of this Commission. I'm proud of the work that we have done. I believe this Commission has embraced change and actively pursued ways to improve the quality of life for our residents and for the businesses of this Town. For the first time in years we have a Town Manager who doesn't just do the same thing today that she did yesterday. And this was a status quo community that did the same thing the wrong way for many, many years. But she keeps us moving forward not stagnated, and I want to see that continued progress. I want to see our property values and quality of life improve with our downtown and the development there. And turning Park Avenue into an arts and cultural center where people come to really enjoy the best of what our Town has to offer. And I believe that Park Avenue can be the hub of our Town. I want to see us continue to move forward with environmentally friendly projects. I'd like to see us build a green rec center, community center that will serve as an EOC center as well. And I would like to see us get our community gardens up and running where we can work and learn and literally grow together as a community. I'm excited about those things. I'm excited about the businesses that are coming into Town and supporting them as they grow and prosper. I want to continue beautifying our green spaces and our parks and giving our residents places where they can play and come together and entry ways and amenities that we are proud of. And I want to continue to work on improving the safety with the lighting and the traffic direction so that we can retain our small Town, Town charm. I believe that we can be the community where people choose to open their business and raise their families. We've got these fantastic large properties and we're close to the water. We can get around walk and bike to neighborhood establishments. And I believe our downtown can

be a destination where people from all over come to enjoy this fantastic Town that we have. And I believe that Lake Park can be all of that and that that is what this Commission is working to try and do.

I'd be very happy to sit down and talk with anybody; I welcome questions, comments, concerns, and I'd like to sit down and look at the whole picture. And I thank you for your courtesy and your attention.

Applause

Mayor DuBois "Um please. Thank you. So Patty, that was ..."

Commissioner Osterman "That's it."

Mayor DuBois "All right, Commissioner Daly. And do you need Bambi back up to ask her questions?"

Commissioner Daly "Um, yeah I'll get to it. I'll ask them."

Mayor DuBois "Okay."

Commissioner Daly "Well first thing I want to say is this...sounds like in somebody is worried that they won't be re-elected, that's fairly obvious to me."

Someone from the audience starting speaking out loud.

Mayor DuBois "Please call, don't interrupt from the audience, you know better."

Commissioner Daly "If you've got something to say come on up."

Commissioner Osterman "This is not the time for that."

Commissioner Daly "I don't object to it."

Mayor DuBois "I object to it and I'm running the meeting. Now is the time for you to comment. You go ahead and talk."

Commissioner Daly "Okay, well lets, but as I said it seems like Commissioner Osterman seems to have her mind made up, what I am involved with, not involved with and so on. Unfortunately I think she gives me too much credit when it comes to having the power in this Town to do and to make decisions and so on. I vote with this Commission probably if we went down to the numbers least in the middle upper 90% of the time we vote together and so on. "

"Issues that have come along for instance, not showing up at events and so on anymore. Let me tell you something about this sexual harassment thing, which I do not have a clue, do not have a clue what's it's about. I received a call from the Town Attorney one day and he said Ed we got to go over to see Bambi. I says what's it all about? He said I don't

know something about a sexual harassment. I said what are you talking about I have no idea what anyone is talking about here. So I met with Tom and we went in to see Bambi and Bambi said there no complaints there's no nothing it's on paper there's nothing here, and even the Town Attorney said well how do we defend ourselves against something he felt uncomfortable even bringing me in there because he had no idea what it was about; I had no idea what it was about, and I still don't have any idea what its about. I don't know if I might have said something to somebody, which we all could, in fact I think in talking with my attorney I have a sexual harassment case as well if I wanted to be that petty."

"But I use to receive phone calls at night, as late as 10:00 at night; 9:00; 8:00 and I thought we were having very nice conversations and everything else, but then I got uncomfortable with them. So I mean anybody can get dragged into something, but you don't know what it's all about and so on. Patty seems to think, Commissioner Osterman seems to think, I believe she's thinking that maybe I'm the guy that put Mr. Hoffman up here speaking about things. I never knew this man, never knew this man, and if you really analyze what he says he's not sparing me any. He says we the Commission, including me, I'm part of this Commission. And his comments comes against me and I think one of the things that got us out of control. on this particular issue, is the fact that we don't respond. We are not allowed to respond. If somebody comes to that podium I think the Town Manager or this Commission should respond and if they did we would not be having the problem that we had to, that we have going today. And if this Commissioner thinks that I'm responsible for whatever somebody says around Town; I don't know where she is getting her information but she is completely, totally, out in left field. Because I'm not the person out there doing negativities about anything, anything I have to say I say it. But I can't imagine how I'm getting all the credit for what somebody comes up. If the Town Manager would answer the man's questions when he comes up we wouldn't have these problems. What do we do? Just think about it, somebody comes up to the podium and speaks, we sit here like bumps on logs, and the person is asking can I get a response nobody says nothing. So you go home and you're aggravated because you want something answered. You have a question about something and everybody just sits here and stares. Okay, go home, you're out of here. You're done. And it goes out. But week after week when a person comes to the podium and they want questions answered, they want to know what's going on with certain things and if somebody comes up to the podium and hey I'm convinced that it cost me, it cost \$20 to do a particular thing and we're paying \$30 all you have to do is turn around and tell the man here, here's the facts, here's the figures, we can do, we can't get for \$10 show us how to do it and we will do it, but you don't respond."

Mayor DuBois "Commissioner Daly may I just want one thing, please let me just say this, in the middle of all this, this is the second or third time I've been called a bump on a log. It is my responsibility to see to it that we have a civilized discourse back and forth. Under Robert's Rules and I'm sure Attorney Baird will back me up on this, there is not to be, we have had, ten years ago I made a mistake at a meeting, its been about a year ago where the thing it totally went out of hand because of back and forth; we are not parliament we don't have back benchers, we don't jump up and down and answer questions. That is not the way in the State of Florida or in the Town of Lake Park that we can conduct business. That is reason that I don't allow the going back and forth. I just

wanted to say that. That is why I am a bump on a log sir. I'm just trying to maintain the exchange."

Commissioner Daly "I appreciate what you're saying, however it doesn't matter when a person comes in and wants a question answered in here, if we are not going to answer it from here certainly the Town Manager can answer it. And if she chooses not to and that person goes away disgruntled because they haven't had an answer; the situation boils, it gets worse, it doesn't get better until that person is satisfied that they got an answer. If the Town Manager were to say the next day we will get back and send them a memo, pick up the phone and say hello. Tell me where we can buy that part for \$10 instead of \$30 and if the man can do it, tell her where and so on that's what we should be doing. But that's not happening here. We sit here and we don't respond to what we're saying. Like I've said before I can't imagine where Osterman, Commissioner Osterman gives me all the credit for whatever disgruntled, whatever. If I have a feeling on something, such as our spending, I think our spending is out of control, I really do. At a time when this, not only this Town, but the Town, the County, the State, the Feds we are in such financial problems I think we need to cut back on our spending. I don't think we should be doing projects that are not necessary. When this Town Manager came into this Town was I not your biggest supporter, talked to her; I pushed for her I wanted her there. When I start talking long as we go there came a time where everything was fine with us until I said no on a few issues. I don't agree with you on this and that and I felt us going apart. So if you're going apart because you can't, she can't say no I'm just going to back off of this one; I say we've been through this before don't do it again. There's issues there's a lot more there that drove us apart."

"Now the packet that Commissioner Osterman talked about was sent to me. I don't know why it was sent to me and I'm telling you I don't know to this day who sent it. But after reading that package, I too felt like I have an obligation to this Town. I'm sitting up here. I'm know something, and I called our Attorney. Because I didn't know what to do with this information. I didn't know if I should present it. I didn't know if should just sit on it. And we had probably two, three, four conversations and I said I did not know what to do with it. Unfortunately what was in, and these were newspaper articles, it wasn't something that I made up or anything else. Whatever was said there referred to Maria Davis. Now what she has done in the past, if she's been fired, which I believe the article said she was forced to resign on a self claim, whatever that was it made we take a double look. And when I start thinking if were not spending money correctly here, if. That only tells me. Town Managers last three years, four years and they're gone, because for some reason or another they seem to get themselves in trouble. There's been nobody from this end here saying that she was going to be fired. I couldn't fire her if I wanted to. It takes the super majority to fire somebody. But I have issues as to some of the things that supposedly she was forced to resign down in Miami that I started to see here. And I'm saying wait a minute we can't be spending money the way we are spending money with the economy being what it is. That's when we started going in different directions."

"The sexual harassment thing I had no clue, but from that moment forward I stopped going to functions of this Town cause I didn't know whom my accuser are. I had no idea of what there talking about and I made up my mind. You're looking at somebody who's never had a traffic ticket, speeding ticket that I can ever remember. And for me to be

accused of something like that was devastating to me. And then as this thing continued all of a sudden Commissioner Osterman is saying well its from that point forward that I didn't go to the any of the functions. No I didn't go, I don't go to functions any more because I don't know who is saying what about me. Or who accused me of what, so I stay away. I stay away because I have no clue as to what is going on. And I'm not going to give anybody the opportunity to accuse me of something when I don't even know what's going on."

"There's a lot of stuff that's going on here; she mentioned the Security. Bob Wummer, Bob Wummer I know as well as probably I know John Downs sitting there. I say hello to him, I talk to him, I've been to his house. I've ridden on his boat, that's about it. Now have, I haven't been to his house in a year probably. Or since Robby our ex security guard died. I went to the service. He is no more of a friend than any other casual friend. So if she is going to turn around and say I tried to get him that job, she is wrong. What aggravated me with that security thing was we originally had five people that bid for that job. I believe it was five. When we picked, we didn't pick, there was only one to pick from. Because of a bunch of...whatever went on there. The one outfit that was had to pick got the job. And I know I asked this Commission to bring the five original bidders back. Lets have them re-bid the job, lets be fair to the five individual companies and lets get this thing straight. No. No; we are not going to do that. You're not going to do that your going to take the one company that I got left up there. Its wrong. I still feel its wrong. There's many things that have gone on and bidding is one of them. I'm a true believer if we are going to give out a job we bid on that job. If we, we have this deal going on right now with electrical. There was a mammoth mistake there. If we had out there four or five people that would probably help us to find that mistake before it went down the way it did."

"So there is many things that happened when I have a problem and I wrote her in her comments on my last review that I think there was been three now to date public works officials, public works people that she's fired. I'm a Commissioner and I have no idea why they were fired. I write her review, I'm her supervisor I don't know what she's doing, she doesn't tell me why she is firing somebody. And when you bring somebody in and you fire one person and I asked Maria Davis well why'd you fired that guy. She said I walked into his office and he was reading a novel. So? You fire somebody for having his feet up on his desk reading a novel? This sounds crazy but nevertheless that's what I was told. And then we had, I believe the second guy, come in and he got fired and now we just fired another one. We have no idea. It's our job to know these things in my opinion. She works for us, we write her review, her reviews. If I get a report from maintenance in the garage and they tell me, I mean it's on the print out, I changed the bulb in truck 5. Captain Reece he has a detailed report what his men are doing, all the stop they make. We have detailed reports. We don't get no report from this Town Manager. Yeah we have these meetings here, but I don't know what's going on behind the scenes. I don't know why she fired somebody. Now the lady that she hired over here for \$95,000 with her package, \$80,000 plus her package. She hires. I think in this economy, in fact the range there I think was \$60,000 to \$90,000 she hired her at the top end. In today's market you can get people all day long. Not paying anywhere near what we did five or six years ago. Then I hear on the street because that's where I hear most of my information, that this lady had a car accident or somebody had a car accident and she

advanced her her sick days, her earned days, all this kind of stuff. Now I hear that on the street. I don't have the answers for the people when they say why is the Town Manager advancing somebody monies on vacation and earned days and so on. And I stand there and say I don't know. I don't have a clue what you're talking about. And then I had said a long time ago if we got a job available that we should take a long hard look and make sure that if a person in the Town of Lake Park is qualified to do that job we should hire that person. That very lady that she hired for the \$90,000 and supposedly advanced her her sick days, earned days. Then she turns around and hires her daughter to be a meter reader. Now that being the case I would say why aren't we hiring our own people. There's probably a lot young people, I know two or three people that said boy I'd love to have that job. These are retired people. So there's; when you turn around and you look both ways and know what's going on both ways then you have a better understanding of where I'm coming from. If I don't like something that she's doing, if I think its wrong. I'm going to vote against it, its as simple as that. If she, if Commissioner Osterman decides that she's wants to favor the Town Manager and, and support her. She gave a phone number out to her previous job of a Commissioner and said call her, she has nothing but good things to say about her and this and that. I believe this is the same Commission that forced resign, got the commission, that got the Town Manager to force resign. Why didn't she give the numbers of everybody who were against Ms. Davis as well as the other way. Why doesn't it work both ways."

Commissioner Osterman "They weren't there."

Commissioner Daly um.

Commissioner Osterman they weren't there.

Commissioner Daly who wasn't there.

Commissioner Osterman the time period of who was serving then; I explained it that night.

Commissioner Daly all I'm saying to you if she had to force, if she was forced to resign; I read that not knowing the circumstances of it, it made my feelings change. And I'm thinking and double thinking myself, but I had my suspicions. So there's a lot on your side if that is what you want to believe, but there's a lot that I have to do and I have the responsibility of this Town as well. And there are things that are going on that I don't like, I think and one of them and I'm not saying any one of them is dishonorable, I'm just saying we spending... it's out of control for, for, for the times and so on we are spending far too much money. We don't have the money.

Mr. Cutcher is here tonight. I've been sitting in the Marina taking pictures over in that Marina. Now Ms. Davis declared that emergency to cover that over. Mr. Cutcher says got to cover it over, whatever he wanted to do to make sure that no body fell down and got hurt. Well that's been covered over for two years. There peeling that off today. yeah we got some holes there about this deep, maybe about this big, nothing that wouldn't be taken care of with proper maintenance. As a matter of fact I have pictures here if anybody wants to see of these sidewalks that they're uncovering with all this stuff. And we have

now invested near \$150,000 in plywood and covering that the carpeting. Unfortunately for us the people that we're suing also have people down there taking pictures of this. And there saying what is the problem here. And there scratching their heads and I'm standing there and I take the pictures of the pavers. Regular maintenance we wouldn't had to cover the pavers. Here's the pictures, I mean, there they are sitting in a row. I have the pictures of the hole, by one or two wheel barrels full of sand and vibrated in would have taken care of that. Least we would have known where the weak spots are. They pulled the, they pulled the plywood off where they drilled holes in the seawall, those things should have been sealed. Because if its going to sit there for another two years that will decay all those holes in the seawall. They didn't do that. Those things are just laying there with all those holes in there; and you can rest assure when we get into court these pictures, not these, but their pictures that their engineers got there are going to be presented. And for what I see that we spent in that Marina on many things, if we won that case, what are we going to get half. We're already spent it. Between engineers, attorney's its going to be a no win situation for us. The tax payers are going to get it again I guarantee it because we are still going to be sitting with a broken Marina. And in, in, while all this is going on Mr. Cutcher is the one that came in here and said we need to add eight slips in here be beneficial to the Town. We've got more empty slips down there and we are in the height of the season. What do we need to expand our Marina at a cost of one million dollars. And if its grant money, I don't care. We had our grant writer come to, who I totally respect, we've got the best grant writer going, but she comes in and she says no local money. What in the Gods name. Where does grant money come from. It comes from us. One way or another we're paying. So these are just a few of the answers of what bothers me, what's on my mind and I'm not going to vote for something that I don't believe in. If you've got something else that you want to say about me, I will be more that happy to discuss it with, in public, but I have nothing to hide. But I will tell you I think you're just so worried. and I'm talking to you Commissioner Osterman, you want that job, this job so bad that you'll try anything or do anything. You're just sounding very much like a lady that campaigning very hard."

Commissioner Osterman "Ed I don't even know if I'm going to run."

Commissioner Daly "Well that's up to you. But I'm just telling you the way it is with me. I just vote for what I think is the right thing to do. And I think there's a lot of things that are going on here that I don't think it is very good or very healthy for our Town. What else can I say, it's you know, it is what it is. That's it."

Mayor DuBois "That's the end for you. Okay, I appreciate everyone having the patience. You know I believe in giving both sides the opportunity to say what they feel that they need to say. Next we go to my attorney. Mr. Baird do you have anything to say?"

Attorney Baird "Yeah, well I have a lot to say."

Mayor DuBois "I'm so shocked."

Attorney Baird "But not as much as the Commissioners."

Commissioner Daly "May I ask one question Mr. Baird. Is that remark pertaining to me and this discussion or no?"

Attorney Baird "No, it's pertaining, its going to pertain to the Legislative Delegation."

Commissioner Daly "Oh okay, fine."

Attorney Baird recapped for the Commission the meeting with the Legislative Delegation. He stated that he and Lobbyist Fausto Gomez made a presentation to the delegation. There were a total of 32 presenters, each of which was given three minutes to explain what they were asking of the delegation. Mack Bernard, the Town of Lake Park representative was unavailable as he is still in Haiti. The Town received a positive reaction from the representatives. Attorney Baird stated that he asked for support on two issues, amendment to F.S. 419, which regulates community residential homes. He provided an example of what a community residential home means. The proposed legislation will propose to amend the statute to include halfway houses or sober houses, or whatever the terminology ends up being as a type of community residential home. This will regulate the number of sober houses that could be in one municipality.

Attorney Baird went on to explain the second item on the legislative proposal which was the licensing of sober homes. He explained that there is a real concern for the residents in these types of homes getting the proper medical care they need. He stated that they are proposing the licensing of these homes so that residents can take the proper protocol if they face a problem. He stated that he or Mr. Gomez will keep the Commission apprised of any updates to their proposals.

Attorney Baird stated that his final comment to the Commission was that he received a call from a professor at Duke University. The professor was writing an article on the Justice Department and the limited voting systems. The professor indicated that the Town of Lake Park, Florida; Euclid, Ohio, and Port Chester, New York were three cities that were implanting a new Limited Voting System as apposed to its At-Large Voting Method. The professors main interest in the Town's new voting method was who had proposed the new method. He stated that the professor was quite tickled to learn that the Town had proposed the method. The professor explained that with the other cities, they had admitted liability and then had gone through a trial process and had to fight for the type of method they wanted. The Town of Lake Park was different in that it did not admit any fault until it got the voting method it wanted. He stated that the Town saved a substantial amount of money by not going to trial. Attorney Baird stated that he would be receiving a draft of the piece and would provide a copy of the final piece to the Commission.

Commissioner Daly asked with all that the Town spent of this case, what would happen if no minorities run in this election. There's no recourse for the Town to recover any of the expense.

Attorney Baird indicated that the Town would have no recourse because the Town entered into a Consent Decree, which meant that the Town agreed to the method.

Commissioner Daly stated that the Town had no choice in the method that was chosen because each time one choice was made they (The Justice Department) would deny the Town that option.

Attorney Baird explained that the Commission got the best deal that it could have gotten for the Town. He stated that even if no minorities run, it does not preclude a change later either by referendum or that the Commission desires to go back to the system the Town used to have. The Department of Justice may not like that idea, but they would have to allege a new case based on a different set of facts. He stated that he does not advocate that change because there could be a greater liability, but it could be possible.

Town Manager Davis stated "Good evening. To piggy back on the Attorney's comments regarding the legislation on sober houses, I received a call from Fausto Gomez today, who spoke with State Representative Mark Pafford from North Palm who is actually in the business of community residential group homes for the developmentally disabled. He is very, very familiar with the problems with unlicensed homes and is very desirable to sit down with us,...thank you...sitting down with us and discussing what he can do to assist us with the legislature."

"We have, my next item is we have a "Send a Kid to Summer Camp" 5K run on Saturday, February 27th. The location is downtown at 7:30 – 11:30 a.m., the location is downtown 9th and Park Avenue. The description of the event is ... the proceeds from this event will help Lake Park kids attend our Summer Camp program. It's a certified 5K Run course throughout the community. The entry fees adults \$20; individuals 17 and under is \$15; and on the day of the race, if you wish to enter on the day of the race entry fee will be \$25. Metals will be awarded to the winners and if you, the closing date for on-line registration is Friday, February 26th at 3:00 p.m. You can register at www.accuchiptimeing.com for more information you can call the Parks and Recreation Department at 881-3338. "

"Library News, we have a monthly movie matinee at 5:30 p.m. on February 15th "The Curious Case of Benjamin Button", it's a 2009 release. We have free Pre-K registration 3-7 p.m., on Tuesday, February 16th. We also have a preschool story event for Thursday, February 25th at 3:30 p.m. "Anansi Does the Impossible" it's an African Folk Tale. We also have Basic Computer Classes every Wednesday, from noon – 1:30 p.m. We still have the US Census is still offering temporary employment opportunities. They will be offering the pre-employment placement examination at the Library several different dates and time, check our website please or channel 18. AARP will be assisting with Tax preparation every Saturday at the Marina on the second floor beginning this Saturday, February 6th through Saturday, April 10th from 9:00 a.m. – 1:00 p.m. The Bayberry Drive demonstration block lighting project has two contractors working installing the underground conduit and the other one is constructing the electrical service. The concrete poles are scheduled to be delivered tomorrow. We anticipate the lighting to be operating by February 17th."

"And lastly I also have a few comments that I need to make regarding some comments that were made tonight and I promise you they will be brief."

“Mr. Hockman was concerned about the design cost for the engineer for the electrical service. We said that, I was asked a question by the Vice-Mayor last Thursday, how much did it cost for this presentation and for her to work up the numbers and I said \$700. And that is exactly what it cost. We weren’t talking about the Bayberry project, the design work on the Bayberry project. I was asked a specific question by the Vice-Mayor and I answered him specifically on what the presentation cost to develop as well as the estimate. You say you don’t get answers I’m giving you an answer now. And respectfully Commissioner I have sat down with Mr. Hockman and I have tried to discuss facts and staff can verify this. It is very difficult if our facts differ from what Mr. Hockman wants to believe. I have made that attempt. Staff has made that attempt. It is very difficult to deal with someone who doesn’t want to hear fact.”

“You made a comment that we separated because we began disagreeing, you and I did get along very well. I say this very respectfully, I work for five people not one. And when I have four other people, my four bosses telling me they want to go in one direction and it differs from your direction, I have to go with the majority of my bosses. If I were just working for you, you and I wouldn’t have a problem. You have a problem when I have to go with the wishes of the rest of my bosses. And this mysterious package where I was forced out of a job; I really find it amusing because I sat down with each and every one of you, before you signed a contract with me and I told you why I left my former job.”

Commissioner Daly “And that was...”

Town Manager Davis “And that was because the Mayor was indicted.”

Commissioner Osterman “Not this Mayor”

Town Manager Davis “Yes.”

Commissioner Daly “No you told us.”

Town Manager Davis “Yes, the Mayor was.”

Commissioner Osterman “It’s what she told me.”

Commissioner Daly “You told...”

Town Manager Davis “Commissioner.”

Commissioner Daly “You told...”

Town Manager Davis “Commissioner.”

Commissioner Daly “You told us that you stepped aside to let the new regime...”

Town Manager Davis “Commissioner I know what I told.”

Commissioner Daly “And I know what I heard you say.”

Town Manager Davis "Okay well."

Commissioner Daly "It's on a; it's on ..."

Town Manager Davis "So we're going to have to agree to disagree again."

Commissioner Daly "It's on your application."

Town Manager Davis "Absolutely. I disclosed it."

Commissioner Daly "That you stepped aside in order to let the regime down there."

Town Manager Davis "No, I'm sorry sir."

Commissioner Daly "Okay."

Town Manager Davis "I'm sorry."

Commissioner Daly "That's why you and I seem to be bucking horns here because.."

Town Manager Davis "the..."

Commissioner Daly "The problems..."

Town Manager Davis "The, may I finish? Madam Chair?"

Commissioner Daly "Go ahead."

Mayor DuBois "Yes, absolutely go ahead and finish. I'm sorry Ed. Everybody has had..."

Town Manager Davis "The firing of, the firing of an administrator for reading a novel that's absurd. The administrator was dismissed for performance related issues and the day that I walked in to dismiss him he was sitting there reading a novel. You, you didn't mention the full story. And I say this again very, very respectfully, when you're asking for information about day to day operations with employees you really need to read the charter and my contract. You're a policy maker, I am responsible for day to day operation and I actually inform this Commission, I'm afraid sometimes I over inform this Commission. I am sorry that you feel that you're not informed enough. I, I have never gotten a complaint from any of your colleagues that I don't inform them enough."

"And as far as hiring the, the Economic Development Director...anyone can say that anybody makes too much money, or too little money, without any foundation, without any knowledge of what the industry calls for."

Commissioner Daly "And you, and you, told us, when I asked you that, you said."

Mayor DuBois "Please Ed please let her finish."

Commissioner Daly "Well I think we're, we got an answer to what you're saying then."

Commissioner Osterman "I didn't interrupt you."

Commissioner Daly "I'm not talking to you"

Mayor DuBois "Patty I don't need you to help me either."

Commissioner Daly "This is my Mayor not you."

Mayor DuBois (strikes the gavel) "Okay would you please let her finish?"

Commissioner Daly "Okay, let her."

Town Manager Davis "Anyway I, I hired professional and paid her market value because I am very familiar with what the market value is. And as far as her daughter being hired, I didn't even know her daughter was hired. I had, I did not participate in that selection process. I was in Pennsylvania at the time, I had no idea her daughter had even applied for the job. And the comments that spending is out of control, I, we are not one penny, we are not spending one penny beyond what was budgeted number one. And secondly everyone that is sitting on this Dias understands that we must, protect residents from life safety issues at the Marina. You may disagree that holes in the walk, in the paver walk is okay and we'll just throw a bucket of sand in there. It is unsafe. It is my fiduciary responsibility as the manager when I know there is an unsafe condition that I must protect the Town from that unsafe condition. And I have an expert in the field that has advised all of us why we are having a catastrophic failure there. And it is going to continue and I acted in the best interest of the Town"

"And you mentioned that people that we are suing are there taking pictures, that's because we called them, under council's direction, we have, we have an attorney, yes and we are suing and it is our responsibility to let them see us uncovering the problems that they created. We are very well aware that they are there, we invited them there. And I'm going to finish there. Thank you madam Mayor."

Mayor DuBois "Alright. And you got one more thing."

Commissioner Daly "Can I respond to that."

Mayor DuBois "Yes you can, but make it short. We, we just want to avoid a back and forth."

Commissioner Daly "What I'm saying to you in the Marina is the majority of that uncovering has revealed no major, nobody is in trouble if that was uncovered, yes we do have holes and it needs to be attended to, but let me tell you, being covered up, such as it was, had a cost of what \$150,000 between two applications. We spent \$150,000 approximately on plywood and that carpeting. If we had spent a person from the Town going in there and filling up those holes and so on that we have, which are very minor

considering that that place has been covered up for two years with no maintenance. Paver bricks always require maintenance. And we will always have maintenance with that always. Now if we had a bridge type thing, which is something else we don't have it but the sidewalks that would have been a whole new case. But I'm telling you that we could have paid somebody to fill in those holes on occasion where required and we would have known where the problems were and it would have been taken care of. And it wouldn't have cost us \$150,000 plus two engineers. We spent major, major dollars that we do not have, and it could have been handled by one of the public works people taking care of those holes for us and we would not be in the situation we are. We are going to get into court, we, like I told you before, for the money you've spent in that Marina between attorney and engineers we will never the money back."

Town Manager Davis "Fixing, fixing problems Commissioner that I did not create."

Commissioner Daly "I realize that."

Town Manager Davis "I'm, I'm fixing a mess that I was handed."

Commissioner Daly "I realize that, I absolutely and totally agree with you, however you're doing something that I think is completely ridiculous. It's an emergency, it's this. It's not an emergency. I have the pictures to show you. You want to see it? You've been down there."

Vice-Mayor Carey "I make a motion to adjourn."

Commissioner Daly "Are you in a hurry Jeff? We'll excuse you."

Vice-Mayor Carey "This isn't an agenda item Ed or Commissioner Daly."

Commissioner Daly "I just got done saying."

Vice-Mayor Carey "This is Commissioner comments."

Commissioner Daly "If you're in a hurry we'll excuse you."

Vice-Mayor Carey "It is not a conversation, we can put it back on an agenda next week."

Commissioner Daly "Are you in a hurry?"

Vice-Mayor Carey "No its 9:00 and I've got no where to go. It's not an agenda item."

Commissioner Daly "Do you want to be excused?"

Vice-Mayor Carey "No, I just made a motion and I want to get a second."

Commissioner Daly "We are just trying to straighten out some things that deal with the Town and you're in a hurry to go."

Commissioner Osterman "If that's the case Mayor then I would love the opportunity to rebut."

Commissioner Daly "But all I'm saying to you is when it comes to the Marina we've spent a bundle of money we are not going to get back and I think you made a mistake down there simple as that."

Mayor DuBois "Alright I have, okay, I have a motion to adjourn. Do I have a second?"

Commissioner Daly "Second."

Mayor DuBois "All those in favor please say aye."

"Aye"

Mayor DuBois "All those opposed? Bless you Lake Park. Thank you very much. We are adjourned."

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rumsey and seconded by Commissioner Daly, and by unanimous vote, the meeting adjourned at 7:35 p.m.



Mayor Desca DuBois



Town Clerk, Vivian M. Lemley



FLORIDA
Approved on this 3 of March, 2010