

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL MEETING

Jarvis Hall
4501 Ocean Drive
Tuesday, June 30, 2009
6:30pm

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Minnet called the meeting to order at 6:30 p.m. Also present were Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, Commissioner Birute Ann Clotey, Town Attorney Susan L. Trevarthen, and Town Manager Esther Colon.

Kathy O'Brien, Human Resource / Risk Manager sat in for June White, Town Clerk.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. DISCUSSION ITEM

a. Discussion of removal of Chief Gooding by Town Manager

Mayor Minnet opened the meeting for public participation.

Diane Boutin, Patrick Pointu, Christopher Vincent, Laurie Sinotti, Sean Spelloey (non-resident), Mark Cohen, Barbara Cole, John Yanni, Cindy Geesey, Marie Chiarello, Edmund Malkoon, Marie Eckerrt, Bonnie Myers, John Alton, Vito Chiarello, Mark Brown, Bill Davis, Dennis Ritchie, Yann Brandt, Joan Englander Shot, Bob Fleishman, Mrs. Malkoon, Chuck Clark, Beverly Kennedy, Richey Bonfey, and Debbie Finato expressed their displeasure with the transfer of BSO Chief Scott Gooding and requested that he be reinstated with the Town. Accusations were made that the Commission collaborated with the Town Manager for the dismissal of Chief Gooding to which the Commission denied.

Tom Carr, Frank Herrmann, Cristi Furth stood in support of the Town Manager.

Adrian Roberts supported both the Town Manager and the reinstatement of Chief Gooding.

Louis Marchello, Spiro Marchello, Rosa Michailiuk, Bonnie Chaplain, Vincent Ragusa, Eric Short, Audrey Lees, and Louie Alfano spoke of their discontent with various issues before the Town.

BSO Colonel Ed Werder believed that Manager Colon and Chief Gooding had an extraordinary relationship and although Manager Colon was within her rights to request the transfer, Colonel Werder would have appreciated a telephone call from her in order to discuss the issue and possibly resolve it. He believed the issue was with the Public Safety building.

Manager Colon explained that Chief Gooding's leadership skills as a Law Enforcement Officer was never in doubt but he failed to demonstrate a clear understanding of the current state of the economy. Manager Colon stated that it was in the best interest of the Town that all department heads understood and adhered to the efforts to keep expenditures under control in order to balance the budget. Manager Colon stated that she called and left a message for Sheriff Al Lamberti and spoke with Chief Gooding.

The Commission agreed that Chief Gooding was a Chief in good standing. Mayor Minnet objected to the way in which the transfer took place. Commissioner Dodd made a motion to reinstate Chief Gooding with the addition of an apology. Mayor Minnet passed the gavel and seconded the motion.

Commissioner Clotley pointed out that the Commission legislated power and the Town Manager had the administrative powers. Attorney Trevarthen agreed that the day to day running of the Town, including the removal of department heads, was the duty of the Town Manager and not a matter of Commission direction. Attorney Trevarthen clarified that the Commission was unable to make the action take place. She suggested that the Commission could recommend an action and that the decision would be that of the Town Manager.

Vice Mayor McIntee asked whether the Town Manager performed an illegal act. Attorney Trevarthen said she did not.

Discussion followed regarding the validity of the motion and whether or not the Commission could vote on it. Attorney Trevarthen stated that should the Commission vote in favor of the motion it would not have any affect as it was not a matter that the Commission had power over.

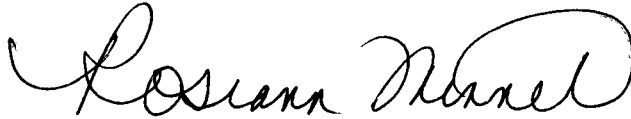
Commissioner Dodd amended his motion to request that Manager Colon consider his request to take the necessary steps to reinstate Chief Gooding. Attorney Trevarthen suggested a motion that would ask the Commission to vote on whether they would like to advise the Town Manager that they would like her to reconsider. Commissioner Clotley did not understand the validity of the motion as it was not something the Commission had control over. Commissioner Dodd believed the Commission did have the power to advise the Town Manager that this was not the direction the Town should be going. Commissioner Clotley stated that this was not a policy decision and the Commission should not be making a decision concerning an employee.

The motion failed 3-2. Vice Mayor McIntee, Commissioner Silverstone and Commissioner Clotley voted no.

Vice Mayor McIntee returned the gavel to Mayor Minnet.

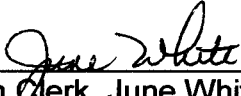
4. ADJOURNMENT

Vice Mayor McIntee made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 8:50 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk, June White

7-30-09

Date

