

SPECIAL TOWN COMMISSION MEETING HELD AUGUST 27, 2009

Special Town Commission Meeting of the Town of Ocean Ridge held on Monday, August 27th , 2009 at 8:30 AM in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Kaleel and roll call was answered by the following:

Commissioner Bingham	Commissioner Allison
Commissioner Brown	Commissioner Pugh
Mayor Kaleel	

It was announced that Clerk Hancsak was absent with notice, and that Deputy Town Clerk Hallahan was in her stead.

REQUEST BY MR. DAVID CAZZOLLI FOR APPEAL HEARING FOR EMPLOYMENT TERMINATION BY TOWN MANAGER

Atty. Spillias proposed an Agenda Order, pursuant to Section 4.4 of the Charter, providing that an employee has the right to appeal the decision of the Town Manager. The basic guide for this meeting is for a full fairness disclosure and to determine if the Town Manager had basis to terminate him. It had been disclosed at the last commission meeting that Comm. Allison before the knowledge of an appeal; had spoken with David Cazzolli. Comm. Allison stated that she felt she could make a fair decision without bias. Atty. Spillias clarified that no other Commissioner had exparte communications. He advised that all of the Commissioners had received a full report of the investigation. He also stated that Retired Lieut. Stefan Katz was present and would like to speak, and noted that there was a basis, if the Commission so chose, for not hearing his live testimony as Stefan Katz's written testimony was part of the record and the Commission could determine that no new information should be given at this time since this was an appeal. It was advised that either attorney could object, if they felt that any new information was being disclosed. Atty. Spillias then gave a brief review of the timeline of the events and hearings, resulting with termination on July 16th, 2009. A Notice to Appeal was received on July 21st, 2009, and the time of hearing the appeal was deferred by the appellant to this morning.

Atty. Spillias swore in all those present who wished to give testimony.

Atty. Suzanne Scarborough, representing David Cazzolli, thanked the Commission for this meeting, and stated that her client requested to testify to go through the investigation with the Commission. David Cazzolli then gave his review of the timeline of events. He admitted making some mistakes, but did not feel there was stalking, harassment, telling of untruths, or a neglect of duties since it was his duty to communicate with residents, and show a police presence. He did admit to misuse of the department computer, but did not believe he should be terminated for that. He felt that he was wrongly terminated with his reputation destroyed, and asked the Commission to reinstate him.

The meeting was adjourned for a short break, and it reconvened at 10a.m.

Atty. Scarborough announced that Retired Lieut. Stefan Katz was present to testify. Stefan Katz stated his concern of the procedures of the investigation and noted that David Cazzolli had no prior complaints on file. He asked the Commission to reverse the manager's decision and reinstate David Cazzolli. He stated that he enjoyed his 18 years of service with the Police Department and thanked the Commission for the privilege of working for Ocean Ridge.

Atty. Scarborough then read a statement from Serge Bonsaint, 12 Fayette Drive expressing his gratitude for Officer Cazzolli's service, and asked the Commission to reinstate him. Defense Rests.

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Atty. Tara Duhy, representing Ocean Ridge, gave a summary of the recommendation to uphold the termination of David Cazzolli. She stated that no criminal charges had been made at this time and that no procedural mistakes had been made during the investigation.

Officer Hutchins and Lieut. Yannuzzi expressed their experience in these types of investigations and they discussed the procedures for the investigations.

Atty. Scarborough gave a closing statement for David Cazzolli and felt there was no just cause for termination, and asked them to not end the his career because of this investigation.

Atty. Spillias advised the Commission that they had 3 options: 1) Uphold the decision. 2) To not uphold the decision and reinstate Mr. Cazzolli with backpay. 3) Uphold the decision but with a discipline short of termination. The Commission's responsibility is to not determine his innocence or guilt, but to decide if the Town Manager's choice to terminate him was valid, based on the investigation. At this time the Commission discussed the matter.

Comm. Brown motioned to uphold the Town Manager's decision to terminate David Cazzolli. Seconded by Comm. Bingham.

Motion Carried – yea (4); Comm. Allison voted nae (1)

APPROVE SANITATION CONTRACT WITH REPUBLIC SERVICES

Manager Schenck stated that 5 bids had been received for sanitation service to Ocean Ridge, with the lowest bid received from Republic Services of Palm Beach, and that David Unversaw was present for any questions. A contract was being reviewed/prepared, and would be complete for the September Commission Meeting. He also noted that the dates of service would not change.

Comm. Pugh noted a section citing that items have to be bagged, and charged if oversized. He understood that landscapers should remove their own debris, but that weekly maintenance by the resident may also be significant, and asked that the claw truck be made available every week and not just on an as needed basis. Comm. Brown requested that the trucks be well maintained and not leak diesel into the roads and not leave debris in the road.

David Unversaw stated that only grass or leaf clippings needed to be bagged, and that they had the newest fleet in the area. He also stated that they would sweep off the road any debris left by the claw trucks, and that he would be available if any questions or problems should arise.

Atty. Spillias announced that he would not be available at the September 10th meeting, but would send Terry Lewis in his place. He also asked if an attorney would be needed at the Budget Meeting. A consensus was made that an attorney need not be present at the Budget meeting but that one be made available by phone if needed.

Adjournment at 11:35 a.m.

Attest By:

Deputy Town Clerk

Mayor Kaleel

Commissioner Allison

Commissioner Bingham

Commissioner Brown

Comm. Pugh