

SPECIAL TOWN COMMISSION MEETING HELD JANUARY 15, 2015

Special Town Commission Meeting of the Town of Ocean Ridge held on Thursday, January 15, 2015, at 6:00PM in the Town Hall Meeting Chambers.

The meeting was called to order by Mayor Pugh. The roll call was answered by the following:

Commissioner Aaskov Commissioner Bonfiglio
Commissioner Allison Commissioner Lucibella
Mayor Pugh

Mayor Pugh announced that this meeting was for further review of the Town Manager's Termination of Police Chief.

Atty. Spillias stated that at Monday's meeting the Commission had directed the Town Manager and himself to meet with Chief Yannuzzi and his attorney to possibly come to a reasonable resolution. This was an emotional and controversial issue. The purpose was to resolve this issue without litigation and to allow both parties to move forward. There were compromises from both sides. Just prior to this meeting a proposed settlement agreement between Chief Yannuzzi and the Town of Ocean Ridge had been reached. He added that this agreement would not be connected to any releases for parties other than the Town and Chris Yannuzzi.

He then read the proposed settlement agreement into the record. It stated that Chief Yannuzzi will announce his resignation effective March 1, 2015, and would be paid his current rate of pay through March 1st, 2015. His last full day of reporting to the Department is January 16, 2015. Following the effective date of his resignation, he would be paid 6 weeks of severance pay. Effective March 2, 2015, the Town and Chief Yannuzzi would enter into a consulting agreement for 5 months. If Chief Yannuzzi obtains full-time employment with a police agency in a position comparable to his current position, the consulting agreement will be terminated effective at the end of the first pay period of his new position. Chief Yannuzzi will be paid all of his accrued vacation and sick time through March 1st, 2015. The Town Manager will prepare a positive evaluation of Chief Yannuzzi for his personnel file. The parties will exchange mutual releases and prepare a joint press release, which simply states that the Town and Chief Yannuzzi have parted ways on amicable terms. Until a final resolution is reached and reduced to a writing that is signed by all parties, Chief Yannuzzi expressly reserves all of his rights. The estimated value of this settlement is \$83,000.00

Comm. Allison requested a point of order requesting that the Commission be allowed to vote to rescind the management's decision the termination of Chief Yannuzzi. She questioned why Chief Yannuzzi was not reprimanded or suspended instead of being terminated. Atty. Spillias advised that it was the position of the Town Manager to hire/fire an employee. The Commission however could vote to request the Town Manager reconsider his decision of termination.

Comm. Allison motioned to direct the Town Manager to rescind the termination of Chief Yannuzzi. Comm. Aaskov seconded the motion.

Comm. Allison stated that she had listened to the public comments on Monday night and the personal character reports. She understood that there is a need for team building within the police department. Chief Yannuzzi had not been given an employee evaluation since July 2012. Chief Yannuzzi should not have reported to the Ethics Board or State Attorney's Office. She felt

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he should have been suspended instead of terminated. This was one incident that had been blown up. She felt both sides were equally guilty. This was a serious decision and felt that the majority of the Town was not in favor of the Chief's termination.

Comm. Bonfiglio stated that he understood the residents' point of view, however his decision was based on the best interests of the Town. He agreed fully with Mayor Pugh at the Monday meeting. While reviewing the Chief's report he was concerned with the timeline. Chief Yannuzzi had misread the Statute – it stated that if an item was found on “public property” it should be turned into law enforcement. This credit card was found on private property. He felt it was a created crime by Chief Yannuzzi, and he had not gone up the chain of command. After the taping, Chief Yannuzzi did not wait for the meeting, but took it upon himself to meet with the State Attorney's office without consulting the Town Attorney. He was concerned that Chief Yannuzzi had taken upon himself to investigate the legislative body without cause. He felt it was the best interest of the Town to terminate Chief Yannuzzi.

Mayor Pugh stated that he was saddened that a Town this small was divided over a credit card incident. He felt that to make this about “yourself” is a problem. Neither party has expressed any humility, or mentioned that they made a mistake. Chief Yannuzzi had misread the statute, and taped Comm. Lucibella without his knowledge and he felt the report is very telling. This was unprofessional, instead of just talking it out. He knows the Chief is trained, educated, and experienced. Many people personally like the Chief, he himself is one, but to have a personal vendetta is wrong. He commented that he felt this did not reflect good character.

The Mayor opened the meeting to Public Comment. He acknowledged that many of the public had already voiced their opinions at the Monday meeting, and asked for any new comments from the public who had not already spoken. He also reminded the public that he would maintain order and to refrain from outbursts.

PUBLIC COMMENT

Due to the amount of public comment the following is a list of those individuals speaking in support of retaining the Police Chief:

Edward Brookes, 15 Ocean Ave.; Gilbert Panzer, 6810 N Ocean Blvd.; Robert Sloat, 6550 N Ocean Blvd; Chief Carl Webb, South Palm Beach,; Debbie Brookes, 15 Ocean Ave.; Ira Freedman, Briny Breezes,; Beth Sloat, 6550 N Ocean Blvd.; Barbara Molina, current Alderwoman and Briny Breezes resident; Robert Weege, 19 Sabal Island Dr.; Ted Ritota, 4 Hudson,; Sandy Foster, 900 Old Ocean Blvd.; Rob Rizzath, South Palm Beach,; Cindy Martel, 46 Harbour Dr South,;

Some of the comments by those listed above include: the Chief was an outstanding public servant, professional, takes his duties very seriously, they felt very safe and are satisfied under his command. Several additional comments also included; Comm Lucibella and/or the Town Manager should resign or be removed from office instead; the Chief is deserving of a second chance, felt there was more to this than just a credit card., Ocean Ridge would be at a loss of Chief Yannuzzi left, and the Town Manager should have provided more guidance or at the least progressive discipline if necessary not termination.

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Ed Panzer, 6810 N Ocean Blvd stated that the staff should be upholding each other. He felt it would be hard for the Chief to remember all the statutes. He did feel however that the appropriate measure would have been to ask the Town Attorney for direction. He did not feel that it was established that the taping was illegal. He was saddened that the Chief had to agree to a settlement.

Nancy Hogan, 37 Hibiscus Way, stated that she understood how government works, and felt that as citizens we should honor one another. She would not throw out either Comm. Lucibella or Chief Yannuzzi. Both are deserving to be in their positions. Ocean Ridge is better than this, and the problem should be resolved to save our Town.

Chief Yannuzzi stated that there had been so many inaccuracies and lies in the previous comments made. He stated that with this incident he was dealing with a citizen not a Commissioner. Officer Jones was unsure of how to proceed with the incident that occurred on Sat, Nov 8th. Officer Jones informed the Lieutenant and himself on Sunday. On Monday the Chief he reviewed it with the Town Manager, and was informed that he should wait until their Wednesday meeting. Tuesday, November 12th, was Veterans Day. On Wednesday he spoke with the Town Manager, Mayor Pugh and Town Attorney, and advised that he would contact Comm. Lucibella. Florida Statute 934 allows law enforcement officer to record under certain circumstances. When he spoke with Comm. Lucibella, he was informed that Comm. Lucibella had a stolen card in his possession. Chief Yannuzzi then informed them that he was going to report to other agencies and no one stopped him.

Chief Yannuzzi stopped, and turned to face the audience and said how humbled he was to hear all the comments from the residents. He admitted that he had made a mistake and he had told the Town Manager that he would meet with Comm. Lucibella. He stated that he was resigning and felt he was letting down the citizens. He appreciated Comm. Allison efforts, but asked her to rescind her motion, and let the proposed settlement proceed. He thanked the public for their support. Applause from the Audience.

Comm. Allison motioned to withdraw her motion. Comm. Aaskov withdrew her second.

Peter Burling, 7 Osprey Drive, requested a point of order and asked the Commission to clarify the next motion. He was advised that it would be for the Proposed Settlement Agreement of approximately \$83,000.

Nancy Hogan, 37 Hibiscus, clarified that the settlement was read aloud earlier in the meeting since she arrived late.

Comm. Bonfiglio moved to direct the Town Attorney to finalize a Settlement Agreement for the resolution between Ocean Ridge and Chief Yannuzzi as laid out by the Town Attorney at the beginning of the meeting. Seconded by Comm. Aaskov.

Kristine de Haseth, Sabal Island Drive, asked if Comm. Lucibella was to recuse himself from the motion. Atty. Spillias said there was not a legal reason for him to recuse himself.

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Bob Merkel, 18 Marlin Drive, commented that the Chief spent all day working on an agreement and he is satisfied and wants to move on. It would be hard for him to work in Ocean Ridge afterwards. Mr. Merkel felt this settlement sounded reasonable.

Robert Weisblut, asked about the separate agreement. Atty. Spillias stated that the Releases from all parties would be separate.

Comm. Lucibella stated that he had no need for a release from Chief Yannuzzi.

Comm. Bonfiglio asked what powers would the Chief hold for the 5 months. Atty. Spillias stated that it would be consult only, and attorney fees are included.

Motion Carried – yea

Attest By:

Town Clerk

Mayor Pugh

Commissioner Aaskov

Commissioner Allison

Commissioner Bonfiglio

Commissioner Lucibella