



**Town of Surfside  
Special Town Commission Meeting  
MINUTES  
January 26, 2022  
6 p.m.**

**1. Opening**

**A. Call to Order**

Mayor Burkett called the meeting to order at 6:08 p.m.

**B. Roll Call of Members**

Town Clerk McCready called the roll with the following members present:

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, Commissioner Eliana Salzhauer and Commissioner Charles Kesl.

Also present were Town Manager Andrew Hyatt, Assistant Town Manager Jason Greene, Town Attorney Lillian Arango, Town Attorney Tony Recio and Town Attorney Erick Hockman.

**2. Champlain Towers South (CTS) Building Collapse – Inspection Protocol, Process and Cost Allocation**

Mayor Burkett advised the public of the reason for this special meeting.

Town Manager Hyatt stated the reason why he called this meeting, which is to discuss the inspection protocol for the Champlain Towers South process and cost allocation.

**EXHIBITS:**

- A. Order Granting Town's Motion to Authorize Town as a Participant under Protocol for Inspection Invasive Testing**
- B. Order Re Joint Protocol for Testing and Material Sampling;**
- C. Joint Protocol for Testing and Material Sampling (Court Approved)**

**D. Geosyntec Consultants CTS Joint Testing Protocol Budget Estimate.**

Town Attorney Arango introduced the item and stated that they are seeking direction on how to proceed with the cost allocation for inspection and testing of the Champlain Tower South site. She spoke regarding what has transpired at the status hearings with the judge. She gave an overview of what the Town is seeking, and this has been done for closure for the family members and not for litigation purposes. She provided a history of what has taken place and what the Town has been doing in order to get access to the site for the testing and for Mr. Kilsheimer to be able to have access. She stated that the Town is not party to this litigation. She continued giving an overview with the outcomes of several hearings. She explained the different exhibits in the agenda. She went over the cost analysis and the percentage for the defendant categories and the number of defendants. She stated that the cost allocation is 85% to be divided among the defendants. She explained what was presented before the court by Town Attorney Hockman as it pertains to the Town.

Mayor Burkett stated that the Commission will hear from Mr. Allyn Kilsheimer and then questions and comments will follow.

Mr. Allyn Kilsheimer provided an overview of what has been taking place. He spoke regarding the outline protocol he put together on the site on Collins Avenue which has nothing to do with the offsite area because they do not know what is there or the condition the materials are in. He stated that he put together a protocol of the types of testing that needed to take place on the site. He gave an update of what has been taking place up to now. He spoke regarding the protocol that they have received so far. He provided a summary of how the testing would take place. He stated that the defendants are the ones that have added more things to the protocol. He stated that his plan is to come Sunday and stay for 16 weeks. He spoke regarding the use of videographers and knowing the schedule for the testing. He explained his plan as it pertains to his team being here for the testing. He spoke regarding the cost and there is no way for him to verify the cost because he has no backup for the cost. He spoke on how the process works and what would happen if more individuals are added to the suit and what would occur when some drop out and what it would mean to those that remain as it relates to their portion of the cost. He explained what they are looking for is the trigger. He stated that they need to look at what is onsite as well as offsite. He stated that in life you need to follow and do what you think is morally and ethically right. He stated that they need this information to be able to do the work needed to find out what happened.

Mayor Burkett asked if the Commission would like to go around for 5 minutes a piece on the first round.

Commissioner Salzhauer stated that she requested the transcript of the court hearing because you have to look at what was said to know what took place. She stated that there are portions that are disturbing. She thanked Town Attorney

Hockman for the great arguments he made and they fell on deaf ears. She spoke regarding statements made by the judge that are shown on the transcript. She stated that the goal of this court is to get the money for those that lost property and not about getting to the truth of what happened. She stated that our residents need to know what happened and get closure and peace. She stated that if they need to be a party to get access, then they might need to be a party.

Mr. Kilsheimer stated that there is no way of testing after they are done because the material will not exist anymore. He stated that they moved the sale date 3 weeks because they are doing boring for the buyer.

Commissioner Salzhauer stated that they are shutting us down and does not appreciate this. She stated that the court stated that the attorneys are working pro bono and the judge stated on page 44, line 18 he stated the amount in attorneys' fees. She stated that they cannot wait until NIST is done.

Commissioner Kesl asked if they do get involved and are a paying participant, will Mr. Kilsheimer be able to access what he needs to access to make a determination.

Mr. Kilsheimer stated that if he sees them doing something that is backwards and says it to them, they can either accept it or tell him to leave. He stated that most of the experts will agree with him. He stated that from his understanding they get to see whatever everyone else sees.

Commissioner Kesl asked how confident Mr. Kilsheimer is that all pieces will be hit.

Mr. Kilsheimer answered Commissioner Kesl's question.

Commissioner Kesl asked what is the likelihood that after all the tests are done that the investigation will be inconclusive at the end.

Mr. Kilsheimer stated that there are missing pieces in any puzzle. He further explained the process of the testing.

Town Attorney Hockman stated that if you are not a participant or a party in the case you have no powers to enter to a private property. You also have no rights to subpoena anyone.

Vice Mayor Paul thanked Mr. Kilsheimer for being with the Town since June 25, 2021 and for his persistence in representing Surfside and all the people who want to know what happened here.

Mr. Kilsheimer stated that he gets phone calls every week from residents asking if there is a problem in Town.

Vice Mayor Paul believes that it is our moral and ethical obligation to know what

happened. She stated that she has an issue with the Town being lumped in with the defendants instead of just being an interested party, since we are the municipality where this happened.

Mr. Kilsheimer spoke regarding the process of the response time and what will take place.

Vice Mayor Paul asked if they had any information regarding the criminal investigation.

Town Attorney Hockman stated that what the court has approved and the order entered by the judge regarding the testing and what is stated by them is that it is an ongoing criminal investigation.

Commissioner Velasquez stated that her biggest concern is handing over a blank check and believes it is very irresponsible. She asked Mr. Kilsheimer why is that his answer to the cost for the testing is \$2 million and their answer is \$4 million to do the testing to find out why the building collapsed.

Mr. Kilsheimer stated that the total cost of testing they estimated on and off the site. He stated that the onsite testing is \$4 million and the only two reasons he could find is that his guys are more efficient and the other thing is that the defendants added a large amount of very expensive testing.

Commissioner Velasquez stated that it seems like the court does not want him representing the Town. She stated that her feeling is that by him going through the process with them would they allow him to go with the other individuals and will they be paying Mr. Kilsheimer as well as the other experts.

Mr. Kilsheimer stated that the sampling and testing is what everyone is sharing in, then what he does with that information and what they are paying him to do is watch the collection of the data and make sure that the correct data is being collected and they will go through the data.

Commissioner Velasquez stated that what the judge wants is for the testing and then we pay Mr. Kilsheimer to examine the testing.

Mr. Kilsheimer asked Assistant Town Manager Greene what has been paid so far and what is still available.

Assistant Town Manager Greene stated that there is still \$877,000 left to be paid against the total amount.

Commissioner Velasquez stated that if they want the information, they have to play the way the judge wants, so in reality they are paying twice because you have to pay what the judge is requesting and then Mr. Kilsheimer and then you don't know

how much they are charging.

Mr. Kilsheimer stated that the sampling and testing is given to each expert to interpret the data, so you are not paying twice. He commented on the statements made by the receiver, Mr. Goldberg.

Mayor Burkett thanked Mr. Kilsheimer for his diligent efforts in guiding this Commission in giving incredible advice and knowing that they have the best expert in the Country and are happy to have him here. He asked that following the investigation and protocol, would he say that after the investigation outlining the protocol takes place would the materials be contaminated and not fit for further investigation.

Mr. Kilsheimer stated that you cannot take a sample of something that no longer exists. He stated that they are supposed to be taking soil and concrete samples that they must take spares, but you have no way of knowing how many spares they will have for other defendants to test.

Mayor Burkett asked if there will be special areas on the site that would be of more interest than others.

Mr. Kilsheimer stated that you might be more specific to understand a certain area more than another one.

Mayor Burkett asked regarding the protocol and wish list of all participants wanting the testing and stated that it is important to state that the Town has been blocked from doing what they need to do. He asked if the County ever hired a specialist engineer to assist the Police Department in this criminal investigation they are talking about.

Mr. Kilsheimer stated that as far as he knows they did not hire a specialist to assist in any criminal investigation and addressed the question regarding the testing in certain areas.

Town Attorney Hockman clarified some comments that were made regarding the court process and the judge's decisions.

Commissioner Salzhauer appreciates what Town Attorney Hockman stated and asked if they are likely that they will get sued and what is the deadline when they will know if they will get sued.

Town Attorney Hockman addressed the comment made by Commissioner Salzhauer and the process if the Town would be sued.

Commissioner Salzhauer asked if by March 7 we would have the possibility of being sued.

Town Attorney Hockman stated that he is willing to speak to her privately but not in the public since there is no attorney client privilege.

Commissioner Salzhauer stated that they should be able to get a court order to be able to get on the property based on a life and safety issue.

Town Attorney Hockman stated that they tried that and the judge denied it. He stated that they are not at the stage of anything being appealable and currently nothing has been done that can be appealed.

Commissioner Salzhauer stated that their goal is to get to the truth of what happened.

Town Attorney Hockman stated that he believes they are afraid of what Mr. Kilsheimer might find and say.

Commissioner Kesl stated that they have a moral and ethical duty to spend taxpayer dollars responsibly. He stated that this mission is more to satisfy the fight between the plaintiffs and defendants then actually finding the truth. He stated that the County criminal investigation has not happened and they are not seeing movement.

Commissioner Velasquez asked about the specific testing that he needs to do in order to get the answers.

Mr. Kilsheimer stated that they are doing everything he wants but more of it. They are trying to figure out what happened. However, the defendants are trying to figure out that their clients were not the cause of what happened.

Commissioner Velasquez asked if they do not give a blank check if their hands are tied.

Mr. Kilsheimer stated no.

Vice Mayor Paul asked if any of the testing is dangerous to the roadway or neighboring properties.

Mr. Kilsheimer stated that there are some tests to be done outside the footprint of Champlain Tower South that are in the property owned by Miami Beach and they need permission. There are tests to be done in the Town that need permits. He provided information on the areas where the testing will be done.

Vice Mayor Paul asked regarding the seismic testing and if he would be able to compare that to the seismic testing that was done during construction of the neighboring property.

Mr. Kilsheimer stated that if they are able to get their information based on the subpoenas served, then once they get that information, they will be able to understand more.

Vice Mayor Paul asked regarding the cost and concerns as to what the Town's percentage would be and does not like standing with the defendants and wants to be on our own as the Town. She stated that she would like to go back to the Court with our request and go as far as we can. She asked what the Town's percentage would be because we don't have a firm number.

Town Attorney Recio stated that what was presented to the Court is the 85% which would be divided between 9 defendants and the Town, but that is subject to some caveat. If any parties pull out then the remaining parties have to share in the cost.

Vice Mayor Paul stated that she believes they need more information and they should come up with a recommendation to represent to the Court to ask for a better balance.

Town Attorney Arango addressed the comment made by Vice Mayor Paul and the 85% was provided by the defendant and not the court.

Town Attorney Recio read what Mr. Thomas stated as it pertains to those withdrawing or settling, this was proposed by the defendants. He stated that what the court stated was for them to work it out.

Commissioner Velasquez asked if what they are asking is for them to give a blank check.

Town Attorney Recio stated they are asking for direction on what the Commission would like to do.

Commissioner Velasquez stated that they can give suggestion as to not giving a blank check and go back and tell them we will not do this unless there is a specific amount of money on the table and have our expert be able to get on the site.

Town Attorney Hockman stated that if other parties agree to something, we can object. He stated that what the parties agree to does not mean the court will accept it. He stated that what they agree to, the Town will be stuck with it.

Commissioner Velasquez stated that she does not want to give a blank check to them and to come up with a counteroffer that will not hurt the Town.

Mayor Burkett asked Town Attorney Hockman if we are not in much of a position to negotiate.

Town Attorney Hockman stated that he will state that they are not a party and there should be some type of consideration for us.

Mayor Burkett asked if we know if the site on 88<sup>th</sup> street is still a crime scene.

Mr. Kilsheimer stated that he believes it was released.

Mayor Burkett believes the same thing and it was turned over to the receiver. He stated that if it was a waste site leaking radioactive materials they would allow access. He spoke regarding having to find out as to why it collapsed. He asked Mr. Kilsheimer if everything he wants to do is in the protocol and feels that at the end, they will have data that can be interpreted, analyzed and used is what will be needed. He agrees with the notion of not giving a blank check and the entirety of the cost is still not available. He stated that without some sort of fixed cost, this commission could not make a determination of proceeding.

Vice Mayor Paul stated that they need more information to make a decision and they cannot do so with the information they currently have.

Commissioner Salzhauer stated that the truth is not part of the agenda and the attorneys have some options as to what they have heard. She would like to hear the four options that the Town could consider and what they would recommend. She stated that as a resident wanting there to be truth and some closure for the families and the residents feel safe, and the family getting a memorial and that is the one thing the court is not taking into consideration.

Town Attorney Arango read the different options and asked Town Attorney Hockman to provide explanation.

Town Attorney Hockman stated that he read the insurance policy the Town has and explained the policy the Town has and the duty the insurance company has to the Town.

Town Attorney Recio provided some options that were discussed. One option is being a participant for now and determine as you go along and the option to withdraw. He stated that these options are potential options they have looked at and the court has the final answer to accept the option chosen. The other option is wait until everyone is done and petition the court to go on the site and do what they want to do.

Town Attorney Hockman stated that second option is what he provided to the court last week and explained what the court stated.

Town Attorney Recio provided another alternative and Mr. Kilsheimer wants to see how the evidence is being collected. The alternative is Mr. Kilsheimer observes but we are not part of the collection of the data, and then we are sued, and we need to



access the data then we petition the court to access that data and we would pay later not now. The other option is the a la carte option. He stated the less defendants there are then the bigger the chunk each one must pay and if the Town is not part of it, they are paying a bigger chunk. He opined what about contributing to the overall cost to reduce the cost.

Commissioner Kesi appreciates the different options and as he sees it, if they wait for a buy in option later, we have no guarantee it will be there later, and we need to pay now. He does not understand why they won't accept a lump sum approach. He is for advocating that the Town has not had to defend themselves because they do not assume they are wrong in any of this. He stated that they could also be neutral. He does not like being lumped into with the defendants.

Commissioner Velasquez asked if there is an option on being a plaintiff. She asked regarding the amount of money we would be paying.

Town Attorney Arango spoke regarding the division of the cost.

Mr. Kilsheimer stated that all the defendants were evaluating the cost.

Vice Mayor Paul recommended going back to the Court with the value engineering Mr. Kilsheimer mentioned and pay for the testing that Mr. Kilsheimer and the plaintiffs would like to have done.

Mayor Burkett stated that we do not know what the numbers and results will be. He feels better with what Mr. Kilsheimer stated that they will get the data needed. He stated that Commissioner Velasquez brought up a good point stating that we only have a certain amount of money and join the protocol and be a member. He asked if they could limit their exposure to \$2 million dollars and Mr. Kilsheimer would have to analyze the data. He stated that they want an answer but do not want to go over the \$2 million. He would like to make a deal acceptable to the judge and understands it is a give and take proposition.

Mr. Kilsheimer stated that they had \$200,000 for the testing, to stick with the \$2 million we will limit what we are doing here to \$200,000.

The following individuals from the public spoke:

Randy Rose thanked the Commission for trying to get to the end of what really happened.

Marianne Meisheid stated that they need to move forward with the process and get to the truth.

Jeff Rose agrees that they all want answers and not have a blank check. He asked why a criminal investigation would require destructive testing.

George Kousoulas stated why do so many people want to keep Mr. Kilsheimer off the field. He stated you want him to be able to get the information he needs and you want him on the field.

Shannon Gallagher stated that she does believe the Town will be a defendant. She asked what investigation they have done to look into their insurance policy.

Mayor Burkett stated what direction they want to provide to the Town Attorney and staff.

Commissioner Salzhauer stated that they need to be on top of this and be able to get access and a warrant. She would like to get their residents answers and need to step up. Her suggestion is to drag it out until the March 7 deadline until we are a party. Her direction is to see how to get the insurance to pay for this. She stated that whatever options moving forward is what she is supporting.

Commissioner Kesl stated that he is grateful that the Commission focused on safety and not defending themselves. He clarified if they commit to paying 1/9<sup>th</sup> of the 85% of the testing fees, can they exit because they deem it is no longer beneficial to us.

Town Attorney Recio stated one of the options is withdrawing from the protocol and they do not know how the split would be.

Commissioner Kesl spoke regarding the different options provided. He stated they do want to have Mr. Kilsheimer's team.

Town Attorney Hockman clarified that no one has suggested that this will occur on Friday, but if we decide not to be part of this protocol, there is a chance that the plaintiffs will ask the court to remove him from the protocol process.

Commissioner Velasquez stated that to think they will be sued, they do not know that yet, in the meantime if they want to continue with the investigation there needs to be a number put on the counter that is being given to the attorneys and the judge. She stated that if the cost is still not determined, they need to determine how much of the money they are going to pay but she will not approve giving a blank check. If you put a dollar amount on it then she will ask for Mr. Kilsheimer to be part of this.

Vice Mayor Paul agrees that they need a set number and the number used in the past for Mr. Kilsheimer has been \$750,000. She would go with spending up to \$750,000 which is aligned with what their share might be. She would like for the court to provide more details if others pull out, if they have an option to pull out. She would like Mr. Kilsheimer's recommendations to be considered more with the testing. She stated they are not trying to settle anything and want the truth to get the facts of what happened.

A motion was made by Vice Mayor Paul to have the attorneys present the amount up to \$750,000 and Mr. Kilsheimer's recommendation for the testing and to clarify the procedure, seconded by Commissioner Kesl.

Mayor Burkett stated that they need to put a number on the protocol and other things have not been priced yet. They need to know the entire price tag of that protocol and then make a decision on that. He disagrees with Vice Mayor Paul with the \$750,000 amount. He stated that you either commit to continue or stop right now.

Mr. Kilsheimer stated that based on the numbers provided, they do not have all the numbers.

Mayor Burkett asked what is the percentage of the entire protocol and remaining cost.

Mr. Kilsheimer stated that if you do all the protocol on the site, his guess would be, if stored and marked in a way you know what they are, you are not going to spend as much on the warehouse as on the site. He stated it will be under \$10 million.

Commissioner Velasquez left the meeting at 8:37 p.m.

Commissioner Salzhauer would like to use resources to pursue other avenues and public safety argument to get access. She would like to know if there are government grants, funds that will contribute as well as reaching out to the Governor.

Assistant Town Manager Greene stated that they have looked at that option and there is nothing that will assist in funding it. He stated that the budget prepared by Mr. Kilsheimer was \$2.5 million to complete the entire investigation and the Commission went in interim steps. He stated that if the Commission goes with the \$750,000 will you be raising the \$1.5 million to \$2.5 million and the additional funds will be used for the testing and a second protocol for the offsite will be a different number that will be unknown at this time.

Commissioner Kesl spoke regarding the \$750,000 current proposal; he would consider to go with \$500,000.

Vice Mayor Paul stated that the motion is for the attorneys to also separate the Town from the defendants and would amend her motion to \$500,000.

Town Attorney Arango stated that the number is the estimate that has been provided.

Commissioner Kesl stated do they have to consider what Mr. Kilsheimer is getting paid.

Mayor Burkett stated that if we move forward with this motion you are accepting the

blank check because this will only fund a partial of the protocol and a list of all the other costs to be determined were read. He stated that he would propose to tell the judge they are willing to participate as a participant but would like to have an amount.

Commissioner Salzhauer would like to know why the State of Florida is not doing anything for Surfside. She stated that there needs to be more ownership and we will get sued.

Commissioner Kesl stated that they need to have something on the table in order to not be powerless. He stated that we want Mr. Kilsheimer there but not write a blank check.

Vice Mayor Paul stated that there is no way to stay in the game if we do not put forward some money. We need Mr. Kilsheimer to be there to make sure the testing is done properly. She stated to come back with a firm amount and procedure.

Mayor Burkett stated he sees it as a blank check. He stated that the Mr. Kilsheimer stated that with the protocol we can get the answers.

Commissioner Salzhauer asked what the original budget was, and the amount expended.

Assistant Town Manager Greene addressed the comment made by Commissioner Salzhauer regarding cost.

Commissioner Kesl stated that the reason why they are here tonight is because the Town Attorneys need direction as to what money they can expend and that is why \$500,000 is what he proposed.

Mayor Burkett stated that what they need is to have a framework and the piece meal approach is getting a potential no from the court and provided his reasoning.

Commissioner Salzhauer would like Mr. Kilsheimer present during the testing.

Further discussion took place regarding the funding for the testing and the protocol as it pertains to the Town's involvement and Mr. Kilsheimer being on site.

Town Attorney Hockman stated the reasons why the court is doing what they are doing. He stated that the court is trying not to destroy any evidence when testing and if the Town becomes a defendant, then how can you say we are not prejudiced after the testing has been done and the evidence has been destroyed.

Vice Mayor Paul stated we have a moral and ethical obligation to find out what happened and asked if the \$500,000 is enough to negotiate.

Town Attorney Arango addressed the comment made by Vice Mayor Paul and explained not being aligned by the defendants and what it would mean for the Town and they would need to work with the other parties.

Mayor Burkett asked if the other parties would agree.

Town Attorney Arango stated that they objected to the \$200,000, all they can do is propose it to them and work with them before the Friday hearing.

Mayor Burkett asked the Town Attorneys if they have a direction on the sentiment from the Commission.

Town Attorney Arango stated that they need a fallout position if the court does not accept the first proposal.

Commissioner Salzhauer stated that she agrees with not getting lumped in. She stated that she would like to figure out some other areas that they can explore.

Commissioner Kesl stated that the proposal should be for \$500,000. He asked if they get sued what happens to that money. He stated if that falls through then go with the original plan.

Town Attorney Recio stated that would be part of the negotiations.

Vice Mayor Paul stated they are in a spot, but they need to do what needs to be done to keep Mr. Kilsheimer there. She would go with the full \$500,000 and hope that will be acceptable and would like to know the recommendation for a fallback.

Town Attorney Recio stated that the fallback option is delegating the decision making to someone or pull out.

Vice Mayor Paul understands what is being said and if our offer is not accepted she would like to determine these costs and we cannot agree to a blank amount and if the \$500,000 is not accepted then what amount would be.

Mayor Burkett asked what if everyone settles and we still want the answers. He spoke regarding the objective is finding out if the other buildings are at risk. He stated that they need to stay in the game and keep Mr. Kilsheimer on but we cannot do it at any cost. He stated if they get bumped out then they can come back and decide. He believes the \$500,000 is reasonable and believes the judge will accept it.

Town Attorney Arango reiterated the fallback position if they do not accept the \$500,000, they need a more determined amount of the cost to move forward.

Commissioner Salzhauer stated if we are not part of the defendants, then our

percentage would be less.

Town Attorney Recio explained that the plaintiff's 15% goes to 10% and then the defendant's percentage also changes.

Commissioner Kesl stated he likes the idea and spoke regarding the percentage and the \$500,000 is much better based on the current numbers. He stated that as a backup he would agree to allow the Town Attorney to allow us to be 1/9<sup>th</sup> and would keep us independent.

Town Attorney Recio wanted to clarify that 1/9<sup>th</sup> is what we would be capped at.

Town Attorney Arango stated that as the parties drop our percentage goes up.

Vice Mayor Paul stated that she would not agree to the backup and we need the data for Mr. Kilsheimer. She would advocate for the 10% and the \$500,000 might be enough to cover or they need to come up with a firm amount. She stated for a backup plan she would up the amount to \$750,000 and keep us separate from the defendants.

Mayor Burkett stated that what he is hearing is spending \$500,000 to start and then make another offer to be involved. He stated what they are trying to do is limit their investment. He stated when you put a limit on something, you are no longer a 10% partner.

Commissioner Salzhauer is confused as to why we are discussing backup plans.

Mayor Burkett stated they will commit to be capped at \$500,000 and capped at 10% while keeping Mr. Kilsheimer involved. If we are out, then we need to have another meeting to strategize.

Commissioner Salzhauer asked if they are 10% separate, then they are in \$5 million.

Mayor Burkett explained what the geotechnical is being priced and what is included in the protocol.

Commissioner Salzhauer asked if they do this plan and then they become a defendant what would happen. She stated they are authorizing the funding not spending.

Vice Mayor Paul withdrew her previous motion and Commissioner Kesl withdrew his second.

Assistant Town Manager Greene explained the allocation of the funding and what has been budgeted and do they want to go to \$1.8 million to add to the budget.

Mayor Burkett stated that staff needs to have a conversation with Mr. Kilsheimer as to the funding for the testing.

Assistant Town Manager Greene asked if the increase in the budget is \$300,000 or \$500,000.

Mr. Kilsheimer explained the cost and what is needed and explained the amount.

A motion was made by Vice Mayor Paul for the Town Attorney to go to court for the Town to become its own entity at 10% of the cost of the inspection or \$500,000, whichever is less and have Mr. Kilsheimer involved in the testing and protocol, and allow the Town Attorney to file a motion with the courts if this is not accepted by the courts, seconded by Commissioner Kesl. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

### 3. Adjournment

A motion was made by Commissioner Kesl to adjourn the meeting without objection at 9:34 p.m. seconded by Vice Mayor Paul. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

Accepted this 8 day of March, 2022.

Attest:

  
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Sandra N. McCready, MMC  
Town Clerk

  
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Charles W. Burkett, Mayor