

JOHN TOMPECK
Mayor

FRANK FENDER
Vice Mayor

DAVID KURZMAN
Commissioner

KAIJA MAYFIELD
Commissioner

VINNY BARILE
Commissioner

TOWN OF SEWALL'S POINT



ROBERT DANIELS-ICMA-CM
Town Manager

APRIL C. STONCIUS, MMC
Town Clerk

TINA CIECHANOWSKI
Chief of Police

JACK REISINGER, CBO
Building Official/PW Director

MARIA PIERCE
Finance/HR Director

Regular Town Commission Meeting Minutes April 9, 2024 6:00 p.m.

I. CALL TO ORDER

Mayor Tompeck called the meeting to order at 6:00 p.m.

a. Pledge of Allegiance to the Flag

Mayor Tompeck lead the assembly in the Pledge of Allegiance.

b. Ceremonial Swearing In – Commissioner Vinny Barile

The Town Clerk administered the Oath of Office to Commissioner Barile.

c. Roll Call

The Town Clerk called the roll with the following Commissioners present: Mayor Tompeck, Vice Mayor Fender, Commissioner Kurzman, Commissioner Mayfield, and Commissioner Barile.

II. Recess (10- minutes) - Refreshment Break

Mayor Tompeck called a 10-minute recess at this time, and the meeting resumed at 6:15 p.m.

III. PROCLAMATIONS AND PRESENTATIONS

There was nothing scheduled under this item.

IV. PUBLIC COMMENT ON NON-AGENDA ITEMS- PLEASE SUBMIT A COMMENT CARD TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING AND LIMIT YOUR COMMENTS TO THREE MINUTES. *If the thirty (30) minute time period has been exhausted, the Commission will entertain any remaining comments near the end of the meeting with the same three (3) minute per person time limitation.*

Bonnie Flint, 6 Palmetto Drive, requested to turn over her time to Frank Tidikis in lieu of her comments.

Frank Tidikis, 12 Cranes Nest, stated that an email was sent to the residents by Forever

Sewall's Point, which was a citizen's group dedicated to good government that monitored elected officials. He explained that the purpose of the group was to inform the citizens in the community of major decisions that effected everyone in the town. Mr. Tidikis stated that the website address was www.sewallspoint.info that contained factual information from the Town, DEP, and Martin County. (See Attached)

V. ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA

There were no changes made to the Agenda.

VI. APPROVAL OF AGENDA

There being no discussion, Commissioner Mayfield **moved** to approve the Agenda. Vice Mayor Fender **seconded** the motion, which **passed unanimously** by roll call vote.

VII. CONSENT AGENDA

- a. Financials – February and March**
- b. Minutes – March 26, 2024, Regular Meeting**
- c. Wright National Flood Insurance – Renewal**

There being no discussion, Vice Mayor Fender **moved** to approve the Consent Agenda. Commissioner Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

VIII. PUBLIC HEARING - ORDINANCE - SECOND READING

There was nothing scheduled under this item.

IX. PUBLIC HEARING - ORDINANCE - FIRST READING

There was nothing scheduled under this item.

X. RESOLUTIONS

There was nothing scheduled under this item.

XI. OLD BUSINESS

a. Supervisor of Elections – Cost of Charter Referendum

The Town Manager stated that the cost received from the Supervisor of Elections for a precinct-based election would be \$1,930; the cost for advertising would be \$500, and the Town Attorney's fee would be \$2,000.

Commissioner Kurzman requested the mail ballot election option, to which the Town Manager responded that a referendum required 60% of the voters and should be an official

voting process during the November election cycle. Commissioner Kurzman commented that a precinct-based election would be appropriate.

Commissioner Mayfield inquired as to the Planning Board requirement being removed from the Charter, to which the Town Manager responded that a planning committee could be convened as needed on an ad hoc basis and recommended that the provision be removed. He advised that a policy or an ordinance would suffice, which would indicate the need to assemble the planning committee.

Commissioner Barile was in favor of the referendum, as the next review would occur in 10 years. Vice Mayor Fender was in favor of the referendum and requested the draft wording for the ballot. The Town Manager stated that the Town Attorney would provide it at the next meeting wherein the Commission would approve the language prior to placing it on the ballot.

Commissioner Mayfield was in favor of the referendum and the Charter Review Committee's recommendations. Mayor Tompeck was not in favor of a referendum, as the changes were not significant enough, and recommended the ordinance process in lieu of it.

There being no further discussion, Commissioner Barile **moved** to approve the Charter Review Committee's recommendations and to go out for referendum regarding the changes. Vice Mayor Fender **seconded** the motion, which **passed unanimously** by roll call vote.

b. Snyder Marketing Communications Campaign – Funding Accounts

The Town Manager stated that there would be budget savings in various accounts, which would provide for the funding to cover the management of the marketing campaign. Commissioner Barile inquired as to how those items would be covered if there was a shortage, to which the Town Manager responded that the excess funds would not be used, as there was money already allocated for the rest of the budget year.

It was the **consensus** of the Commission to utilize the funding mechanisms presented.

XII. NEW BUSINESS

a. Restriction of Removal of Trees on Saturday – Commissioner Kurzman

Commissioner Kurzman stated that most of the trees that were cut down without a permit occurred on Saturdays when Town Hall was closed. He recommended prohibiting tree removals on Saturdays, except if a permit was approved that should be posted on the property. Commissioner Kurzman pointed out that the Town was a Tree City and that the trees should be protected.

Susan Garrett, Assistant Town Attorney, stated that the state law passed in 2022 did not

require a permit for the removal of tree from private property. She advised that F.S. Section 163.045 indicated that local governments may not require a notice, application, approval, permit fee, or mitigation for the pruning, trimming or removal of a tree on residential property if the property owner possessed documentation by an arborist recommending removal.

Yara Bashoor, 25 S. Sewall's Point Road, stated that incentives to preserve trees would be a more positive approach.

Scott Craft, 4 Delano Lane, stated that he was denied a permit to cut down a carrotwood tree.

Steven Polachek, 92 N. Sewall's Point Road, stated that it should begin with the initial design process and managing how the home is situated on a lot.

Commissioner Barile stated that it would be impossible to enforce, and that the state had already passed a law against it. He pointed out that it was an infringement on property owners, as they should have the right to remove certain unprotected trees.

Cynthia Lucas, 1 Mandalay Road, stated that in her neighborhood the residents were encouraged to help each other with gardening and tree trimming. She pointed out that she knew an arborist that helped with the process and was against any ordinance as it was on private residential property.

Mayor Tompeck stated that an email from resident, Susan Krzepisz, was sent to the Commissioners that contained interesting recommendations and requested that they be reviewed by a citizens committee. (See Attached)

Commissioner Mayfield suggested that good-will information be communicated to the residents via the Communications Plan that was being implemented.

b. Restriction of Parking on Town Streets prior to 8:00 a.m. – Commissioner Kurzman

Commissioner Kurzman stated that the construction workers' vehicles were arriving between 6:30 a.m. - 7:00 a.m. and were making noise that disturbed the residents. He pointed out that the community just wanted peace and quiet prior to 8:00 a.m., as it was effecting the quality of life.

Mayor Tompeck inquired as to if there were any complaints logged on the matter, to which the Town Manager responded that he had only heard of them through Commissioner Kurzman. Chief Ciechanowski stated that if there was an issue, the residents should contact the Police Department and they would address it.

Frank Tidikis, 12 Cranes Nest, stated that the sewer crew that was working on South Sewall's Point Road often began work prior to 8:00 a.m.

Commissioner Mayfield was not in favor of a change, as it would do more harm than good,

and was a code enforcement issue. Mayor Tompeck requested staff forward any complaints to the Commission for review, as it would be revisited if there were a voluminous amount. Vice Mayor Fender remarked that there were complaints made on social media and that the public should call the Police Department, who would enforce the Town's Code.

The Town Manager stated that other building department jurisdictions had a two-year timeframe in which a home should be built, in order to alleviate these type of issues. He remarked that he would be happy to look into it, should the Commission give him direction to do so. Commissioner Kurzman commented that he would appreciate it if the Town Manager would look into it.

It was the **consensus** of the Commission to remain with the current parking restrictions, and not to amend the Code at this time.

c. 1 Fieldway Drive Foreclosure Action – Town Manager

The Town Manager stated that compliance was the issue and that he and the Building Official had met with the property owners recently to review what needed to be done to bring the property up to code. He pointed out that sand from the property was entering into the stormwater system, which was a concern, among other substantial violations. The Town Manager requested the authority to move forward with the foreclosure, in the event the property owners did not move forward as they had indicated.

Mayor Tompeck stated that the foreclosure cases were to be handled consistently, and that the fines that were being accrued because of non-compliance were not being addressed by the property owner. Commissioner Mayfield concurred with Mayor Tompeck and stated that if the issue of non-compliance was not addressed, then a foreclosure action would be in order.

There being no further discussion, Commissioner Mayfield **moved** to approve the authorization of a foreclosure action through the Town Attorney's Office. Vice Mayor Fender **seconded** the motion. The motion **passed** by roll call vote with Commissioner Mayfield, Mayor Tompeck, and Vice Mayor Fender voting in favor, and Commissioner Kurzman and Commissioner Barile voting against. The Town Manager clarified that if compliance was not met, he would return to the Commission for their approval prior to proceeding with the foreclosure action.

XIII. DISCUSSION

a. Capital Improvement Projects Update – Town Engineer

The Town Engineer, Joe Capra, provided an update on the CIP's (See Attached) and stated that there were outstanding grant funds for Phase 1. He stated that information was being gathered in order to design Phase 2 of the road project and that easements were in the process of being obtained from residents. The Town Engineer stated that the next portion of the project would be the Phase 3 construction. Commissioner Barile inquired as

to how it was decided how to assess certain areas, to which the Town Manager responded that there were no required assessments in place. The Town Engineer said that there would be a meeting held on April 11, 2024 at 5:00 p.m., in order to discuss the tree canopy preference with the residents.

Vice Mayor Fender inquired as to a cash flow management plan regarding Phase 3, as he was concerned about the funding being in place at the appropriate time. The Town Manager responded that the information would be provided at the next meeting under the Capital Improvement Projects.

b. Heritage Lot Update – Yara Bashoor

Ms. Bashoor stated that she had not received any offers to-date, but was still working on marketing the lot and would report back to the Commission in a month.

XIV. COMMISSION AND STAFF CLOSING COMMENTS

a. STAFF

The Town Manager stated that a discussion in reference to the Tree Canopy with Mike Flaugh, Landscape Architect, was taking place on Thursday at 5:00 p.m. in the Chambers for the residents, which would be televised on YouTube. He stated that if residents could not attend the meeting, their emails would be welcomed with any suggestions on the kind of tree that would be planted for the canopy.

The Town Manager stated that an Arbor Day Celebration would be held on April 27, 2024, at Lantana Park, and that it would become an annual event. He clarified that this year there would be a Tree Giveaway for the residents funded by the tree fund.

The Town Manager stated that the Town Clerk had worked to obtain the new seal from the Arbor Day Foundation, designating the Town as a Tree City for the 32nd year.

The Town Manager stated that the Eggstravaganza Event on March 29th brought the whole community together, and thanked staff for coordinating it.

b. COMMISSIONERS

Vice Mayor Fender thanked staff for the Spring Fling event and stated that bringing the community together was important. He pointed out that there was a proper process for public comments and recommended that it be followed moving forward. Vice Mayor Fender stated that Ms. Krzepisz had provided recommendations in an email in reference to saving trees and that Mayor Tompeck's suggestion of a citizens committee should be implemented.

Vice Mayor Fender was concerned with the non-permeable driveway that was installed at 10 Oakwood Drive, as well as the tree issues on the property. The Town Manager stated

that he would be reviewing the ordinance for clarity and would recommend any amendments after consulting with the Assistant Town Attorney.

XV. ADJOURN

There being no further business, the meeting adjourned at 8:10 p.m.

APPROVED:



Mayor John Tompeck, Presiding Officer

ATTEST:



April C. Stoncius, Town Clerk

Minutes approved at the meeting of: April 23, 2024

Mayor Tompeck, Vice Major Kurzman, Commissioner Barile, Commissioner Fender and Commissioner Mayfield:

An email was sent out by the town to the residents making several assertions:

1. **Person (s) unknown are utilizing public information.**
 - a. Let me clarify this statement. The email was sent out by Forever Sewall's Point which is a citizen group dedicated to "Good government depends on a well-informed citizenry that monitors the actions of individuals holding office. Our purpose is to inform members of the Sewall's Point community about what is going on at town hall. Not everyone has time to attend town meetings where major decisions are made that affect us all." I am the registered agent for the organization which is a Florida Not-for-Profit and a 501(c) (4).
 - b. Yes, we are using public information from the Town, DEP and Martin County.
 - c. Everything on our website (<http://www.sewallspoint.info>) is factual.
2. **The assertion was made that this was to "mislead our community with nonfactual information". Which of these statements is not grounded in fact?**
 - a. When your septic system fails you will be **required** to hook up to the sewer line and have a grinder system installed on your property. Florida Statute 381.00655 (<https://m.flsenate.gov/Statutes/381.00655>) requires you to connect to a sewer line if it is available.
 - b. Martin County Utilities will own the sewer system and you will be billed by them when you connect.
 - c. The connection charge has not been determined but it has been estimated in the Captec Report to run between \$8-12,000/household. The septic tanks will be crushed and abandoned.
 - d. According to the rates published by Martin County Utilities, the Minimum Monthly Bill effective 1 June 2023 was \$19.73, a Consumption Charge of \$4.82/ 0-10,000 gallons of water usage, and a Service Availability Charge (SAC) of 15.63 for a total of \$40.18 per month. Rates were increased by 2.5% in June of 2023
 - e. The Phase 1 grant application stated, "This initial installation will provide the first 148 homes with access to sewer. A combination of a conventional vacuum sewer, gravity and grinder system will be implemented to achieve hook up into the Martin County owned and maintained utility." The application was approved by the Commission and the application was signed by the Town Manager.
 - f. In order to provide sewer to the entire south Sewall's Point area of 706 homes, it will require the town to spend an estimated \$29,548,900 and will **"Require a Mandatory Special Assessment** on all residents of South Sewall's Point to cover the difference in costs needed to reach the required 50/50 match unless other means of making up the difference is found. "(page 33 Captec Study

- g. The TSP Plan for Resiliency, Sustainability & Clean Water, Budget Year 2021-2022 estimated that \$7.8 million would be needed from 708 property owners, which equates to \$11,000/household; this is in addition to the connection charge of \$8-12,000.
- h. There are less costly options which will avoid any assessment

Let's review disinformation put out by the town;

1. When it was pointed out to the Commissioners in a meeting, that there were errors in a grant request, the comment was to pull the application back and correct the errors would look bad.
2. Last month, I pointed out other errors in grant requests.
3. The claim that 75% of residents approve of sewers is not t factual. The town have no documents to support this assertion.
4. The basis of the Captec Report was a more thorough study done by Giffels Webster. Captec was reimbursed for paying Giffels Webste for the work product yet the town denies the report exists when a FOIA request was made.
5. A grant application claiming that SP was named the area in MC most vulnerable to flooding is not factual.
6. Claiming that the Indian River Lagoon adjacent to Sewall's Point is "impaired" is not based on fact. Interactive FDEP maps show waterbodies that are:
 - a) impaired;
 - b) in a BMAP: or
 - c) have high FDEP total maximum daily loads of nutrients -which require mandated remediation.

Clearly, the lagoon here falls into none of these categories. only West High Point and some homes W of River Road are in a BMAP.

These false claims have been pointed out to The Commissioners, Town Management and Captec. Yet they persist and we, the citizens, are accused of "misleading the community with nonfactual information".

This email blast was sent out by the staff of TSP. A retraction is due. Otherwise, these statements are libel which is defined as: **the publication of false statements that damage someone's reputation**. Libel refers to specific facts that can be proved untrue and that is the case here. The Town has put out libelous statements. **A retraction is in order.**

Thank you,
Frank Tidikis
A member of Forever Sewall's Point

April Stoncius

From: Susan Krzepisz <skrzepisz@gmail.com>
Sent: Monday, April 8, 2024 8:58 AM
To: John Tompeck; Frank Fender; Kaija Mayfield; Dave Kurzman; Robert Daniels; April Stoncius
Subject: Saving Our Trees – Concerns, Comments, and Suggestions
Attachments: 20240325_114617.jpg

Honored ladies and gentlemen of the Sewall's Point Town Commission and management team,

My name is Susan Krzepisz, and I have resided at 10 Rio Vista Drive since 1979. Much has changed over the past 44 years, but one constant has always been the majestic presence of our trees, especially the mature live oak trees. I am blessed with two of these giants on my property and two (formerly three) more on neighboring lots. Every morning, I step outside to spend time in their soothing presence and ground myself before tackling the challenges of my day.

However, more than being important to me personally, our trees are an integral part of our community. In fact, as a nationally recognized Tree City, we can say that Sewall's Point is defined by its trees. These are living treasures which we (as per our numerous ordinances) are clearly determined to protect.

Given all this, I was shocked to discover on Thursday, March 21st, that my neighbor's live oak at 8 Rio Vista Dr. was being cut down completely. When I called city hall, this news seemed to catch everyone there by surprise as well, and I watched another portion of the tree disappear before anyone could confirm that the operation was properly permitted. Later, the owner informed me she was having the tree removed because it was "encroaching on her lanai," with no mention made of the tree being sick, rotting, or a threat to the house itself. As far as I am aware, no consideration was given to possible alternative actions.

What really struck me, however, was a comment made by another individual in the owner's company: "They should have been more careful where they planted these trees." This person was sadly unaware that mature live oaks, such as this one was, have been here centuries before anyone "planted" houses around them—or, in this case, expanded an existing house (a different owner, years ago) without apparent regard for how the structure might "encroach" on the tree.

As a software engineer, I'm familiar with AI tools, which I used to analyze pictures I took of the tree's cross-section (see attached). Here is a portion of the resulting report by Claude 3.0 Opus AI:

“The cross-section analysis of this live oak tree reveals that it was approximately **250-280 years old** at the time it was cut down. As a long-standing fixture in its local ecosystem, this tree would have provided habitat, shade, and sustenance for countless species of flora and fauna over the centuries. The loss of such a significant tree is a poignant reminder of the importance of preserving and protecting our mature tree populations for the myriad ecological benefits they provide.”

Other ecological benefits provided by mature live oaks that are of particular interest to us during these times of climate extremes include:

- Stabilizing the soil and preventing erosion.
- Mitigating storm surges and—thanks to their very strong wood—storm winds.
- Cooling streets and homes with their shade, helping to reduce energy usage.
- Absorbing significant amounts of carbon dioxide, cleaning the air we breathe.

On a more practical note, mature trees have been shown to enhance property values considerably. (<https://news.unl.edu/newsrooms/today/article/study-trees-have-315-billion-impact-on-home-values-each-year/>)

While there are certainly instances where tree removal is necessary for the safety and well-being of our residents, I believe such decisions need to be approached with great care. There always has to be a recognition that losing a single mature live oak can have serious consequences for our environment, quality of life, and property values.

To that end, I would like to offer the following measures for your consideration to further strengthen our town’s commitment to protecting our trees:

1. Create a Significant Tree designation

Designate any tree of a caliper greater than a specified amount (perhaps 36 inches) as a “Significant Tree.” This would recognize their exceptional age and ecological value and trigger greater scrutiny during the permitting process.

2. Enhanced Documentation Requirements for Significant Trees

For the removal of a Significant Tree, require documentation by a qualified professional at the owner’s expense. Preferably, this professional would be a qualified arborist, not a landscape architect, as is currently allowed in the definitions section of the code. This would ensure that all alternatives are exhausted before removal is permitted. The town might further consider limiting arborists who can sign off on these documents to a select few known for their experience and quality work.

3. Update Permit Fees for Significant Trees

Implement a tiered permit fee structure based on the tree's caliper, with higher fees for older, larger trees to discourage unnecessary removal.

4. Strengthen Mitigation Plan Requirements

Establish strict deadlines and enforcement mechanisms for the completion of agreed-upon mitigation plans.

5. Introduce Notification Procedures

a. Significant Trees

Notify neighboring property owners when a non-emergency removal permit is sought. Since Significant Trees affect property values and quality of life, sufficient time should be allowed for owners to raise concerns and/or examine mitigation plans.

b. Cutting projects expected to exceed two days in duration

Notify neighboring property owners/residents before extended cutting operations begin.

In my case, I work from home, and several days of chainsaws and chippers right in front of my office window adversely affected my productivity. By the last day of non-stop chainsaws and grinders running, I could not remain in my home at all. This not only lost me a day's income and jeopardized an important client deadline, it also forced me to take my 94-year-old mother (who has limited mobility and is easily stressed) out of her familiar environment for an extended period. I would have appreciated being able to prepare for this considerable inconvenience.

6. Establish/Increase Penalties

Review and increase penalties and tighten enforcement procedures for non-compliance with mitigation plans and permit requirements for any cutting projects, but especially when these include Significant Trees.

7. Update Appeals Process for Significant Trees

Include a review by a dedicated tree board and/or the town commission for appeals of denied permits involving the removal of Significant Trees.

8. Increase Resident Awareness

Enhance resident awareness of tree protection policies and the Heritage Tree program. Initiatives might include:

- Featuring professionally photographed heritage trees in the email newsletter, Stroll magazine, and the town's social media accounts. Include notable features and details about the tree's history.
- Maintain an online map of heritage trees, including key data about each.
- Encourage heritage tree nominations through special recognition and/or gift certificates to area restaurants or other businesses that might be interested in sponsoring such efforts.

Implementing these measures would strengthen protections for our oldest, most important trees while balancing the needs of our growing, ever-changing community.

In closing, I would urge you to always keep in mind that in these times of volatile weather, skyrocketing real estate markets, and countless outside influences, we must be more vigilant than ever to preserve our mature live oaks. These magnificent giants are more than trees; they are the irreplaceable natural treasures that define our community and make Sewall's Point such a special place to call home.

Thank you for your time and consideration,

Susan Krzepisz

10 Rio Vista Dr.