



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, May 18, 2011, 7:00 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, May 18, 2011 at 7:00 p.m. Present were Vice-Mayor Kendall Rumsey, Commissioners Steven Hockman, Jeanine Longtin, Patricia Osterman, Town Manager Maria Davis, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley.

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

ADDITIONS/DELETIONS/APPROVAL OF AGENDA:

Vice-Mayor Rumsey requested item number 6 Resolution No. 17-05-11 Fourth Amendment to the Northlake Boulevard Task Force Interlocal Agreement for a Five Year Extension be deferred until after the Special Election on June 28, 2011.

Commissioner Longtin requested the addition of an appointment of a temporary Commissioner/Mayor, and the additions of signers on the bank accounts.

Commissioner Hockman stated that Resolution 20-05-11 Establishing a Qualifying Period for Commissioner was placed on the dais, which also needed to be added to the agenda.

Motion: A motion was made by Commissioner Hockman to approve the Agenda as amended; Commissioner Osterman made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Longtin | X | | |
| Commissioner Hockman | X | | |
| Commissioner Rumsey | X | | |
| Vice-Mayor Osterman | X | | |
| Mayor | | | |

Motion passed 4-0

PROCLAMATION(S):

National Public Works Week May 16-20, 2011

Vice-Mayor Rumsey read the proclamation and presented it to the Public Works Director Dave Hunt and staff. Public Works Director Dave Hunt thanked the Commission on behalf of the entire Public Works staff. He stated that they are honored and proud to serve the Town. Verdree Patterson thanked the Commission and stated that he has been employed with the Town for 29 years and it has been a real joy. He introduced each of the Public Works members and stated the amount of years of service they each have with the Town of Lake Park.

Commissioner Longtin thanked the Public Works department and stated that they are the people that stay during and after a hurricane. She stated that if this service were ever outsourced, she doubted the Town would receive the personal care that they provide to the Town. She recalled when her nieces lived in Town the Public Works staff were always very nice and kind to them and she thanked them for their services.

Jeffrey Davis Blakely

Vice-Mayor Rumsey read the proclamation and presented it to Mr. Blakely. Mr. Blakely thanked the Commission for appointing him to the boards and for acknowledging his services.

National Missing Children's Day

Vice-Mayor Rumsey read the proclamation and presented it to Mr. Edward Russo the Outreach Specialist for the National Center for Missing and Exploited Children. Mr. Russo thanked the Commission and stated that their office is in Lake Park and they appreciated the support from the Town. He encourage all parents to speak to their children for 25 minutes on May 25, 2011 about personal safety. He stated that if anyone was interested they offer free child identification kits and conversation starters.

PUBLIC AND OTHER COMMENTS:

Helen Gardener owner of Slippers and Slides on Old Dixie Highway stated that she was requesting the signage Ordinance be relaxed, during the summer, for banners or feather flags due to the difficult economic time. She stated that it would provide another method of promoting their business at minimal cost. She asked for assistance for businesses that were not directly on Park Avenue. She indicated that the businesses are willing to pay for the permits; they just want an opportunity to survive.

Vice-Mayor Rumsey request that staff work with Ms. Gardener on this issue.

Jim Lloyd 220 Lake Shore Drive stated that the Town's municipal government was broken. He stated that a Commissioner lives in Stuart and everyone is aware, yet she remains on the dais. He stated that in his opinion none of her votes since last October should count. He stated that Supervisor of Election Susan Bucher explained to him that the Town has until May 31, 2011 for candidates to qualify for a Mayoral and Commission election to be held simultaneously on June 28, 2011. He stated that the current administration is running in secrecy and stated that the most current example of it was the seizing of the largest vessel in the Marina. He explained that an out of town law firm was hired without the Commissioners' approval. He explained that the Sunshine

Law mandates open and transparent government. He then announced his candidacy for Lake Park Mayor.

Edie McConville 638 West Kalmia Drive stated that she was representing the Lake Park Kiwanis, which has been operating in Lake Park for ten years. She stated that the organization's main purpose is to make a difference in a child's life. She thanked the Commission for their support of Kiwanis over the years. She stated that this year the Lake Park Kiwanis was having BUG (Bringing Up Grades) awards. She explained that 200 Lake Park Elementary students will receive BUG awards and free ice cream. She explained that in addition to the awards, the fifth grade class will have their graduation breakfast in the Mirror Ballroom. She stated that they have had a graduation breakfast for students for the past seven years. She stated that almost every child has had an experience with the Lake Park Kiwanis. She explained that she has provided a photograph with Mayor DuBois and three of the five children from the Homework Club. She explained that for the past two years the Homework Club has met and those children have now made the honor roll. She stated that Mayor DuBois would frequently visit and would encourage them to study hard so that they could achieve opportunities. She explained that in honor of Mayor DuBois, the Lake Park Kiwanis has established a scholarship fund. She explained how donations can be made to the scholarship fund. She thanked the Commission for their continued support and expressed how proud the Lake Park Kiwanis is for making a difference in the Town.

Diane Bernhard withdrew her request to speak.

CONSENT AGENDA:

1. Regular Commission Meeting Minutes of April 6, 2011
2. Regular Commission Meeting Minutes of April 20, 2011
3. Regular Commission Meeting Minutes of May 4, 2011
4. Resolution No. 13-05-11 Amend the Job Description of the Deputy Town Clerk
5. Resolution No. 14-05-11 Amend the Job Description of Town Clerk
6. Resolution No. 17-05-11 Fourth Amendment to the Northlake Boulevard Task Force Interlocal Agreement For A Five Year Extension
7. Resolution No. 18-05-11 Special Election Poll Workers
8. Replacement of Damaged Sidewalks at Various Locations Throughout Town
9. Replacement of Commercial Driveway Approaches
10. A Nomination for the City Spirit Award from the Florida League of Cities

Vice-Mayor Rumsey reminded the Commission that item number 6 has been deferred until after the June 28, 2011 Special Election.

Commissioner Hockman requested to have item numbers 4,5, 8, and 9 pulled and Commissioner Longtin requested that item number 7 be pulled.

Motion: A motion was made by Commissioner Hockman to approve item numbers 1 through 3 and 10 on the Consent Agenda; Commissioner Longtin made the second.

Vote on Motion:

| | | | |
|------------|-----|-----|-------|
| Commission | Aye | Nay | Other |
|------------|-----|-----|-------|

| | | | |
|----------------------|---|--|--|
| Member | | | |
| Commissioner Longtin | X | | |
| Commissioner Hockman | X | | |
| Commissioner Rumsey | X | | |
| Vice-Mayor Osterman | X | | |
| Mayor | | | |

Motion passed 4-0

Commissioner Hockman stated that the job descriptions for item numbers 4 and 5 had been switched. He requested that the correct job descriptions be placed with the correct Resolution.

Motion: A motion was made by Commissioner Hockman to approve item numbers 4 and 5 with the modification on the Consent Agenda; Commissioner Longtin made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Longtin | X | | |
| Commissioner Hockman | X | | |
| Commissioner Rumsey | X | | |
| Vice-Mayor Osterman | X | | |
| Mayor | | | |

Motion passed 4-0

Commissioner Longtin asked if Resolution 18-05-11 Special Election Poll Workers was for the June 28, 2011 Special Election for Mayor only.

Attorney Baird explained that Resolution 20-05-11 has been added to the end of the agenda establishing a qualifying period for candidates for Commissioner.

Commissioner Longtin questioned if the Resolutions were being adopted in the wrong order.

Attorney Baird stated that he did not believe so, but that the Commission could choose to reorder the agenda.

Commissioner Longtin stated that if Resolution 18-05-11 was for the adoption of Poll Workers for the Mayoral Special Election on June 28, 2011 that she would approve it.

Attorney Baird explained that Resolution 18-05-11 was for the appointment of Poll Workers for the June 28, 2011 Special Election for whatever positions were available.

Motion: A motion was made by Commissioner Hockman to approve item number 7 on the Consent Agenda; Commissioner Osterman made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Longtin | X | | |
| Commissioner Hockman | X | | |
| Commissioner Rumsey | X | | |
| Vice-Mayor Osterman | X | | |
| Mayor | | | |

Motion passed 4-0

Commissioner Hockman stated that in reviewing item number 8, the Replacement of Damaged Sidewalks at Various Locations throughout the Town, he noticed that there were many inconsistencies in the quotes. He stated that there is no consistency standard and that we need to make sure we compare apples to apples. He stated that he wanted to make sure that everyone was bidding on the same things because each of the quotes was different. He provided some examples of the inconsistencies. His explanations included different square footage provided by the bidders in that some had concrete included while others did not include concrete. He explained that some of the quotes provided the thickness of the concrete while others provided only the total amount of concrete without specifying the thickness.

Public Works Director Dave Hunt stated that each of the four bidders were given identical informal bid packets with the specifications requested for the project. He explained that the bid packet would be referred to with any issues on the project. He explained that the deviations was the contractors way of annotating or condensing the specifications they were provided. He explained that the contract would be for what was specified in the bid packet and the awarded contractor would be held to the bid packet.

Town Manager Davis explained that the sidewalks that are to be repaired are marked, so each contractor is aware of where they will begin and end. She stated that each contractor was provided with the basic specifications for the project.

Commissioner Hockman requested that in the future the bid specifications be provided as backup.

Vice-Mayor Rumsey asked for clarification as to what Commissioner Hockman would like to receive from staff in the future.

Commissioner Hockman explained that he is requesting that the bid specifications be included as backup to the bid award to know exactly what the contractor will be expected to perform.

Town Manager Davis stated that the information will be included in the future.

Public Works Director Hunt indicated that the Town documents shall prevail, but will include the information requested in the future.

Commissioner Longtin stated that her concerns were similar to those of Commissioner Hockman and added that if Town documents prevail that the specific language be stated on the bid. Commissioner Longtin requested that the item be tabled until the full document is provided. She stated that the awarded contractor's status was not in the Florida Division of Corporations and in the future she wanted to see information regarding their status with the Secretary of State and copies of the insurance and licenses for the contractors.

Motion: A motion was made by Commissioner Longtin to table item number 7 on the Consent Agenda until the next Commission Meeting; Commissioner Osterman made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Longtin | X | | |
| Commissioner Hockman | X | | |
| Commissioner Rumsey | | X | |
| Vice-Mayor Osterman | X | | |
| Mayor | | | |

Motion passed 3-1

Commissioner Hockman stated the he had the same concerns for agenda item number 9 Replacement of Commercial Driveway Approaches, as he did with the replacement of damaged sidewalks at various locations throughout the Town. He stated that there was no consistency with the information and requested the bid specifications be included as backup then they could see what the project would include.

Motion: A motion was made by Commissioner Hockman to table item number 8 on the Consent Agenda until the next Commission Meeting; Commissioner Longtin made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Longtin | X | | |
| Commissioner Hockman | X | | |
| Commissioner Rumsey | | X | |
| Vice-Mayor Osterman | X | | |
| Mayor | | | |

Motion passed 3-1

BOARD MEMBERSHIP APPOINTMENTS:

Vice-Mayor Rumsey explained that there were two applicants to the Planning and Zoning Board as alternate members, for which the Commission had been given ballots. He asked if the applicants were in the audience and if they would like to introduce themselves to the Commission to step to the podium.

Roger Michaud introduced himself to the Commission and gave a brief background and history of his experiences.

Vice-Mayor Rumsey instructed the Commissioner to fill out their ballots and pass them to the Clerk and as they move forward on the agenda, the Clerk will let him know when the ballots have been tallied.

DISCUSSION AND POSSIBLE ACTION:

Resolution 19-05-11 Approval of Calendar for July Commission Meeting and Budget Workshops

Town Manager Davis explained that pursuant to the Town Code, a Resolution is necessary to change the scheduled meeting in July. She explained that in the month of July, the Commission will need to have a Budget Workshop and therefore staff is recommending canceling the first and second meetings in July and conducting a Special Call Commission Meeting on July 13, 2011 and conducting a Budget Workshop on July 27, 2011.

Commissioner Longtin requested clarification of the Special Call Commission meeting of July 13, 2011.

Town Manager Davis explained that the Special Call Commission meeting of July 13, 2011 would be to discuss regular items on the agenda, while the Budget Workshop scheduled for July 27, 2011 would be to only discuss the budget.

Vice-Mayor Rumsey explained that with the Independence Day holiday before the first Commission meeting in July, it would be more difficult to put the agenda together.

Motion: A motion was made by Commissioner Hockman to approve Resolution 19-05-11; Commissioner Osterman made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Longtin | X | | |
| Commissioner Hockman | X | | |
| Commissioner Rumsey | X | | |
| Vice-Mayor Osterman | X | | |
| Mayor | | | |

Motion passed 4-0

Commissioner Longtin asked if Resolution do not get read. Attorney Baird stated that Resolutions do not get read only Ordinances.

Flagler Boulevard Irrigation System

Vice-Mayor Rumsey explained that he was being credited for bringing back the item because of a statement he made at the last Commission meeting. He explained what had taken place at a meeting in April where he called himself out for not approving items on the agenda because he was not getting along with the other Commissioners. He explained that earlier in the week, the Commission received information that a grant is available to replace the entire Flagler Boulevard irrigation system. He stated that it has been mentioned in the past that if there was money, the irrigation system would be replaced. He explained that he would approve the grant to replace the irrigation system on Flagler Boulevard under the following conditions; that the Commission wait to see what happens with the grant and vote up or vote down on the irrigation system. He stated that he had a few stipulations before he will support the new irrigation system and those stipulations were as follows:

1. There would be a \$15,000 cap to do the work.
2. That the project be done by outside resources and not staff.
3. There are to be three quotes from licensed vendors.
4. Commissioner Hockman must return the key to the sprinkler system.

5. Receive a unanimous consensus from the Commission that no one receives keys for any Town equipment without the consensus from the majority of the Commission.

Commissioner Osterman stated that she felt all the Commissioners want the sprinkler system fixed, but the Town should not have to go into reserves to do the work. She stated that she would add one additional stipulation and that would be to have staff bring back items to be cut out from the budget to keep from spending \$15,000 from reserves. She stated that she would like it to be a budget neutral item and not have the funds come out of reserves. She stated that the budget is in a very dangerous place.

Commissioner Hockman stated that he had every intention to return the key. He stated that he doesn't want to table this for two weeks, but if we are approved for the grant this will become obsolete. He felt the item could be tabled until the next Commission meeting because the Town should be notified by then if it has been awarded the grant. He stated that he would really like to see the system fixed and did not feel it would cost \$15,000. He explained that he felt that staff can do the minor repairs necessary to get the irrigation fixed. He recommended tabling the item until the next Commission Meeting.

Commissioner Osterman stated that she understood what Commissioner Hockman was saying but felt that if the grant did not get awarded to the Town, staff could prepare options to pay for the projects. Staff can also provide the Commission with item that can be cut from the budget and the Commission can make a decision at the next meeting. She stated that the recommendation on where staff was going to cut from the budget to pay for the project needed to come from staff and not the Commission.

Commissioner Longtin stated that the Commission had the final say and did not understand why the Commission could not direct staff to work on something that they should be working on anyway. She stated that she is not in favor of a grant to replace the entire system when all it needs is a few grand, \$5,000, or less to maintain the system. She indicated that she would prefer to see the grant used for curbing to protect the investment of the irrigation system. She stated that she would prefer to see the grant used for curbing on the Date Palm Drive area. She stated that she is not in favor of replacing the entire system when all it needs is general maintenance. She expressed her concern over the lack of general maintenance that is being done in the Town. She explained that she does not have a problem with anyone on the Commission working with the Town Manager as far as getting something done. She felt that the Town Manager was very kind in turning over the key and she and Commissioner Hockman were able to get a look at what the system really needed. She stated that she and Commissioner Hockman realized that there was not a lot that was needed to be done to the system besides general maintenance. She stated that she hopes staff will look into getting curbing for either Flagler Boulevard or Date Palm Drive or both of those areas. She recommended tabling the item. She stated that even if the money were taken from reserves, money had been taken out of reserves to keep an employee on that the Commission was told there was not enough work for the employee to do. She indicated that in her opinion, reserves are not that important. She clarified her statement by saying that reserves are not that important to some, but however in this case when someone is driving down Flagler Boulevard, which she drives everyday, and now that the Town Manager has the electric cut off the area the concrete

pole looks like a slum area. She recommended tabling the item and including the Flagler Boulevard irrigation system in the budgeting process as it should have been done over the past few years. She asked if a motion had been made to table the item.

Vice-Mayor Rumsey clarified a few statements made by Commissioner Longtin. He asked Commissioner Longtin if she was recommending withdrawal of the grant application.

Commissioner Longtin stated that she would like to see other options for the grant and see if it is possible to obtain curbing.

Vice-Mayor Rumsey explained that when the grant application is submitted it must include what project would be done with the grant.

Commissioner Longtin stated that she was not aware that the grant had been submitted.

Vice-Mayor Rumsey stated that the decision for the grant will be decided tomorrow. He requested clarification from the Town Manager.

Town Manager Davis stated that the deadline for the grant submittal was May 10, 2011.

Commissioner Longtin questioned if the Commission had been made aware before the grant was submitted.

Vice-Mayor Rumsey explained that an email had been sent out earlier in the week to the Commission notifying them. He explained that several meetings ago, a grant had been submitted to fix the tennis courts, which was denied because the tennis court project was considered maintenance and the grant was for replacement not for repair. He explained that staff took the proactive approach and submitted the replacement of the Flagler Boulevard irrigation system. He asked Commissioner Longtin to clarify her request.

Commissioner Longtin stated that she also appreciates a proactive staff and did not realize when she received the email that it had been done. She felt the Commission should have been strongly consulted before the submission of the grant. She stated that a whole new system is not necessary. She stated that the other Commissioners could approve it, but that she was not going to make the motion.

Vice-Mayor Rumsey explained that he had clearly stated how he would vote in favor of the project.

Commissioner Longtin stated that she did not agree with his stipulations of forbidding staff from doing basic maintenance, and that she found that stipulation to be bazaar.

Vice-Mayor Rumsey stated that it sounded like they were at an impasse again on the system. He asked Commissioner Osterman if she was going to make a motion on the budget and repair.

Commissioner Osterman stated that there needs to be some give and take and there did not seem to be any of either taking place.

Commissioner Hockman stated that he recommended tabling the item because when he was made aware that the grant was for \$50,000 for a new system he felt that it was not necessary. He stated that he would have preferred taking a grant to have some landscaping done around the Town. He stated that the current system is old technology, but it was a functioning system. He stated that \$6,000 was paid to get the system functioning and now that is was just a matter of locating and cleaning the sprinkler heads, not putting in a new system.

Vice-Mayor Rumsey asked Commissioner Hockman if that was his motion.

Commissioner Hockman stated that he had made a motion to table and would have liked to have seen the grant to see what was involved and reiterated that staff is capable of maintaining the system.

Attorney Baird explained that a second was need for the motion and that motions to table are not debatable. He explained that once an item is tabled then the proper motion is to take it off the table. He explained that assuming a motion to table was approved, the appropriate steps would be to have the Commission take the item off the table and discuss it again and that a motion should come forward to that effect.

Motion: A motion was made by Commissioner Hockman to table the Flagler Boulevard Irrigation System until the next Commission Meeting; Commissioner Longtin made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Longtin | X | | |
| Commissioner Hockman | X | | |
| Commissioner Rumsey | X | | |
| Vice-Mayor Osterman | X | | |
| Mayor | | | |

Motion passed 4-0

Employee Cost Savings Incentive Program

Vice-Mayor Rumsey explained that during the last budget process he had suggested that an employee cost savings program be developed. He explained that staff had not received a raise in many years.

Town Manager Davis clarified that it has been three years.

Vice-Mayor Rumsey explained that staff takes five additional days off a year at no pay and he was trying to come up with ideas that would provide employees with an incentive to save the Town money. He explained that this idea came from his brother and his brother's employer and provided an example of the program. He provided some examples of how the program may work for the Town.

Town Manager Davis indicated that the ideas were culminated by each of the department heads.

Human Resource Director Bambi Turner explained that the program was a suggestion program with input from each of the departments in which suggestion boxes would be located at Town Hall, Library and Public Works. She stated that the suggestions would be collected monthly and reviewed with the Town Manager. She explained that if the suggestions would provide the Town with a quantifiable cost savings then the employee would receive a certificate for between one and five days off with pay depending on the amount of the cost savings. She continued to explain that the employee with the most cost savings to the Town in a fiscal year would receive a proclamation presented by the Commission. She stated that all employees would be eligible to participate in the program.

Vice-Mayor Rumsey asked if an employee does not take all of their vacation days does the time roll over to the next year.

Human Resource Director Turner explained that vacation time does rolls over to the next year.

Vice-Mayor Rumsey stated that he understands that sometimes taking vacation is very difficult and would hope that the person could roll those days over to the next year.

Commissioner Longtin asked if the roll over days were capped.

Finance Director Anne Costello stated that an employee can accumulate many hours, but upon termination of employment they would be paid up to 240 hours of accumulated vacation time.

Commissioner Longtin asked who would be deciding what incentives would be implemented.

Town Manager Davis stated that ultimately it would be the Town Manager who would decide whose ideas would be implemented.

Commissioner Longtin stated that five days was way too excessive. She stated that she would suggest giving a \$100 bonus. She stated that she would not vote in favor because she finds five days off with pay too excessive for implementing an idea that an employee who loves their job should suggest anyway.

Vice-Mayor Rumsey suggested some changes to the proposed language. He gave a hypothetical scenario of an employee who saves the Town \$50,000 and receives five days off, the employees pay for five days may equate to \$800, he asked if she would be in favor of something similar.

Commissioner Longtin stated that using the same hypothetical scenario, if an employee saved the Town \$1 million then that would be considered a significant cost savings and it should come before the Commission and not just at the discretion of the Town Manager. She stated that she could not vote in favor of this item because it was too excessive.

Vice-Mayor Rumsey asked if she was against the entire program.

Commissioner Longtin stated that she liked the concept, but was looking at a \$100 bonus and stated that she found five days off with pay at the discretion of the Town Manager excessive.

Vice-Mayor Rumsey asked if it were a committee of three department heads and not the Town Manager would she be in favor of the program.

Commissioner Longtin stated that she felt it should be up to the Commission and that if an employee had a suggestion that they should come forth with it even if they do not receive anything in return for the suggestion.

Vice-Mayor Rumsey stated that in a perfect world that would be great.

Commissioner Longtin stated that not even in a perfect world and that if she has a suggestion she provides it to her employer whether they accept the idea or not.

Town Manager Davis clarified by stating that it would be up to five days off with pay. She stated that not every suggestion would merit five days off with pay.

Commissioner Hockman asked if guidelines had been established for the program.

Town Manager Davis stated that they had not developed the details of the program and that the Commission was being provided a general concept of the program. She stated that when it comes to giving employees money it was difficult as some of the departments are larger than others and other factors are taken into consideration.

Vice-Mayor Rumsey asked if an employee pension is factored in depending on the amount given to an employee.

Finance Director Costello explained that the pension is a defined contribution so it would not be factored in. She explained that if it were paid through payroll that the amount would be factored in percentage.

Commissioner Osterman stated that she agreed with Commissioner Longtin in that a more formalized set of guidelines was necessary, but also understood how this can be challenging. She stated that she was in favor of a rewards program for cost savings and

felt a committee would be best. She asked staff if they had found any grids that they could use to compare.

Human Resource Director Turner stated that she had not found any so far.

Commissioner Osterman stated that it was the challenging part of putting a program together and how although it may be a small dollar amount in savings for that particular item, it could be a significant percentage in savings. She gave a few examples and stated that it may be more difficult to put the program together because of the different factors. She stated that when there is a level of open-endedness it could cause employees confusion and feeling unfair. She stated that she would feel better with a rubric of sorts.

Vice-Mayor Rumsey suggested that staff put together a grid and a more finalized structured program, with a committee of five with three department heads and two employees who will then review the amount of days off an employee would get and develop a structured program for review and adoption with the new budget season.

Commissioner Hockman asked if the number of days off would be limited per year to be achieved.

Town Manager Davis stated that staff would develop whatever the Commission directed.

Vice-Mayor Rumsey recapped that a more structured program be developed and brought back to the Commission.

Commissioner Longtin stated that she is not in favor of a committee because it is the same reason that the Merit Board was removed and would prefer that the Commission review and gauge.

Vice-Mayor Rumsey asked if there would be a dollar amount limit before it would come before the Commission or whether all suggestions should be brought before the Commission.

Commissioner Longtin stated that it should be brought at the end of each year.

Vice-Mayor Rumsey stated that the intention was to reward shortly after the suggestion was made and not many months later.

Commissioner Longtin asked if it should be done quarterly or immediately. She stated that it would be a lot of work to be doing.

Vice-Mayor Rumsey stated that it would depend on when the meeting is held. He stated that it would be a lot of work and his conversation with staff has been that it is something they are interested in doing.

Commissioner Hockman suggested having it done on a yearly basis and come before the Commission at the end of spring or during the budget because then the Commission could see how much was saved during the year. He suggested that it would then provide

the employee the opportunity to take the time off during the holidays or carry them over to the next year.

Vice-Mayor Rumsey stated that the Commission has offered some direction for staff to be able to go back and continue to work on the details of the program.

Commissioner Osterman stated that she preferred that the employee be recognized more regularly because if someone does something in January then they have to wait until the end of the year to be rewarded. She suggested that an advisory committee be selected that would then bring the recommendations back to the Commission for final approval.

Commissioner Longtin stated that she agreed with quarterly versus annual review because it is just too long. She stated that as with children and animals you want to praise and discipline quickly and quarterly would be nice. She stated that she meant no disrespect to anyone.

Vice-Mayor Rumsey stated that he felt the Commission had come to consensus that they were in favor of looking at the program. He stated that the Human Resources Director can develop a program and bring back for review and adoption by the next budget season.

Commissioner Longtin suggested that every quarter, staff bring all the suggestions and let the Commission review and rate them and maybe that way everyone can get something.

Vice-Mayor Rumsey agreed that the Commission should honor the work of the staff.

The Commission recessed for a three minute break at 8:10 p.m.

The Commission reconvened at 8:13 p.m.

Board Membership Appointments

Town Clerk Vivian Lemley announced that Roger Michaud was appointed as the first alternate member of the Planning and Zoning Board. She explained that the Commission was split on the appointment of James Lloyd to the Planning and Zoning Board as second alternate.

Vice-Mayor Rumsey asked Attorney Baird for direction.

Attorney Baird stated that unless a member of the Commission wished to change their vote, appointments to Town Boards were appointed by majority vote. He stated that the Planning and Zoning Board was not expected to have a meeting in June, therefore it would afford additional time for another member to be appointed to the Planning and Zoning Board. He explained that by the time the Planning and Zoning board met again there should be a full Commission and Mr. Lloyd may be Mayor and not eligible to be on the Planning and Zoning Board anyway.

Vice-Mayor Rumsey congratulated Mr. Michaud for his appointment to the Planning and Zoning Board as first alternate.

Appointment of Temporary Commissioner/Mayor

Commissioner Longtin stated that earlier in the meeting the Town Manager made a reference to the Town Code, which was why she was bringing this item up. She read from the Town Code "vacancies shall be filled by the appointment of a new temporary Commissioner by the remaining members of the Town Commission until the next election". She stated "shall be filled by the appointment of a new temporary Commissioner", and that although she felt that the Commission would not be able to agree upon someone, the Code should not be ignored. She stated that the Town Clerk should have brought it up and shame on her for not doing so. She stated that she felt the Town Attorney should have brought it up and shame on him for not doing so. She stated that shame on the Town Manager for not bringing it up. She stated that it is the Code and wanted to discuss the appointment or not appointment of temporary person to serve until the election.

Vice-Mayor Rumsey asked if the appointment would be for Mayor or Commissioner.

Commissioner Longtin stated that she did not know anything about what he was referring to and was only discussing the Mayoral election.

Attorney Baird explained that at the previous Commission meeting he provided the Commission with a memo stating that the Charter is crafted in such a way that it does recognize the appointment of a temporary Mayor. He explained that currently the Commission only has an opening for Mayor, which will be appointed at the June 28, 2011 special election.

Commissioner Hockman read the memo and stated that the Charter does not specify if an appointment is necessary by the Commission for a temporary Mayor and noticed that it was written only one way.

Attorney Baird repeated that at the last Commission meeting, he wrote a memo explaining that the Charter does not recognize for the appointment of a temporary Mayor.

Commissioner Longtin requested another legal opinion on that section of the Charter and felt that the language needed to be tightened up. She stated that she felt future Commissions would have issues.

Vice-Mayor Rumsey asked Commissioner Longtin what was the response from the attorney at the City of Lake Worth.

Commissioner Longtin stated that she did not receive a response from the attorney at the City of Lake Worth.

Vice-Mayor Rumsey stated that he wanted to be clear that the Charter for the Town of Lake Park is different than that of the City of Lake Worth and stated that he was confused as to why she had contacted the City of Lake Worth.

Commissioner Longtin stated that she assumed that the Charter for Lake Park was different than that of the City of Lake Worth and she was doing research. She stated that he was pointing out that he knew that she had contacted Lake Worth and that it was fine that he had contacts there.

Attorney Baird stated that he was at a seminar in Tampa when the Lake Worth attorney told him Commissioner Longtin had left a message. He explained that both attorneys had a conversation regarding the Charter.

Vice-Mayor Rumsey stated that he was told by a Commissioner in Lake Worth and not by Attorney Baird.

Commissioner Longtin stated that her contacting the attorney at Lake Worth had nothing to do with anything except that Vice-Mayor Rumsey was simply letting her know that he had been made aware of her call.

Vice-Mayor Rumsey agreed.

Commissioner Longtin stated that in her opinion, someone should be appointed as Mayor and barring that it will not happen, which is fine, but that the Charter should not be ignored and the verbiage should be tightened up.

Vice-Mayor Rumsey stated that he agreed that the Charter language should be tightened up. He stated publicly he does not want to be in the Mayor's seat. He stated that the additional stress that has been put upon him has been more than what he ever wanted. He stated that it made him realize that he never wants to be Mayor. He agreed that the Charter needed to be tighten up, but that it should wait until there was a full Commission.

Commissioner Longtin stated that it was the Federal government that started this entire process and did not know if they needed to be contacted to make changes to the Charter. She stated that she would like a legal person to review the Charter. She stated that she did not have any people to suggest for Mayor for the Commission to consider. She indicated that she was open to any suggestions if that is what the Commission chose to do. She stated that it could be possible for the Commission to agree on a person and that she did not want to ignore the Code.

Commissioner Hockman stated that he has spoken with his father who was a Commissioner in the 1980's and at that time, the Commission would vote on who would be Mayor, which explains why the Charter is written this way. He stated that the Commissioners appointing a temporary person as Mayor was not mentioned because of this. He stated that unfortunately when the Charter was rewritten that section was not changed. He stated that on the other hand, for the next few meetings the Commission could end up with having a two/two split on agenda items, which was most unfortunate.

Commissioner Longtin stated for the record the Lake Worth attorney never responded to her call, which would have been a considerate thing to do. She asked if the Commission could direct the attorney to change the wording to include the Mayor.

Vice-Mayor Rumsey explained that in order to change the Charter it would have to go to referendum.

Commissioner Longtin stated that the Federal government changed the Charter without going to referendum.

Attorney Baird explained that the amendments to the Charter regarding the Commissioners was done by a Federal court order, which was why it did not require a referendum. He explained that Federal law in the case superseded the Town Charter and state law.

Commissioner Longtin asked if the Federal government could clarify their position on the issue.

Vice-Mayor Rumsey stated that maybe they could and if she left a message that they may respond in thirty days.

Commissioner Longtin clarified by saying that she did not mean for this specific situation, but for the future.

Vice-Mayor Rumsey stated that he was not trying to cut her off from speaking, but they all agree that it was an issue that they needed to have addressed. He stated that they also agreed that it needed to be addressed as a full Commission. He suggested that it be brought back when they had a full Commission.

Commissioner Longtin agreed.

Attorney Baird explained that the Federal government decision on Town Charter was an isolated incident and that the Federal government does not have review authority over the Charter. He stated that in this case, the Town had a stipulated agreement order with the Federal government that the Town would change the Charter and based on that the judge issued an order that required the change of the Charter to change the elective system on how Commissioners are elected. He explained that other than that, the Federal government would have nothing to do with the Charter, the Commission controls the Charter.

Signers on Bank Account

Commissioner Longtin stated that it may be rude, but the signers on the account need to be changed. She stated that the agendas are still reflecting a Mayor who is no longer Mayor. She explained that there are signatures on the checks that should not be on the checks. She stated that the email address for the former Mayor has not been updated and those emails are not going to receive responses. She stated that she knew it was rude, but could the emails stop and made a motion to have the Vice-Mayor and Commissioner Hockman as signers on the account.

Finance Director Anne Costello explained that the former Mayors name was removed last week and that the Clerk has a form for the Vice-Mayor to sign so that the signature card

on the account can be updated and a new stamp be created with the Vice-Mayor's name on it. She explained that after the special election, a Resolution would be placed on the agenda to add the new Mayor's name.

Commissioner Longtin stated that her motion stands requesting Vice-Mayor Rumsey and Commissioner Hockman to be on the account.

Finance Director Costello explained that it would require a Resolution, which will be brought back after the special election.

Commissioner Longtin wanted to know why it had to wait until the special election.

Finance Director Costello stated that the electronic computer system name signature cost than \$600 each time it is changed.

Vice-Mayor Rumsey interrupted and said that a second to the motion was necessary before the discussion continued.

Motion: A motion was made by Commissioner Longtin to change the name of the signature on the bank account to Vice-Mayor Rumsey and Commissioner Hockman; Commissioner Hockman made the second.

Commissioner Osterman asked that the Finance Director repeat what she stated with regards to the cost involved with a new signature card.

Finance Director Costello repeated that the cost of the new signature card would be \$600 and she did not want to have the Town pay that twice, which was why she was waiting until after the special election to bring a Resolution to change the electronic signature system. She requested waiting until after the special election because the Finance Department does not have enough funds to cover the expense twice.

Commissioner Longtin stated that her motion stands.

Finance Director Costello explained that they need three signatures, which are the Mayor or Vice-Mayor, the Finance Director, and one Commissioner. She stated that they currently have Commissioner Osterman, Vice-Mayor Rumsey, and herself, which means she is in compliance with the Code.

Commissioner Longtin stated that she wanted it to be as her motion stated with Vice-Mayor Rumsey and Commissioner Hockman.

Attorney Baird stated that if he understood the motion it would be to have a Resolution brought back with the names as signatures on the checks.

Vice-Mayor Rumsey stated that the Resolution would be brought back at the next meeting of June 1, 2011. He asked Attorney Baird if it would require the Resolution to be brought back a second time.

Attorney Baird stated that it would not require a second time.

Finance Director Costello indicated that she can bring the Resolution back at the next meeting and not bring it back after the special election.

Attorney Baird stated that a vote needed to be taken on the motion.

Vice-Mayor Rumsey repeated that there was a motion and a second , and all in favor say Aye.

Motion: A motion was made by Commissioner Longtin to change the name of the signature of the bank account to Vice-Mayor Rumsey and Commissioner Hockman; Commissioner Hockman made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Longtin | X | | |
| Commissioner Hockman | | | X |
| Commissioner Rumsey | | X | |
| Vice-Mayor Osterman | | X | |
| Mayor | | | |

Motion failed 2-1

Commissioner Hockman stated that he did not vote because he did not know what was being voted on.

Attorney Baird explained that Commissioner Hockman seconded Commissioner Longtin's motion, which was to change the signature on the bank account to Vice-Mayor Rumsey and Commissioner Hockman and the Finance Director.

Commissioner Hockman stated that his understanding was that a second was necessary to discuss the item.

Commissioner Longtin stated that Commissioner Hockman made the second to her motion.

Commissioner Hockman stated that his second was to discuss the item. He stated that now there was a vote.

Vice-Mayor Rumsey and Attorney Baird explained that the process is to discuss an item and then vote on it. There was some discussion to clear the confusion Commissioner Hockman had with the vote and why the motion had failed.

Commissioner Longtin stated that before they moved on to the next agenda item, shame on the Finance Director for not bringing the item forward in a timely manner. She also shamed the Clerk and the Town Manager for not addressing the issue in a timely manner.

**Resolution No. 20-05-11 Establishing a Qualifying Period for Commissioner
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE
PARK, FLORIDA, ESTABLISHING A QUALIFYING/FILING PERIOD OF
NOON FRIDAY MAY 20, 2011 THROUGH TUESDAY MAY 31, 2011 AT NOON
FOR THE OFFICE OF COMMISSIONER; AND PROVIDING AN EFFECTIVE
DATE.**

Vice-Mayor Rumsey read the Resolution.

Commissioner Longtin requested that he repeat it because she did not have a copy of the Resolution.

Vice-Mayor Rumsey stated that there was a printed copy on the dais when she arrived.

Town Manager Davis stated that it had been emailed to the Commission.

Commissioner Longtin stated that she had received the electronic copy, but had not printed it.

Vice-Mayor Rumsey asked if she still needed him to read it again.

Commissioner Longtin said no.

Commissioner Hockman asked if Resolution 20-05-11 pertained to a Commission qualifying period and was confused because there were four Commissioners.

Vice-Mayor Rumsey explained that everyone was notified earlier in the day by the Town Manager that Commissioner Osterman had submitted her resignation.

Commissioner Hockman stated that the phone call he received was that Commissioner Osterman had resigned last night, therefore why was she still on the dais. He questioned if Commissioner Osterman has resigned then why is her name still appearing on checks. He stated that if she has resigned that it was fine, but that he had not seen any resignation letter and did not know when it was effective.

Commissioner Osterman stated that she submitted her resignation letter yesterday afternoon and it was effective June 27, 2011. She stated that her seat for Commissioner will go up at the same time as the Mayor's seat during the June 28, 2011 special election. She stated that she has other comments which she will reserve until Commissioner comments.

Commissioner Longtin stated that she did not understand and in all fairness to the public most people do not know, although the Commission knows, about the resignation. She

stated that if we have an opportunity for the public to run for the election then they should speak about it. She stated that all the under-the-covers is silly. She explained that at the last Commission meeting, the Commission had to pass a Resolution for the Mayoral race because of the constraints of time and to give everyone enough time to run for Mayor. She stated that now they are throwing in another election without that same kind of time and stated that she did not find it fair to the people that may want to run to squeeze this in. She stated that she felt that they needed to give as much time, even if they were within the legal timeframe. She stated that people have had a month or so to consider and consult with their families to decide to run for Mayor. She stated that now they are throwing in another seat within a few weeks or something and felt confused by it.

Vice-Mayor Rumsey explained that at the last meeting it was his understanding that a Resolution had to be passed to establish a special election within 60 days.

Attorney Baird agreed.

Vice-Mayor Rumsey explained that the Charter states that the Town must have an election within 60 days of the Mayor's death.

Attorney Baird agreed.

Vice-Mayor Rumsey explained that for a Commission seat, they must have an election within 60 days as well.

Attorney Baird agreed.

Vice-Mayor Rumsey pointed out that they were still within the 60 days although two weeks have passed.

Attorney Baird agreed.

Vice-Mayor Rumsey explained that it is because of those reasons that Resolution 20-05-11 would fit into the 60 days. He stated that he disagreed with one of Commissioner Longtin's statements that they have had a month to prepare because no one has had a month to prepare for what was taking place. He stated that the Mayor passed away on April 30, 2011 and at the first meeting in May the Commission set forth the special election, which would be held 60 days later. He explained that a 10-day qualifying period had been designated to qualify for Mayor, which is still within the 60 days and another ten days would be set aside to qualify for Commissioner.

Commissioner Longtin stated that there has been no advertising of this and many people are just hearing it for the very first time.

Vice-Mayor Rumsey explained that there was no advertising for the Mayor either.

Commissioner Longtin stated that everyone knew the Mayor passed.

Vice-Mayor Rumsey agreed and stated that he was sure many phone calls had started spreading the news about Commissioner Osterman resignation.

Commissioner Longtin stated that she had not been on the phone.

Vice-Mayor Rumsey stated that there has been a lot of talk out there and he repeated that they were still within the 60-day time period. He explained that everyone has the same amount of time to qualify. He asked if Commissioner Longtin was requesting a second election.

Commissioner Longtin stated that it was not what she was requesting, but felt it was what was being thrust upon the Commission and felt that in all fairness to the citizens of the Town, since most have no idea about this, that until something actually happens she does not believe rumor to be true. She questioned why if Commissioner Osterman had resigned was she still sitting on the dais and felt confused by it and felt that most citizens do not know this is happening and they need time.

Commissioner Hockman stated that he received the call today and was not really sure what was happening. He stated that he had questions, which he asked of the Town Manager and the Clerk because he had concerns about the time. He stated that he called the Supervisor of Elections to double check and verify what is required by the State. He stated that Supervisor of Elections Susan Bucher said to him that there is nothing written in stone on time limit. He stated that she said that the only thing she needs to know by May 31, 2011 are the available seats to place them on the ballot, otherwise it cannot happen. He stated that it was good news to hear because he only wanted one election. He stated that he told Susan Bucher that he was not completely sure that it was happening because he has not seen anything in writing saying it was true. He stated that a lot of things that have happened in the last year without having it in writing and he was skeptical. He stated that he was hesitant just like the grant money that he was told about last week. He stated that when he received the agenda packet, he called the Town Manager and asked her what was going on and she replied with a memo. He stated that he is new to this and there is probably a resignation letter, which everyone has seen long before he, but he was not given any dates and only assumed by the conversation that the resignation was effective last night. He stated that this is the first time he hears that it is for the end of June and again has not received an email with the notice.

Vice-Mayor Rumsey stated that he received his call at about 8:15 a.m.

Town Manager Davis stated that she was confused by Commissioner Hockman's statement because in the conversation it was specifically stated that it was effective June 28, 2011, but in fact it is effective June 27, 2011. She stated that she meant that it was effective for the special election of June 28, 2011.

Vice-Mayor Rumsey stated that one of the comments made by Commissioner Hockman was that Susan Bucher had indicated that the qualifying period had to end by May 31, 2011 and that date has been placed on Resolution 20-05-11. He stated that we are in compliance with all the legal timeframes.

Motion: A motion was made by Commissioner Osterman to approve Resolution 20-05-11; Commissioner Hockman made the second.

Vote on Motion:

| Commission Member | Aye | Nay | Other |
|----------------------|-----|-----|-------|
| Commissioner Longtin | | X | |
| Commissioner Hockman | X | | |
| Commissioner Rumsey | X | | |
| Vice-Mayor Osterman | X | | |
| Mayor | | | |

Motion passed 3-1

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Longtin stated that she would like a proclamation given to Todd Dry as he was the Vice-Chair of the Planning and Zoning Board. She stated that Edie McConville has been very active in Town and has done many things for the kids of Lake Park including being involved with Kiwanis and the Lutheran Church. She stated that the kids know her and love her. She asked for consensus from the Commission to give a proclamation to Edie McConville.

The Commission came to consensus to give proclamations to Todd Dry and Edie McConville.

Commissioner Longtin read from a prepared statement as follows (Verbatim): “ Meetings are run by whoever is running the meeting, duh, which in this case is the Mayor or in the Mayors absence the Vice-Mayor. Roberts Rules of Order is often the prevailing guide to running a meeting. To allow or not allow discussion at various times during a meeting is decided by whoever is in charge of the meeting. Lately discussion has not been allowed. There are pro and cons to allowing discussion or not. Ultimately someone will think it should be done other than it is; you can’t please everyone. At the end of our meeting we have Commissioner comments, discussion is usually not allowed. At the end of our April 20, 2011 meeting comments were made that I wish to address, but only a couple of them will I address at this time. Vice-Mayor Rumsey stated that I voted against the lighting issue for the Town because he voted for it. Mr. Rumsey I have not given you that power in my votes. The reason I reluctantly voted against the issue was because of the exorbitant cost, it was like \$7 or \$8 million. I could not and still cannot see strapping the tax payers of Lake Park with that much debt. Lake Park already has (I think) it is the fourth highest tax rate of all the municipalities in Palm Beach County. I don’t see our tax rate going down anytime soon. I ask that we contemplate the lesser \$1 million dollar plan with the consensus of the Commission was not to. At the beginning of the lighting discussion Vice-Mayor Rumsey you asked for my thoughts on the issue. I told you that I

was elated that we were discussing lighting, in fact when I was campaigning in 2010 I was giving you accolades for keeping the lighting issue alive. You stated that you have been voting against fixing the sprinkler system on Flagler Boulevard because I was in favor of it. Please remember that we are here on behalf of the Town as a whole don't accuse me of that which you are guilty of. Roberts Rules notwithstanding I will call out when you proclaim me guilty when indeed I am innocent."

Commissioner Longtin continued as follows (Verbatim):

"Patricia Plasket-Osterman I know of no one that faults you for moving out of Town. As a parent you have to do whatever puts your mind at ease regarding your child. You have moved to a gated community in Stuart, Martin County and that obviously puts your mind at ease. Why you continue to sit up here is still a question in my mind, but what I would like to address is your fear of Lake Park. I have lived in Lake Park for over 30 years and have owned my home for much of that time. Prior to purchasing my home I lived in what is now the Opabola Square Apartments behind Someplace Restaurant as well as what is now the Humani Court Apartments on 9th Street. I've never been afraid. I've walked my dog late at night or even early mornings without fear. Sometimes even now when I can't sleep, which is way too often, I'll walk at night or early morning. Imagine if only everyone would live by the golden rule, do unto others as you would have others do unto you. What a beautiful world we would have, but they don't. Bad stuff can happen anywhere even in a gated community. You are afraid to live in Lake Park so you moved, good for you, that's what you should have done. You owe the Town of Lake Park an apology, it is not a place to fear."

Commissioner Longtin stated that she hope everyone had a lovely Mother's Day

Vice-Mayor Rumsey stated that with everything going on the last few weeks we have not been able to recognize some people that should have been recognized. He stated that Mr. Pisano and the Marina had an amazing fishing tournament a month ago, which brought in about \$15,000 in revenue. He congratulated them on a great job and appreciated all the hard work that goes into the event. He also mentioned what a success the Sunset Celebration was at the end of April. He stated that they have really made that event a great success. He mentioned that Public Works had a few events like the Great American Cleanup and the Arbor Day Celebration. He stated that he has attended the last four Arbor Day Celebrations over which this year he had the honor of presiding, and it is really a nice event with the children of Lake Park Baptist and Bright Futures. He thanked all staff for stepping up over the past few weeks and he really appreciated it and everyone has noticed. He stated that a letter was given to them that was requested to be read into the record. (See Exhibit "A")

Vice-Mayor Rumsey explained that for about a year now there has been a project that some have been in favor of and some have been against, and that project is the United States Army Reserve. He stated that he would be the first to admit that he was against the project. He explained that the United States Army Reserve was looking to purchase a piece of land on Congress Avenue and Silver Beach Road to use as a Reserve center. He explained that he met with one of the Commanders about three weeks ago to discuss the project. He stated that each of the Commissioners were contacted to meet with the Army individually to discuss the project. He stated that it was about that time the Commission

learned that the Army had chosen the Congress Avenue property to build the Reserve site. He stated that a press release has been issued by the Army Corps of Engineers and a memo sent by Ken Beyer. (See Exhibit "B"). He read from the memo. He stated that there will be a Army Reserve site that will be opening on Congress Avenue and in the discussion with the Army Corps of Engineers, the Town was able to get some changes made to the design that will make the Town proud. He stated that one of the changes was the layout of the property where the main entrance will now be on Congress Avenue instead of Silver Beach Road. He stated that the Army Corp will have some type of Emergency Operations Center (EOC) included for the community. He mentioned that the design of the building has also been changed to a Mizner style building instead of a standard government building. He stated that he was proud of the changes and he told the Commander that when the Army Reserve comes to Lake Park that he would fully support them, which he plans on doing.

Commissioner Longtin stated that she understood that he had spoken with the Army, but she had not received a copy of the letter and did not know what was included. She was confused as to why she had not received a copy of the letter.

Vice-Mayor Rumsey explained that the only reason why he had a copy of the letter was because of a phone call he received from the Commander in which the press release was mentioned in the conversation. He explained that he strongly suggested that a copy of the press release be sent because he was not aware that it was being released, let alone with his comments in it. He stated that he made another phone call on Monday, May 16, 2011 and spoke to the Commander's assistant and had receive the press release Tuesday, May 17, 2011. He stated that he would provide his copy to the Clerk so that she could distribute it to everyone.

Commissioner Longtin stated that she had spoken with the Commander and she was told where everyone stood on the project and she really appreciated the time the Vice-Mayor took to speak with him. She stated that she was not told who made what comments, but was told of the general comments and wanted to publicly thank the Vice-Mayor.

Commissioner Hockman stated that there were a few activities that had taken place over the weekend. He stated that the Community Garden held a wonderful barbeque and although it rained it was a nice event. He stated that he attended the Art on Park Gallery reception with the high school students, which was a very nice event. He stated that he attended the Citizens on Patrol (COP) meeting and it was a very interesting meeting. He stated that over the past few weeks, he has received comments of concern. He stated that he stressed to them that the Town is safe and that people were very upset to hear the comments made by a fellow Commissioner that the Town was unsafe to raise a child. He stated that comments like that are not good from the leaders of the Town. He stated that the Town is as safe as any other Town and was sure Lieutenant Palenzuela would back that up. He stated that there is no place that does not have problems in this country, whether it's a gated community or not and even places where there is a bridge to get into they have activities. He stated that he had to explain to people that the comments were hurtful to him as well as a resident. He stated that he walks around Town with his family all the time and he has not noticed any problems with the community. He stated that it is a key thing for everyone to get to know their neighbors and if they see strange people

around your neighborhood contact the Sheriff. He stated that these are the things that make a community safe. He stated that he was upset by that.

Commissioner Hockman stated that there have been quite a few emails and phone calls over the past few weeks regarding a boat at the Marina that was seized last week. He stated that he has had received some information and his reaction was if someone owes money and they are not paying, then naturally we have to do what we have to do. He stated that at the same time he heard that they are making payments, but that it is not the full amount, regardless the boat was seized. He stated that in reviewing some of the emails he is asking that the Town change a few things. He stated that the statement that was sent showed a balance of what was owed and it showed no payments since September 2010 and one payment from two months ago. He stated that he would like to see, so that there is no confusion all the information, because in reviewing the one statement it does not show payments were made. He stated that to have all the other information that provides the backup it does look like the person was not paying. He stated that in the future he would like to see the total bill and if they are making payments that it is reflected and what invoice the payment is made towards. He stated that if interest is being charged, as in this case, then the monthly interest that they are accruing and not wait until it gets to the point in which it did. He stated that his other concern was that he did not have all the paperwork and that there is always two sides to the story. He asked if the proper procedure was followed. He stated that he has heard that there was no notification by letter or any other means that if the full payment was not made by a certain time then the necessary action would be taken. He stated that we jumped the gun thinking that the person would jump ship because he was after a day contract with another city. He explained that emails and comments went out asking why didn't we work with the boat owner and use the boat as a restaurant. He recalled sitting in the audience about a year ago when the Department of Environmental Protection (DEP) presented and there was a discussion about a floating restaurant at the Marina and whether a Commission would need to be paid to DEP. He explained that he resents the email that says that a floating restaurant was never discussed because it was discussed. He stated that he hopes that this does not cause any other problems with the tenant and the boating industry. He stated that boaters talk just like artist talk and if someone is treated incorrectly and unfairly they talk and it will give our great Marina a bad reputation. He felt we need to make peace with the boat owner and not treat someone badly and call them names, as has been done in some of the emails. He stated that it is an embarrassment to the Town. He hoped that things be worked out and he asked for information as to why an outside attorney was hired and our Town attorney was not used instead of the Maritime attorney. He stated that he searched the attorney by name and found one in Hobe Sound and he was not sure if it was the same person, since it showed that the attorney was general law not maritime. He was confused as to why another attorney was hired and multiple attorneys are now involved. He stated that the Town attorney needs to be utilized as much as possible. He stated that he was shocked by the fees that were shown to be owed and that the amounts are really high, including the interest. He stated that the amount the Town figured was different than that of the attorneys. He explained that in the future everything should be done in writing. He stated that the comments he has been told are that the controller was not notified. He mentioned that about a year ago agreements were made and that the boat owner has been making his payments each month, but not the full balance. He stated that he understood that the boat

owner had some hopeful wishes of ways to pay the Town back and that everyone has hopeful wishes. He stated that the economy is not there, but the boat owner was making payments. He stated that his concern was that the boat owner was making his payments. He stated that something could have been worked out where the boat owner could have paid an additional \$5,000 a month and pay a little bit more. He stated that he wants the Town to be known as a friendly Town and does not want the attitude that has been going around for the past two years where people are saying that we are not business friendly or resident friendly. He wanted every effort to be made to change the attitude and that the Town should hold true to the agreements it has with vendors. He stated that it was very important that the Town Manager do whatever and use the old customer saying of "the customer is always right up" to a certain point of course and that we need to treat our customers with respect. He stated that he did not want to just go out and do things and jeopardize as we have.

Commissioner Osterman stated that she wanted to take a few moments tonight to speak to those at home. She explained that yes she has resigned her seat as Commissioner effective June 27, 2011, so that her seat will go up at the same time as the Mayoral seat, thereby saving the Town the cost of another election. She explained that had the Mayor not passed she would not be handing in her resignation, but since then she has been reflecting on the important things in life. She stated that for the first time in her life she had two of her contemporaries die within a week of one another. She stated that she has to do what she feels is best for her and her family and that this has become a place of frustration and embarrassment. She stated that they have been able to accomplish so little in the past fifteen months. She explained that she has mixed emotions because this is her hometown and loves the Town and is very committed to those who voted her into office. She stated that she takes her commitments very seriously. She stated that as much as her political foes want to say that she does not live in Town, she does live in Town at her mother's home and will remain there until she is no longer needed. She stated that it is a relief to her that she will not have to deal with what she considered a black hole of sucking energy and that there is so much strife that nothing positive has happened. She explained that she is afraid of where the Town will go. She stated that she wants to talk about the upcoming election and the direction the Town will take. She explained that it is her sincere hope that with two seats going up at the same time that the Town will make a clear choice of its direction. She hoped that there will be no ambiguity and there will be no on-the-fence. She hopes it will be a very clear statement of the direction the Town wants, so the Commission can get a clear idea and move forward in that way. She stated that the first thing she wants to address is the rumors and false information that are spread, repeated and not questioned. She stated that she wanted the residents to really question the information they are given. She explained that the spin that is being placed on things is very deliberate, manipulative, and intentional. She stated that one example is that she made a comment that her son was not safe there meaning her mother's house. She stated that it has been repeated as her son was not safe here, which seems like a simple word choice difference, but it has a huge difference in meaning. She explained that the reason she said her son was not safe in her mother's home is because of her pool and her seawall. She stated she had witness him go under in the pool and was unable to get out and she had to jump in, which took place the day before the last Commission meeting. She repeated what she stated in the last meeting which was that her son was not safe there, which is a big difference. She stated that tonight everyone heard questions

being made as to the timing of the election and that \$30,000 would be spent on an election. She asked if that was because the voters really would not have enough time to get ready, she stated that she does not believe that is the reason. She felt it was because they wanted to run a person of their choice and wanted to get one person into each available seat. She stated that it was what she thought and it did not mean it was true, but she said she would ask herself why someone would want to spend another \$29,000 on an election, when everything is within the legal means. She stated that she is concerned about the division that has begun to happen and continues to happen in the Town. She stated that when the Department of Justice stepped in and changed the voting direction of the Town the driving impetuses for the Commission was to find a solution where the Town would not be divided. She stated that instead it is exactly what has happened. She explained that it is absolutely true that the majority of the voting block is east of Federal Highway. She explained that it is where the high number of votes comes from and that there are more people living west but more voters that vote living east. She asked how do we get the entire Town to participate if only a small part is directing everything; should it be changed, should there be an attempt to get the others involved and not just the small percentage of voters that vote on the local election? She felt that categorically yes because this Town will survive as a whole or not as a whole. She stated that the people that are living in Town need to step up and get involved, but asked those on Lake Shore Drive to broaden their perspective. She expressed concern that the viewpoint especially with the promenade, is very myopic, very short-sighted and for nothing else for practicality. She hopes that everyone will consider their property values because the Town needs to do whatever it can do to improve economic development so that the entire image of the Town can improve. She stated that with regard to the promenade it is either we build the promenade or we pay back to the County the \$2.4 million. She repeated her statement of building the promenade or paying back the money. She stated that it was in the contract that everyone including Mayor DuBois signed. She stated that the agreement with the County was to provide water access for everyone and the opportunity for everyone to have and enjoy waterfront; that is what the funds were for. She explained that the Town has five years to build the promenade and if it is not built, then the Town will need to get a bond and ad valorem taxes to pay whether there is a promenade or not. She stated that they need to figure out what type of promenade will work and everyone should ask themselves how much value is in that traffic light. She asked if it is worth \$10,000, \$20,000; how will your property value be affected and is it worth driving six blocks north to get to the traffic light. She stated that she does not want to be paying additional taxes and not have something in return. She reiterated that this is a very special election in many ways and it will determine the direction of the Town and hoped that everyone would take a look around the Town and view it as if for the first time. She asked that people look around the Town as if they were going to make an investment and what will move the Town forward in the best possible way, so that everyone will succeed. She hoped that as the election moves forward that everyone holds the candidates and the remaining members of the Commission to a vision. She said if they do not have a vision of what the Town should look like in two, five, or ten years, then they do not deserve your vote because everyone should have a vision. She stated that you cannot lead without direction and she has only heard over the past 15 months what not to do and no real clear direction of where the Town is going. She stated that as people begin to campaign that moving the Town forward be a major focus. She expressed how the other members of the Commission will actively engage in creating a vision that can be transferable to other

people and that everyone can get behind. She recapped by saying that a vision for a promenade that will work for everyone at the Marina or everyone will have to pay taxes for nothing. She reminded everyone that paying taxes for nothing will hurt everyone and including the property values. She stated that if the current Commission cannot work with the Town Manager then be upfront about it and be prepared to pay out about \$110,000 to terminate the contract. She stated that then the cost of a headhunter would be about \$20,000 and if that is where the money needs to be spent then fine, but know what the candidates intend to do and where they intend to lead the Town. She stated that we are in a economic situation where change is happening rapidly and the direction will be decided by this Commission. She encouraged residents to ask questions and not to believe what is being told and ask "why am I being told this and what am I not being told." She stated that unless questions are asked, it will be the blind leading the blind. She stated that she loves this Town and is very happy to serve and will continue to serve until the election and apologized to her supporters for stepping down early, but it is what she needs to do for her family. She stated that she has her son living with her now that it is summer and he is safe in the pool and he loves swim partners if anyone is interested. She announced that her mother finished her chemotherapy protocol and for the first time there is some positive result on her blood disorder, and although she remains in hospice care it's the first positive thing that she has seen in months. She stated that her mother is feeling stronger and that it did a world of good to see everyone last week even under the circumstances. She appreciated the love that everyone has shown her. She finished by saying that Lake Park will find its way one way or another and that she hopes the Commission is diversified and will represent all aspects of the community, not just one part.

Attorney Baird stated that he wanted to thank Commissioner Hockman and that he appreciated the endorsement of using his law firm as much as possible.

Town Manager Davis stated that she did not want to get into what happened with the boat owner at the Marina, but would address a few of the comments made by Commissioner Hockman. She invited Commissioner Hockman to meet with her and staff so that he can hear the other side of the story. She stated that it was clear from his comments that he heard one side of the story and not the other. She stated that they acted properly and they gave this client countless opportunities and it was not that they were mistreated and there was no interest placed on those bills because they were trying to work with him. She repeated that it was clear that he needs to hear the other side of the story, and she and staff would have been remiss in their duties to the Town and their stewardship of taxpayer dollars had they not done what they did. She welcomes any of the Commissioners to sit with her and staff on this issue.


Town Manager Davis congratulated Vice-Mayor Rumsey on his negotiations with the Army Corps with the EOC command and thought it was a brilliant idea and that it will be an asset to the Town. She referred to an email sent earlier in the week regarding an Attorney-Client Session that would need to take place regarding the Marina lawsuit and would like to get a date this evening.

After some discussion the Commission decided on Monday, May 23, 2011 at 7:00 p.m.

She announced that Lake Park is hosting the American Cancer Society Relay for Life on Friday, May 20, 2011 at 6:00 p.m. and concluding at 11:00 a.m. on Saturday, May 21, 2011 at Lake Shore Park, and that the Lake Park team has raised \$1,400 and all together the society has raised \$17,000. She announced that on Saturday, May 21, 2011 from 5:00 to 8:00 p.m., there will be a Classic Car Show on Park Avenue. She announced that also on Saturday, May 21, 2011 there will be the Palm Beach Justice Association 10th Annual Fishing Tournament, weigh-in is from 3:00 to 6:00 p.m. She announced the Marina Sunset Celebration on May 27, 2011 from 6:00 to 8:00 p.m. She announced that at the Library there will be a family game night on Tuesday, May 24, 2011 at 5:30 p.m. sponsored by Bridges of Lake Park. She announced that there will be a Couponing Workshop on Tuesday, May 31, 2011 at 5:30 p.m., also sponsored by the Bridges at Lake Park. She announced the eight week Summer Camp will begin on June 13, 2011 and will end on August 5, 2011 and for information contact the Parks and Recreation Department at 561-881-3338. She said that her final announcement was to congratulate the opening of Casper's on Park at 850 Park Avenue and recommended that everyone go for breakfast, lunch or dinner.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Osterman and seconded by Commissioner Hockman, and by unanimous vote, the meeting adjourned at 9:47 p.m.



Mayor



Town Clerk, Vivian Lemley, CMC



Approved on this 13 of July, 2011

Tuesday, May 17, 2011

Maria V. Davis and Town of Lake Park Commission
Town of Lake Park
535 Park Ave.
Lake Park, FL 33403

Dear Ms. Davis and Commissioners of Lake Park :

Thank you for your kind and thoughtful expressions of condolence on the passing of my wife, Desca DuBois. I feel honored to have received such warm concern for my welfare from so many of the commissioners and the town's administrative officers and staff.

It was with great compassion that such sympathy was given to me when so many of those who offered it were themselves grieving the loss of their own dear friend.

Thank you also for opening the CRA's Art Gallery for Desca's Memorial Reception, for scheduling the Mirror Ballroom at such short notice, and for the beautiful flower arrangements.

I hope you will extend these thoughts of gratitude to the community at large as Desca's neighbors in Lake Park have also been so kind and thoughtful in their expressions of condolence as well.

Sincerely,



James DuBois

Kendall R. Rumsey
Vice-Mayor, Town of Lake Park

535 Park Avenue
Lake Park, FL 33403
(561) 881-3306 Phone

-----Original Message-----

From: Beyer, Kenneth E LRL [mailto:Kenneth.E.Beyer@usace.army.mil]
Sent: Monday, May 16, 2011 2:00 PM
To: Kendall Rumsey
Subject: Press release on U.S Army Reserve

Sir,

Attached is the press release that went out announcing the U.S. Army Reserve location in Lake Park, Florida. I apologize again for the error in this release being out without it being reviewed by you. A multitude of errors led to this occurring. This is not the standard operating procedure of this office or the U.S. Army Corps of Engineers.

VR,

Ken Beyer
Public Affairs Specialist
U.S. Army Corps of Engineers, Louisville District
502.315.6912 -- Office
502.689.8407 -- Blackberry
kenneth.e.beyer@usace.army.mil



NEWS RELEASE

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG.

For Immediate Release:
May 10, 2010

Contact:
Ken Beyer, 502-315-6875
Kenneth.e.beyer@usace.army.mil

U.S. ARMY RESERVE ANNOUNCES LOCATION OF RESERVE CENTER

The U.S. Army Reserve, in coordination with congressional and local representatives, announces that an Army Reserve Center will be constructed at Congress Avenue and Silver Beach Road, Lake Park, as part of the Army's Combat Service Support Reset initiative to support the Army's growth of combat forces.

"This Reserve Center is a positive addition to the Lake Park community," said Lake Park Vice-Mayor Kendall R. Rumsey. "In partnership with the Reserve, the center may also serve as a Lake Park emergency operations center during hurricanes."

The Army Reserve completed an Environmental Assessment, required under the National Environmental Policy Act and signed a Findings of No Significant Impact identifying the preferred site located at Congress Avenue and Silver Beach Road.

Community leaders and Army representatives are coordinating for the facility to be compatible with the local, traditional Florida architecture. In addition, the facility will offer economic benefits to the region through construction contracts and contracts for landscaping and grounds maintenance, janitorial and catering services. In the near future, the Army will host an Industry Day Forum for contractors to present information on bidding opportunities for this project.

It is estimated 15-30 full-time personnel will use the facility. The new Army Reserve Center will serve about 205 members during normal drill weekends, and about 600 personnel during mobilization for federal missions.

The proposed Army Reserve Center will include administrative, educational, assembly, library, learning center, physical fitness areas for the assigned Army Reserve units. Associated support facilities include an Organizational Maintenance Shop, and an unheated storage building in addition to parking for military and privately-owned vehicles.

Contacts:

Lake Park Vice-Mayor Kendall R. Rumsey
Lake Park, Florida

Phone: 561-881-3300

Fax: 561-881-3314

krumsey@lakeparkflorida.gov

information@lakeparkflorida.gov

U.S. ARMY CORPS OF ENGINEERS – LOUISVILLE DISTRICT
P.O. Box 59, Louisville, KY 40201-0059
www.lrl.usace.army.mil