

BAL HARBOUR VILLAGE COUNCIL MEETING MINUTES
REGULAR MEETING – JANUARY 15, 2013

The Regular Meeting of the Bal Harbour Village Council was held on Tuesday, January 15, 2013, at the Bal Harbour Village Hall Council Chambers (655 – 96th Street, Bal Harbour, Florida).

1. CALL TO ORDER/ROLL CALL: The meeting was called to order at 7:11 p.m. by Mayor Rosenfield. The following were present:

Mayor Jean Rosenfield
Assistant Mayor Joni D. Blachar
Councilman Martin Packer
Councilman Jaime M. Sanz

Absent: Councilwoman Patricia Cohen

Jay R. Smith, Acting Village Manager
Ellisa L. Horvath, MMC, Village Clerk
Richard J. Weiss, Village Attorney

As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: The Pledge was led by Village resident Susan Packer (Councilman Packer's wife).

STATEMENT FROM ALFRED J. TREPPEDA, VILLAGE
MANAGER: Mrs. Horvath read a statement received from Mr. Treppeda that his term as Village Manager would end effective April 30, 2013, he would take vacation time until that date, and that he appointed Jay Smith as Interim Village Manager.

3. AGENDA: REQUEST FOR DELETIONS/ADDITIONS: Councilman Packer requested that Tab H (Ordinance First Reading/Public Hearing to Rezone 10201 from Ocean Front to Planned Development) be deferred, since the Development Agreement was not ready, Guillermo Olmedillo (Village Consultant) was not in attendance, and Councilwoman Cohen was not in attendance.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to defer Tab H. The motion failed (2-2), with the roll call vote as follows: Assistant Mayor Blachar no; Councilman Packer yes; Councilman Sanz yes; Mayor Rosenfield no; and Councilwoman Cohen absent.

Carter McDowell - (Bilzin Sumberg Baena Price & Axelrod LLP) Attorney representing Consultatio Bal Harbour LLC, requested that the item be deferred, due to the tied vote, until the next regular Council meeting or a special Council meeting.

Councilman Sanz reported that he hadn't seen anything regarding the project yet.

Councilman Packer suggested that a motion be made to defer Tab H, to a special Council meeting. Assistant Mayor Blachar thought that the Development Agreement would be

reviewed as part of the presentation process, to address Councilman Packer's concerns.

Mr. McDowell suggested that the item be deferred to another time, since he was concerned about making the presentation, after a tied vote. Assistant Mayor Blachar agreed.

Councilman Packer suggested that a workshop meeting be held. He explained that he would like additional things to be included in the Development Agreement and for Mr. Olmedillo to be at the meeting.

A motion was offered by Assistant Mayor Blachar and seconded by Mayor Rosenfield to defer the item to the next regular Council meeting (February 19, 2013).

Mr. McDowell spoke against a workshop meeting, since they had already met with the neighbors and presented the project at two Architectural Review Board meetings. He offered to meet with anybody else who requested more information.

Mr. Weiss suggested that the item be presented, with the understanding that a motion to defer would be given after the presentation.

Mayor Rosenfield noted that the two Architectural Review Board meetings that were held were open to the public.

The motion failed (2-2), with the roll call vote as follows: Assistant Mayor Blachar no; Councilman Packer yes; Councilman Sanz yes; Mayor Rosenfield no; and Councilwoman Cohen absent.

Due to the failed motion, the item remained on the agenda.

4. SPECIAL PRESENTATIONS: None.

5. CONSENT AGENDA:

Anamarie Kelly Stoppa, 77 Camden Drive, requested that Tab C be removed.

Dina Cellini, 211 Bal Cross Drive, requested that Tabs D and G be removed.

Approval was requested for the following remaining items:

Tab A: November 20, 2012 Regular Council Meeting minutes;

Tab B: Resort Tax Committee Recommendations:
Reappoint Mayor Jean Rosenfield, Bruce Gelb, Gilberto Garcia-Tunon, Michael M. Krop, Sandra S. Lansing, and Richard Lodes to the Committee for a one-year term;

Tab E: \$4,991.87 (Water and Sewer Fund) for Kailas Contractors to replace a fire hydrant and water valve at the intersection of Camden Drive and Park Drive;

Tab F: \$28,719.43 (Water and Sewer Fund) and authorization to execute Change Order #3 for the Water Meter Replacements for Kailas Corp. to repair a leaking water valve at the Bal Harbour 101 building (10155 Collins Avenue);

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve Tabs A, B, E, and F on the Consent Agenda. The motion carried (4-0).

Tab C – Motion Approving Donation from The Whitman Family Bal Harbour Foundation: Approval was requested to accept a donation of \$86,469.00 from The Whitman Family Bal Harbour Foundation, for use as the Village deemed appropriate.

A motion was offered by Mayor Rosenfield and seconded by Assistant Mayor Blachar for Mr. Smith to write a letter thanking the Foundation for their generosity, but that it was not an appropriate time for the Village to accept the gift.

Anamarie Kelly Stoppa, 77 Camden Drive, agreed with Mayor Rosenfield that it wasn't the time or place to receive a donation from Mr. Whitman.

Neil Alter, 9801 Collins Avenue, questioned the amount of the donation and the objective. Mr. Smith reviewed the memo in the agenda.

Randy Whitman, Bal Harbour Shops, explained that the initial purpose of the money was for a fountain at Founder's Circle. Councilman Packer thought that the donation was generous and agreed with the Mayor, but suggested that the donation be made to the Village with directions that it be donated to the PAL to fight crime or another charitable organization that the Village dealt with. Assistant Mayor Blachar suggested that it be donated to Bay Harbor Elementary. Mr. Whitman explained that the Village could make a donation to whoever it wanted. Mayor Rosenfield suggested that the funds be directed to the arts at FIU and the Bay Harbor Elementary program.

Brian Mulheren, 10245 Collins Avenue, suggested that the Whitman family give the donation directly to the programs and not involve the Village.

The motion carried (4-0).

Tab D – Motion Approving Additional Funding for Bus Shelter

Project: Approval was requested for \$17,500.00 (\$7,500.00 for preliminary paver plans and landscape designs and \$10,000.00 for construction management services) and the execution of agreements for work associated with the project.

Dina Cellini, 211 Bal Cross Drive, requested clarification. Mr. Smith explained the memo in the agenda. Ms. Cellini suggested that more than one proposal be received for the pavers/landscaping. In addition, she discussed a possible conflict with Mr. Nieda (Building Official) serving as the project manager and suggested that the Village receive an opinion from the Ethics Commission prior to approval.

Mr. Weiss will check on it with the Ethics Commission

Anamarie Kelly Stoppa, 77 Camden Drive, reviewed Florida statute regarding special inspectors and building officials. She thought that the statute and ethics would be violated if Mr. Nieda served.

Mr. Smith clarified that contract provided for a special inspector, who was not the building

official.

Brian Mulheren, 10245 Collins Avenue, reviewed an email from Mr. Nieda to Mr. Treppeda, regarding his employment agreement which included the service of overseeing the bus shelter project. He questioned the additional \$10,000.00 if that service was included in his employment agreement.

Assistant Mayor Blachar reviewed the meeting rules of decorum.

Neil Alter, 9801 Collins Avenue, discussed the urgency to complete the project.

Councilman Sanz noted that the design was approved in April 2010.

Councilman Packer thought that the contract with Mr. Graboski, who designed the shelters, also included overseeing the construction.

A motion was offered by Mayor Rosenfield and seconded by Councilman Packer to approve, conditional to reviewing the legal issues (ethics opinion on Mr. Nieda, contract with Mr. Graboski, etc.). The motion carried (4-0).

Dina Cellini, 211 Bal Cross Drive, requested clarification on what was approved. Mr. Weiss clarified that approval was subject to checking with the Ethics Commission, reviewing the State statute, reviewing the Graboski contract to see if the management services were included, and reviewing Mr. Nieda's contract to see if the management services were already included.

Tab G – Motion Approving Request to Expend Police Budgeted

Funds: Approval was requested for \$32,728.00, to remove the Detective Trailer and to dispose of all surplus items as a result of the downsizing.

Dina Cellini, 211 Bal Cross Drive, requested clarification. Mr. Smith reviewed the memo in the agenda. He noted that the amount for landscaping was decreased to \$2,000.00 for sod, so the revised total requested would be \$22,868.00. Ms. Cellini questioned if any of the figures were negotiable to haul the trailer. Mr. Smith explained that the amount was provided for in the contract. Ms. Cellini spoke in favor of approval, since the trailer was previously paid for with forfeiture funds which the Village no longer received.

Dan Holder, 24 Bal Bay Drive, spoke in favor of removing the trailer, but suggested that some trees be added.

Anamarie Kelly Stoppa, 77 Camden Drive, suggested that the honorary badges and IDs be eliminated, to decrease the Police budget. Mayor Rosenfield reported that was not a line item in the budget.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Sanz to approve Tab G. The motion carried (4-0).

Tab M – Discussion of Meeting Decorum – Assistant Mayor

Blachar: Assistant Mayor Blachar reviewed Resolution No. 700 and Police Administrative Directive 03-18, regarding meeting decorum at Council meetings and meeting security.

6. PUBLIC HEARINGS:

Quasi-Judicial Public Hearings:

Ordinance First Reading/Public Hearing:

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, GRANTING THE REQUEST OF CONSULTATIO BAL HARBOUR, LLC FOR A REZONING FROM OF OCEAN FRONT DISTRICT TO PD PLANNED DEVELOPMENT DISTRICT FOR THE PROPERTY LOCATED AT 10201 COLLINS AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 5.53 ACRES; PROVIDING FOR RECORDING AND PROVIDING FOR AN EFFECTIVE DATE.

Carter McDowell, Attorney representing Consultatio Bal Harbour LLC, requested that the Council set a Special Council meeting for the item on February 5, 2013 or February 12, 2013.

The item was discussed later in the meeting.

Zoning Hearings/Quasi-Judicial Public Hearings: None.

Ordinances Second Reading/Public Hearings: None.

Ordinances First Reading/Public Hearings: None.

Resolutions/Public Hearings: None.

7. ORDINANCES FIRST READING/PUBLIC INPUT: The following Ordinance was read, by title, by Mrs. Horvath:

AN ORDINANCE OF BAL HARBOUR VILLAGE AMENDING THE BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013, BY REALLOCATING FUNDS WITHIN THE POLICE DEPARTMENT AND TRANSFERRING FUNDS FROM GENERAL CONTINGENCY TO THE POLICE DEPARTMENT AND ESTABLISHING AN EFFECTIVE DATE.

Christopher Wallace, Finance Director, reviewed the proposed Ordinance.

Babak Raheb, 128 Balfour Drive, questioned if the jobs eliminated were from the Police Department and the number of Officers on payroll. Mr. Wallace reported that there were 26 Officers and the jobs eliminated were sworn personnel that either left by retirement or on their own. Mr. Raheb questioned if the money would come from the General fund. Mr. Wallace advised that it would, from the Contingency line items.

Dina Cellini, 211 Bal Cross Drive, felt that the Ordinance was premature. She suggested that a comprehensive list be provided of the equipment and programs that would potentially be absorbed in the General fund. She pointed out that the Council may not have approved some of the programs, if the general fund would be used instead of forfeiture. She noted that none of the vehicle leases should cost more than \$400 monthly.

Mayor Rosenfield questioned if the Village could abandon any of the leases. Mr. Wallace didn't know. He noted that a number of vehicles leases that were coming up would not be replaced. He added that the Village would have to negotiate with the Lesser, to exchange vehicles for less expensive ones. Mayor Rosenfield questioned the number of vehicles paid for by forfeiture. Mr. Wallace estimated ten to seventeen. Mayor Rosenfield requested a list and suggested that the item be deferred, until the next meeting. Councilman Packer pointed out that every lease had a 30-day cancellation. Mr. Wallace will look into that and review it with the legal team.

Brian Mulheren, 10245 Collins Avenue, noted that the police budget and staffing needed to be addressed, as well as what the Village could get rid of. Mayor Rosenfield reported that those items were being worked on.

Mr. Wallace clarified that the money from any assets purchased with forfeiture funds that were sold would go back into the forfeiture fund.

A motion was offered by Assistant Mayor Blachar and seconded by Councilman Packer to defer the Ordinance. The motion carried (4-0), with the vote as follows: Assistant Mayor Blachar yes; Councilman Packer yes; Councilman Sanz yes; Mayor Rosenfield yes; and Councilwoman Cohen absent.

Tab H – Ordinance First Reading/Public Hearing:

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, GRANTING THE REQUEST OF CONSULTATIO BAL HARBOUR, LLC FOR A REZONING FROM OF OCEAN FRONT DISTRICT TO PD PLANNED DEVELOPMENT DISTRICT FOR THE PROPERTY LOCATED AT 10201 COLLINS AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 5.53 ACRES; PROVIDING FOR RECORDING AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to defer Tab H to a Special Council Meeting on February 5, 2013, at 7:00 p.m. and for residents to be notified via postcard, the Police electronic sign, the Information Channel, and the web site. The motion carried (4-0), with the vote as follows: Assistant Mayor Blachar yes; Councilman Packer yes; Councilman Sanz yes; Mayor Rosenfield yes; and Councilwoman Cohen absent.

8. RESOLUTIONS: None.

9. REPORTS:

A. VILLAGE MANAGER:

Quarterly Financial Update for First Quarter (2012/2013) Provided by Finance Director Christopher Wallace: Mr. Wallace presented the quarterly report.

Babak Raheb, 128 Balfour Drive, thought that the placement of the security assessment and garbage on the tax rolls was illegal. He requested that the Village stop doing so or he would have to seek legal action.

Anamarie Kelly Stoppa, 77 Camden Drive, discussed the misuse of public funds for private use, since the District (gated area) was private.

Dr. Michael Krop, 9601 Collins Avenue, questioned why the General Government budget had only expended 8% of its budget. Mr. Wallace explained that General Contingency was in that line item, which included money for hurricanes. Dr. Krop questioned why it wasn't listed as Contingency. Mr. Wallace explained that it was appropriated as an expenditure item, listed as contingency, and was for emergencies during the fiscal year.

Update on Beach Renourishment Trucking Project: Mr. Smith reported that a trucking project didn't seem feasible for the Village, since it was third on the list of three places that needed renourishment. He will discuss smoothing the sand over with Mr. Davis, Miami-Dade County, to make the beach safer. He reported that the County felt that the effects of Hurricane Sandy were diminishing and the beach would start to come back. Mayor Rosenfield noted that the Resort Tax Committee had suggested that the Village consider paying for a trucking project. Mr. Smith reported that the cost would be \$800,000.00 for a small trucking project. Mayor Rosenfield added that the Village wouldn't be able to receive permits for a trucking project until May. She reported that a major renourishment project was expected to start in May/June. Mr. Smith will contact Congresswoman Debbie Wasserman Schultz again. Councilman Packer suggested a resident letter writing campaign to the Congressional and State representatives.

B. VILLAGE CLERK:

Lobbyist Registration Report: As of January 15, 2013:
Mrs. Horvath distributed an updated list at the meeting.

C. VILLAGE ATTORNEY: No items were discussed.

D. MAYOR AND COUNCIL:

Discussion of Village Manager and Finance Director Search Proposals – Mayor Rosenfield: Mayor Rosenfield reported that three proposals were received for companies to provide a Village Manager and Finance Director search.

Councilman Packer discussed Merritt Stierheim serving as Interim Manager, while conducting the search. Mayor Rosenfield reported that Mr. Stierheim was not interested in doing that. She spoke in favor of having Mrs. Horvath and Mr. Smith do the job, while the search was conducted. Councilman Packer discussed the length of time that the search could take and spoke in favor of speaking to Mr. Stierheim about serving as Interim Manager during that time.

W.D. Higginbotham, The Mercer Group, Inc., encouraged the Council to consider their proposal.

Assistant Mayor Blachar spoke against hiring an Interim Manager, since Mr. Smith and Mrs. Horvath were doing a great job.

A motion was offered by Assistant Mayor Blachar and seconded by Mayor Rosenfield to hire Colin Baenziger & Associates. The motion failed (1-3), with the vote as follows: Assistant Mayor Blachar yes; Councilman Packer no; Councilman Sanz no; Mayor Rosenfield no; and

Councilwoman Cohen absent.

A motion was offered by Councilman Packer and seconded by Councilman Sanz to hire Merritt R. Stierheim & Associates.

Joe Imbesi, 175 Camden Drive, suggested that Jay Smith be given a chance as the Village Manager. Mr. Smith thanked Mr. Imbesi, but explained that he was not interested in the position. Assistant Mayor Blachar reported that the Village Clerk was not interested in the position either.

Brian Mulheren, 10245 Collins Avenue, spoke in favor of speaking to Merritt Stierheim to conduct the search and to also serve as an Interim Manager. He added that Mr. Smith and Mrs. Horvath could assist, but thought that outside advice was needed.

Emme Pedinielli, 10205 Collins Avenue, spoke in favor of Merritt Stierheim.

Dina Cellini, 211 Bal Cross Drive, spoke in favor of hiring Merritt Stierheim to do the search and to speak to him about serving as Interim Manager. Mayor Rosenfield didn't know if someone doing the search could also serve as the Interim Manager.

Neil Alter, 9801 Collins Avenue, spoke in favor of Merritt Stierheim.

Dan Holder, 24 Bal Bay Drive, spoke in favor of Merritt Stierheim, but wanted the Village to be aware of some issues with his strategic planning with the County and School Board. He hesitated having Mr. Stierheim serving as interim Manager when there were employees who already knew the system, etc.

Dr. Michael Krop, 9601 Collins Avenue, worked with Merritt Stierheim and spoke in favor of him.

Assistant Mayor Blachar spoke against hiring an Interim Manager, since Mr. Smith and Mrs. Horvath were doing a great job and the new Manager should be allowed to decide certain things.

Mr. Weiss reported that the hiring of a Finance Director was under the prevue of the Manager, not the Council. He suggested that the agreement with the search firm provide an option to use them to conduct a Finance Director search, if the new Manager decided that was an appropriate thing to do.

A motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to amend the motion to hire Mr. Stierheim's firm (for \$20,000) to conduct a Village Manager search, with the option to conduct a Finance Director search. The amendment to the motion carried (4-0).

The motion, as amended, carried (4-0).

Councilman Sanz requested that Councilwoman Cohen be given the opportunity to voice her opinion when she returned, but not to delay hiring Mr. Stierheim.

Councilman Sanz noted that sometimes it was inferred that the Council voted on an item, but pointed out that sometimes not all of the Councilmembers voted.

Mayor Rosenfield clarified that Mr. Treppeda, not the Village Council, appointed Mr. Smith

to serve as Acting Manager.

Discussion of Meeting Decorum – Assistant Mayor

Blachar: This item was discussed earlier in the meeting.

Discussion of Bus Shelters – Councilman Sanz:

This item was discussed earlier in the meeting.

Discussion of Memo from Building Official –

Councilwoman Cohen: This item was deferred until the next meeting, since Councilwoman Cohen was not in attendance.

10. OTHER BUSINESS:

Public Comment:

Brian Mulheren, 10245 Collins Avenue, read a letter sent to him regarding an internal investigation by the County. Mr. Smith explained that there was an ongoing internal investigation that didn't have to do with the Department of Justice investigation. Mr. Mulheren spoke against the County investigating Bal Harbour Officers and spoke in favor of it being done by the Florida Department of Law Enforcement or the Federal government. Mr. Smith reported that the Village could not comment on an ongoing investigation.

Councilman Sanz and Councilman Packer didn't know anything about the internal investigation.

Mr. Weiss read the Charter Section regarding the Village Manager designating someone to fill in during his absence and reported that the Council had the ability to change that if they weren't happy with that selection.

Anamarie Kelly Stoppa, 77 Camden Drive, questioned who approved the new contract for Dan Nieda. Mayor Rosenfield reported that Mr. Treppeda did. Mr. Smith clarified that Mr. Nieda wasn't given a new contract and that the contract was just extended under the same terms. Ms. Stoppa thought that the contract required Council approval, since there was an increase of \$5,000.00. She requested a copy of the contract. Mr. Weiss clarified that the contract could be terminated, with 30 days notice. Ms. Stoppa recommended that Mr. Treppeda's signature be rescinded, since Mr. Nieda had threatened to sue the Village for being anti-Spanish and was rude to Councilwoman Cohen. She didn't think that the Village needed him any longer.

Ms. Stoppa didn't think that Weiss Serota was to blame, since they showed due diligence in notifying the restrictions of the forfeiture fund. She questioned why the Council didn't ask questions after the audit and if checks were still being signed.

Ms. Stoppa reported that there was a fund for the criminal attorney for Chief Hunker, which people had been asked to support. She questioned who had been solicited for a donation to the fund.

Ms. Stoppa questioned if the Village's insurance company was contacted regarding the issue. Mr. Weiss advised that they were and the Village was waiting to hear back on a

decision about coverage.

Ms. Stoppa discussed restrictions for an employee to receive more than \$25.00. Mr. Weiss reported that to his knowledge the Village was not involved in soliciting any funds for Chief Hunker. He added that if it was being done, then it was being done privately. Ms. Stoppa pointed out that it was a violation as an employee and chief for Chief Hunker to accept gifts, etc. Mr. Smith reported that the Police Department and Chief Hunker did not have any items in response to Ms. Kelly's request. Ms. Stoppa reported that Chief Hunker's criminal defense attorney had said there was a fund and provided the contact information for another person collecting the funds. She suggested that the Council should be aware of Chief Hunker's actions and the fund.

Ms. Stoppa urged the review of Mr. Nieda's contract.

Dina Cellini, 211 Bal Cross Drive, agreed that Mr. Nieda's contract should be looked into, since Mr. Treppeda had advised that there wouldn't be any salary increases.

Ms. Cellini noted that Mr. Treppeda's absence was not temporary, but was permanent, so she didn't know that the Charter provision would apply. She clarified that even if it did, the Council didn't have to accept the Manager's appointment. She thought that if the Council did accept the Manager's appointment, then a motion should be made to that affect.

Ms. Cellini discussed being contacted by a County Sergeant with Internal Affairs, since a Village command staff member had listed her as a witness on an internal affairs investigation. She felt that it was inappropriate for Bal Harbour to file administrative complaints against Officers and list her. Ms. Cellini felt that it was retaliation because of her public comments about the former Chief, who she believes should be fired. She added that if Chief Hunker was accepting donations then it was against the ethics code, since he was on administrative leave as an employee.

Mayor Rosenfield clarified that this was the first the Council was hearing about it.

Mayor Rosenfield clarified that Mr. Treppeda was still an employee of the Village. Mr. Weiss agreed. Mr. Weiss will review Mr. Treppeda's email and if Mr. Smith's appointment needed to be ratified, then it would be done at the next meeting. Ms. Cellini thought that was fair.

Assistant Mayor Blachar didn't know about an alleged fund, the letter, or the investigation. Mr. Smith will look into the fund.

Neil Alter, 9801 Collins Avenue, requested that Mr. Smith investigate who the source was that informed the County to question residents.

Mr. Alter questioned if the Council was aware that Mr. Nieda's contract was renewed, with a raise. Mayor Rosenfield was aware of the contract, but not a raise. Mr. Alter reported that Mr. Treppeda had told him that Mr. Nieda would get a reprimand and the contract would be extended, with a raise.

Michael Krop, 9601 Collins Avenue, suggested that an audit committee be formed, with each Councilmember selecting a member, to meet monthly and review the financial aspects of the village.

Dr. Krop reported that Mr. Treppeda had advised that there was \$3 million in the forfeiture fund. He questioned what happened to the rest of the money, since \$1 million was sent back to the Department of Justice.

Councilman Packer agreed that an audit committee should be appointed. Mayor Rosenfield suggested waiting, until a new Manager was hired. Assistant Mayor Blachar agreed, but thought that it should also wait until a new Finance Director was hired.

Brian Mulheren, 10245 Collins Avenue, clarified that an audit committee would advise the Council, not the Manager. He read an email from the Department of Justice showing what the funds could be used for. He noted that, in January 2011, the Chief and Captain Greg Roye were notified by the Village Attorney that the forfeiture money could not be used for salaries, etc. He clarified that the Chief and Village Manager knew the funds couldn't be used and they did it and put the Village at risk. Mr. Mulheren questioned when they would be held accountable. He noted that the Village Manager was the ultimate responsible person.

Councilman Packer discussed the location of the mast arm in the middle of the sidewalk, in front of the Shops. He reported that Gus Pego, Department of Transportation, didn't know about it. Mr. Smith reported that Mr. Treppeda had sent a letter to Gus Pego, regarding the Village's unhappiness with the location of the mast arm. He will follow up with Mr. Pego.

11. ADJOURN: There being no further business, a motion was offered by Councilman Packer and seconded by Assistant Mayor Blachar to adjourn. The motion carried (4-0) and the meeting was adjourned at 10:06 p.m.

Attest:




Ellisa L. Horvath, MMC, Village Clerk


Mayor Jean Rosenfield