

TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE PUBLIC SAFETY COMMITTEE MEETING HELD ON JANUARY 16, 2009, @ 11:00 A.M.

1 I. CALL TO ORDER AND ROLL CALL
2

3 The Public Safety Committee Meeting was called to order at 11:00 a.m. in the
4 Town Council Chambers. On roll call, Chair Susan Markin and Committee
5 Member Richard Kleid were found to be present. Also present for all or a portion
6 of the meeting were: Mayor Jack McDonald, Town Council President Pro Tem
7 Gail Coniglio, Council Member Rosow, Town Manager Peter B. Elwell, Deputy
8 Town Manager Tom Bradford, Police Chief Michael Reiter, Major Richard Howe,
9 Fire Rescue Chief Bill Amador, Town Attorney John Randolph, Assistant Director
10 of Planning, Zoning and Building John Page, and Town Clerk Joanna
11 Cunningham.
12

13 II. PLEDGE OF ALLEGIANCE
14

15 The Pledge of Allegiance was led by Chair Markin.
16

17 Prior to the approval of the agenda, Chair Markin gave several comments as to the
18 purpose of the first meeting of the Public Safety Committee. She wanted to identify three
19 issues in the Town. The first was financial fraud, that the public was aware of Madoff and
20 the situations with banks and she has asked some experts to come in and talk about that
21 issue. The second item on the agenda was for Fire Chief Amador to briefly recap the fire
22 that took a man's life last season. The purpose was to assure and restore the confidence of
23 the people in the Town that the fire chief and his employees did everything that they could
24 have done in that fire. Lastly, Police Chief Reiter will talk about how the current
25 economic trends have affected some of the crime that is occurring in our Town so that
26 residents can be more aware of it, understand what the Police Department is doing about
27 it, and ask any questions of Chief Reiter in that regard. She stated that she did not call this
28 meeting to criticize the Police Department. This meeting was advertised unfortunately in
29 part, as the agenda went out first, and the request for comments and questions went out
30 secondly. She stated that they are all proud of our Police and Fire Departments. This was

1 She said as far as time frame, Craig Stein's group would take about 20-30 minutes,
2 Chief Amador will speak about 15-20 minutes, and then Chief Reiter would also take 15-
3 20 minutes. Questions and answers would be allowed after each speaker.
4

5 Brian Burns, resident of Palm Beach, asked for the Chair's indulgence in that many
6 of the people in attendance were there to hear the Police Chief and asked if his item could
7 go first. Many people have been troubled by the anonymous correspondence. Many
8 people were interested in the police department issues in the Town.
9

10 Chair Markin understood his request, but the individuals that were there have
11 volunteered their time and she had promised them to be first on the agenda. She would,
12 however, move Chief Reiter to before Chief Amador to meet Mr. Burns' request half-way.
13

14 III. APPROVAL OF AGENDA 15

16 The Agenda was approved with the change of Chief Reiter appearing prior to Chief
17 Amador.
18

19 Member Kleid made the Motion to approve the agenda as amended.
20

21 Mayor McDonald asked for a point of clarification since the press release that was
22 issued seemed to be totally disconnected from the agenda, and in the press release it asked
23 for written submissions and nowhere on the Agenda is there a discussion of any written
24 submissions. He suggests that the Committee actually have a place on the agenda where
25 those written submissions could be discussed.
26

27 Chair Markin clarified that on the Agenda there are questions and answers, and that
28 was what was requested in the press release and Peter (Town Manager) could address the
29 fact that the press release was separated from the agenda. She would address the
30 questions and answers that were given, and they would be done under the question and
31 answer section of each item.
32

33 Town Manager Elwell explained that on the timing question, he had asked two
34 different staff members to complete the tasks, one was responsible for the agenda and one
35 was responsible for issuing the news release. They did not happen simultaneously which
36 is why the news release stood alone. He recognized that there was some confusion and he
37 apologized for that.
38

39 **On roll call, the Motion to approve the Agenda as amended passed**
40 **unanimously.**
41

42 43 44 IV. HOW TO IDENTIFY FINANCIAL FRAUD AND HOW TO AVOID BEING A 45 VICTIM.

1 A. Presentation by Craig D. Stein, Esquire, of Stein, Stein, and Pinsky, P.A.

2

3 Mr. Craig Stein, Mr. Jack Stein and Mr. Harper collaboratively presented a power
4 point presentation on how to detect financial fraud, schemes, and other types of fraud.
5 They gave suggestions for avoiding fraud, who to check with, and to verify financial
6 returns and reports.

7

8 Their suggestions were to trust, but verify, and if it sounds too good to be true, it
9 probably is. They also suggested diversifying investments and consulting several sources
10 prior to investing with anyone.

11

12 B. Questions and Answers

13

14 There were none.

15

16 V. REVIEW OF CRIME TRENDS RELATED TO THE REGIONAL AND
17 NATIONAL ECONOMIC RECESSION.

18

19 A. Presentation by Michael S. Reiter, Chief of Police

20

21 Chief Reiter began by speaking about the academics and theorists view on how
22 crime and changes in the economy may or may not be connected, then about how crime
23 has been happening in the country and then some specifics about the Town of Palm Beach
24 crime.

25

26 The experts are mixed on their opinion on whether crime rises when the economy
27 falls. There doesn't appear to be a direct correlation because there are too many factors at
28 play. If you believe that crime rises as the economy falls, then during the depression, it
29 would make sense that there would have been the greatest crime increase. But historically,
30 history basically has recorded a dramatic drop in crime during the Depression years. There
31 was one factor that influenced that dramatically. 500,000 of the nation's most at-risk of
32 committing (young men in their twenties) were taken by the civilian conservation corps
33 into the countryside to do public works projects.

34

35 There are a couple of things the theorists do generally agree on. Domestic
36 Violence escalates during hard financial times. Chief Reiter stated that they have begun to
37 see that in the past few months. Reporting on crime generally does not happen on a
38 national level until about eighteen months after a year has been completed. He had some
39 statistics from the first six months of 2007, compared to the first six months of 2008.

40

41 In the first six months of 2008 compared to the first six months of the prior year,
42 overall the FBI preliminarily predicted a 3 ½% decline in violent crime (murder, rape,
43 robbery). They are predicting a 2 ½% decline in property crime (burglary, theft, motor
44 vehicle theft and arson). Statewide and regionally, in Florida and Palm Beach County will

1 roughly track that trend. Remember though, that the start of the economic downturn was
2 not until the end of the last quarter of last year.

3
4 Palm Beach County had 108 homicides in 2008, which is one fewer than in 2007.
5 Yet the number of homicides in the county was 37% higher than a decade ago. On a per
6 capita basis, 2007 compared to the prior year, Palm Beach County was a more dangerous
7 place to be than New York City. In West Palm Beach, their homicides rose to twenty last
8 year from five the prior year. Palm Beach is dramatically affected by the crime in West
9 Palm Beach. He cited the random recent double homicide.

10
11 In Palm Beach County, crime fell 14½ % last year. At the end of the summer it
12 was trending downward and then took a quick change and began to increase. Violent
13 crime in Palm Beach was 7 in 2007 and 3 in 2008, one sexual battery and two aggravated
14 assaults.

15
16 164 Part I uniform crime reports were completed in Palm Beach in 2008, and there
17 were 198 the year prior. Back in 1997, there were 267 Part I uniform crime reports, and
18 699 in 1987. Palm Beach is one of the very few places anywhere, especially with such
19 violent crimes in surrounding areas, where you can walk on the streets at any time of night
20 and be safe. With regard to drug offenses - there were 209 in 2007 and 270 in 2008, a
21 thirty percent increase.

22
23 In today's newspaper, you may have heard about the 92 Kilogram cocaine seizure
24 on Sunday night. He stated that he has been advising the Council for some time that the
25 Town of Palm Beach is the terminus of the major drug trade shipment route for the
26 Northern Caribbean. The Palm Beach Inlet in particular. We are influenced and
27 threatened by that type of activity.

28
29 Chief Reiter expressed how successful the department has been in solving the
30 small amount of crime the Town does have. The clearance rate for 2008 was 31.5%. The
31 National Average is 18% Our clearance rate is something to be very pleased with. Two
32 years ago, the Police Department had a 50% clearance rate.

33
34 Next, Chief Reiter discussed practical observations. The overall numbers of serious
35 crime has decreased. They began to trend upwards in the last quarter, we have begun to
36 see in the last quarter of 2008, the indicator crimes that were very much present in the
37 other times that we have had drops in the economy. Examples of those types of crimes
38 are shoplifting for basic needs - i.e. food. Auto burglaries for loose change, unlocked cars,
39 cell phones, bicycle thefts are other examples.

40
41 In the last week, beginning last Sunday, there was a \$4 million dollar jewelry store
42 robbery on Worth Ave. at midday. Sunday evening was the 92 kilogram cocaine seizure
43 from a vessel in the water, which was worth over \$31 million in street value. Chief Reiter
44 showed illustrations and photos to the Council showing that seizure amount and other
45 crime scenarios and paraphernalia. On Tuesday, there were four individuals from Miami

1 who were probing. When stopped by an officer, they had masks, bandanas, and other
2 crime paraphernalia in the trunk of the vehicle. The department keeps a marked patrol car
3 on Worth Avenue at all times.

4
5 Chief Reiter offered recommendations to the residents:

- 6
7 • Use alarm systems
8 • Lock doors at night
9 • Lock car doors - 50% of car thefts are from unlocked vehicles
10 • Question unexpected workmen
11 • Do not give out personal information
12 • Report suspicious activity - over 10% of the Town population are involved
13 in crime watches

14
15 Chair Markin thanked Chief Reiter for his presentation.

16
17 B. Questions and Answers

18
19 Chair Markin read some questions that she had received. The first question was
20 asking the policy for enforcing illegal aliens and workers. Chief Reiter recommended
21 contacting Border Patrol directly since illegal aliens are Federal Government violations,
22 but the Town Police Department will work with ICE (Immigration and Customs
23 Enforcement) and Border Patrol. Border Patrol does perform spot checks in Palm Beach.

24
25 Chair Markin asked the Police Chief if there was anything that he wanted the
26 residents to do. He responded that if a resident feels someone is working or here illegally,
27 they should contact the Border Patrol. The phone number is located in the blue pages of
28 the phone book.

29
30 Mayor McDonald asked if these complaints were anonymous, Chair Markin
31 indicated that residents were given the opportunity to submit questions/comments
32 anonymously or they could provide their name. She reiterated that they were not all
33 complaints, most were questions. Some wanted to ask questions anonymously for fear of
34 retribution by the Police Department. She added that she had never seen that happen in
35 the community, but it is the nature of the beast when people talk about police departments
36 in any community. She did not see any problem with the anonymous submission, there
37 has been some debate whether it was a good idea or not. Whether there was a name
38 attached to a comment or question or criticism, if it's a valid type of concern, she feels it is
39 good input to try to improve.

40
41
42
43 Mayor McDonald asked to finish his question. For the questions where the person
44 has identified themselves, since this was a public record, would Chair Markin also identify
45 the person, unless they are all anonymous.

1
2 Chair Markin responded that they were not all anonymous. Mayor McDonald then
3 asked Chair Markin to identify the person that made the suggestion, or complaint, since it
4 was a public record. Chair Markin responded that she would if they did not specify that
5 they did not want to be anonymous.
6

7 Chief Reiter asked to make a brief comment. He stated that he has been on the
8 Police Department for 28 years, all of his adult life. He has been Police Chief for eight
9 years, and it is absurd that anyone would suggest that the department would take
10 retribution to a positive or a negative or any kind of comment. He is stunned by that.
11 When he became the Assistant Chief, the day he became the Assistant Chief, something
12 like 11 years ago, we installed a suggestion box in the lobby. We are the only Town
13 department that does a very detailed, scientifically prepared questionnaire to the
14 community about their own performance, and they study those things and learn from that
15 on a regular basis. I am just stunned by that. He wanted to state publicly that if any
16 member of the Police Department treated anyone negatively for giving them unfavorable
17 criticism, he would take disciplinary action and very stern disciplinary action against that
18 employee.
19

20 Chair Markin asked a question, if there was anything to do to increase the police
21 presence on Worth Avenue and in the business community. Is there anything that we are
22 doing now, different from a few years ago. Chair Markin said she was aware that the
23 Town has purchased cameras, and asked the Chief to talk about increasing their presence
24 in the business community.
25

26 Chief Reiter first stated that there is a very high police presence on Worth Avenue,
27 and in the other business areas. There are police officers stationed there around the clock
28 from evening hours through the early morning hours. That has been done for 5-7 years
29 when there were a number of smash and grab burglaries, the most dramatic of which two
30 car loads from Miami, with individuals wearing hooded sweatshirts, 13 of them, basically
31 broke out the windows of three stores on Worth Avenue at the same time. They did not
32 care that they encountered a police officer, the police officer was on foot and had to face
33 two cars that attempted to run him over, holding 13 people. The Police Department caught
34 them when they crashed. They were convicted and some are still in prison today. From
35 that point on, it was pretty clear to him that Palm Beach is a big target for crime, and
36 because we are the kind of community that we are, the protections that some other
37 communities would take, would not be appropriate here. For instance, no one wants to see
38 bars on windows and storefronts.
39

40 Chief Reiter indicated that the department received criticism for dedicating so
41 many resources to that problem, but again, if two car loads of young men from Miami,
42 drive here and break out the windows, they present a threat to everyone in Town. When
43 the cars fled Town at over 100 miles per hour, drove south on S. Ocean Boulevard, and
44 one of them crashed, they risked every citizen along the way. What else does the Police
45 Department do on Worth Avenue, they have two business and community relations

1 officers, one of which, Michelle Pagan, is here in the room, is assigned purely to the
2 business community. Every business owner and manager and many of the employees
3 know them. The other officer is Jimmy Miller, and he is not here presently. They not only
4 contact patrol, they are the "Officer Friendly" in the business community. Personal
5 relationships are encouraged with everyone that works there. When something doesn't
6 feel right, they will get called. In the business world, if something doesn't feel right, for
7 some individuals, and they feel there is a chance to make the sale, there will suspend their
8 disbeliefs about it perhaps being a fraud, or a crime, in hopes of making a sale. Especially
9 in this economic environment. If they have a great relationship with the Town's police
10 officers, they are more inclined to call them and ask them because our business and
11 community officers know how to handle a situation without embarrassing the business.
12 Many times that is done by a phone call to the officers' cell phones. Chief Reiter
13 encourages that.

14
15 Chief Reiter stated that he cannot explain tactically everything that the police
16 department does. If he did, he would be alerting the criminals to the procedures as well.
17 There are video cameras, license plate recognition video cameras on Worth Avenue. Palm
18 Beach was one of the first police departments in America to actually install the system. It
19 was a two year test in London, in the 1990's and he contacted the company that had the
20 contract in London, talked with them and rewrote their software, not only to detect the
21 long narrow plates that Europeans have, but also Florida tags. Palm Beach was the test
22 beta site, for the software, and that has been reported in the news media. Other things are
23 done from a technical perspective, that he is not willing to share publicly, that help the
24 police department find the criminals that prey on victims there. There are response plans,
25 that if something happens, there will be deployments that are intended to intradict and
26 catch the criminals before they leave the Town. There are a lot of resources devoted to
27 this issue.

28
29 Chief Reiter added that if you were a resort, anywhere in America, after what
30 recently happened in Mumbai just a few months ago, you would have concerns that type of
31 activity would happen here. The Palm Beach Police Department is addressing that today.
32 The Worth Avenue merchants have reported to him that they feel very well protected.
33 Anyone who does not, the Police Chief offered to meet and hear their suggestions.

34
35 Chair Markin announced that the person who asked the question was Nancy Carter,
36 and in addition to her question, she wanted to commend the department for doing a good
37 job on Worth Avenue.

38
39 Chair Markin asked the next question. Was there anything specifically that the
40 Chief would say to the merchants in lieu of the most recent robbery, that they could do
41 better, or do more of. Would you expect them to increase their own personal security
42 measures within their stores?

43
44 Chief Reiter responded that the merchant groups are extremely savvy and
45 sophisticated group. Many of them have gone to great lengths to protect themselves. The

1 only thing that he could offer, is that when a store is busy, and you feel a threat that
2 someone may be trying to steal something, or give a fake/stolen credit card, don't ignore it
3 because of the potential of losing the sale. There are people who have walked onto Worth
4 Avenue and spent hundreds of thousands of dollars without ever presenting identification.
5 It is business decision whether or not to scrutinize those types of transactions, with the
6 potential for losing the sale. He reiterated that the department is actively engaged with
7 the Worth Avenue Association, Greater South County Road, and Royal Poinciana, on a
8 regular basis and attend all of the meetings, and have a very favorable ongoing
9 relationship with them.

10
11 Chair Markin announced the next question was an anonymous submittal, and
12 added that there were several people who brought this up actually. It related to the driving
13 skills of the police department. One of the things Chair Markin has heard, is the lack of
14 using turning signals when they are driving their patrol cars, or driving fast when they are
15 not necessarily going after someone. She asked the Chief to comment on that, and what
16 does he do with the police force to make sure that the policemen are good examples of
17 driving techniques, and models thereof, for the citizens.

18
19 Chief Reiter stated that Police Officers are models for everyone, whether or not
20 they want to be. That is why the police officers are not allowed to smoke in public, every
21 police officer hired since 1996 has to be tobacco product free for over 12 months prior to
22 applying to the Town. The driving skills of anyone who drives a vehicle all day long,
23 tend to get a bit sloppy. It is certainly not an excuse, but it is a reality. He reinforces that,
24 along with command staff, with the officers. If they do not signal a turn, or signal a lane
25 change, and then write someone a ticket for the same thing, that is hypocritical. The
26 officers should set an example to the community. The Palm Beach Police department was
27 the first in the nation to install video cameras in every patrol vehicle, which now is close to
28 17 years ago that this was done. That records the driving habits of the police officer. The
29 Captains routinely review and spot check the videos, to watch how police officers conduct
30 themselves, as well as their driving habits. It tells the speed of the vehicle as well. When a
31 resident sees a patrol car traveling at a higher speed without the lights and siren on, they
32 do not know the actual reason. If the police are responding to a hold-up alarm, the police
33 would not respond with lights and siren. Technically by law, the police should not be
34 violating the traffic laws and running red lights, or speeding, unless the lights are on.
35 There has been discipline issued in the past for these types of infractions. There can be
36 many numerous circumstances.

37
38 Chair Markin stated that since the Ordinance was changed to allow restaurants to
39 stay open until 3 a.m., has there been any reason to increase coverage around those
40 restaurants in the evening, Has the Police Department seen an increase in derelict behavior
41 or any type of issues that the Department has to be concerned about related to the 3 a.m.
42 closings. Chief Reiter responded that restaurants can be open around the clock if they
43 would like to, and those that serve alcohol beverages cannot do so after 3 a.m. That has
44 been in effect since the 1970's. the police Department has not made any changes to that.

1 Chair Markin asked the Police Chief if he would like to make any comment on
2 some of the police officers in the last two years that have had issues with stealing from the
3 investigative area of the Police Department, and issues with the driver knocking out some
4 mail boxes. She asked him to comment on that for the residents.

5
6 Chief Reiter responded that if Chair Markin thought it would be helpful, he would
7 be happy to. He clarified that it was not an officer, but a civilian property technician who
8 was in serious financial problems, and stole some property from the property room in the
9 Town. When that was detected, the employee was terminated, and arrested by the Palm
10 Beach Police Department. Every police department will have those types of situations.
11 There were numerous safeguards in effect to prevent that, and would have been found out
12 by an audit. Additional measures were added to add even more protection to the Town.
13 The Police Chief added that they are very diligent in their search for good officers and are
14 worthy of that trust. But situations happen in people's lives where circumstances and
15 actions are taken contrary to what they originally indicated upon their hire.

16
17 The other incident that Chair Markin mentioned was an officer that violated a
18 department policy in the use of prescription drugs that impaired her behavior and she went
19 on patrol. She did get into several car accidents within a short period of time, that was
20 detected by the community, by receiving numerous phone calls. Captain Szarszewski,
21 who is in the room, was the Patrol Captain at the time, and responded. He relieved her of
22 duty immediately, and an investigation was conducted, and terminated her. She has since
23 been arrested for a number of cases in using and illegally obtaining prescription drugs.
24 There is a very in-depth, detailed program of scrutinizing the conduct of the officers. There
25 is an internal affairs professional standards unit, which is a Sergeant who was here today,
26 Jennifer Sandman. She is responsible for investigations of violations of police employees'
27 conduct. She also does inspections of any conduct violations on a regular basis. If anyone
28 walks into the Police Department and makes a complaint against any of our employees,
29 that is handled by a supervisor. The bar is set very low, and once you get above that bar,
30 there are taped statements. Voluminous and detailed reports are done. The conduct of
31 police officers is to be responsive and beyond reproach. He gave some examples of
32 investigations conducted.

33
34 Chief Reiter added that if you look at the news media, you see almost constant
35 reports of law enforcement officers involved in some pretty ugly things. If you look
36 longitudinally, over the years, the Palm Beach Police Department has been relatively free
37 of that kind of activity. He attributes that to the compensation of the officers, and the
38 amount of effort that they use prior to hiring them. About ½ of the applicants fail the
39 background investigation. Chief Reiter stated that he does not feel badly about that
40 because this community deserves the best police officers in America. It is complicated
41 and sophisticated enough that it requires it. He just met with the applicants that passed
42 the oral review board and hiring process prior to offers for hire being made. Chief Reiter
43 tells them, the range of being a police officer involves treating many types of people.
44 There are the gang bangers, the drug smugglers, and know that a ten carat D-flawless

1 diamond is worth ten times as much than color "J". This is a sophisticated community
2 and if you don't have a sophisticated police department, crime will go up.

3
4 Chair Markin stated, along those lines, that the Committee knows what they go
5 through when they hire a new employee, but one of the questions posed was, with a lot of
6 senior officers taking the buy-out for early retirement, they are concerned that by losing the
7 senior people, that have shown sensitivity, how do you screen through to get the best
8 quality younger policemen to replace the ones we have all loved and enjoyed having in our
9 community.

10
11 Chief Reiter responded that they have lost many of the senior, most tenured, most
12 skilled, most experienced, most educated police officers. It causes him great concern. He
13 knew some of it was going to happen because of changes that were made to the retirement
14 system some years ago, the DROP program and so on, which is predictable when they will
15 leave. The police department began training and developing the staff to replace those
16 senior people, and generally they were the higher ranking individuals a long time ago. A
17 variety of factors, including the buy-out that the Town offered and some others. The
18 Town Council just did away with extraordinary longevity pay earlier this week, and that is
19 a pay cut for anyone working more than twenty years in the Town. And many other
20 factors: some of which he was not sure you wanted to hear from him, but he said the
21 feelings of most Town employees is, sometimes when they listen to what goes on in the
22 Chambers, that you want the employees to feel guilty for collecting a paycheck. That did
23 not happen for the first 25 years of his service to the Town. It has happened in the last
24 three years. He feels that is a big factor in why many of the officers left. Beyond that, he
25 believes he has explained what they do to hire the replacements and develop them. He is
26 confident today that you have the best Police Department that you could possibly get.. If
27 you want some evidence of that, it really comes down to the fact that you can walk any
28 street here, any time of the day or night, and be safe. And in all of the surrounding
29 communities, it is absolutely not true.

30
31 Member Kleid asked Chief Reiter if the businesses and residents that have alarms
32 tie directly into the police department, rather than going through another entity. Chief
33 Reiter indicated that commercial establishments have the opportunity to participate in the
34 Town's direct connect alarm system. It is not an instance where they can only report to the
35 Police Department, but they must simultaneously signal to a private monitoring firm. The
36 reason individual homes cannot participate is the volume of calls the police handle from
37 false alarms.

38
39 Mayor McDonald recognized former Mayor Lesly Smith for implementing the
40 policy that Palm Beach Police Officers would be the highest paid in the county.

41
42 Chair Markin remarked that speaking of alarm systems, she asked the Police Chief
43 if the recent decision of the Town Council to increase the false alarm fees was a good
44 thing, or something that should be looked at again. Chief Reiter responded that it was a
45 good idea from a financial perspective, maybe, but it's not a good thing from a public

1 safety perspective. The reason is that there is now a period of experience where fewer
2 alarm activations being reported to the police department, and fewer false alarms
3 generating the fee, because residents have stopped using their alarm systems. It can be very
4 expensive, and that some residences have 20-30 false activations and they owe the Town
5 huge amounts of money. Some of them are subject to salt water and breezes, etc., that can
6 trip the alarm so they decide not to use the systems at all.

7
8 Chair Markin stated that the Public Safety Committee has the ability to make
9 recommendations to the Council. Knowing that the Town is experiencing that type of
10 reversal in the effectiveness of the alarm systems, and knowing that there has been an
11 increase in public safety awareness, and the concern about crime. She asked Member
12 Kleid if the Committee should make a recommendation to the Council to revert the false
13 alarm fee. As much as budgets are important, public safety is much more important.

14
15 Member Kleid indicated that he did not feel he had enough information to go into
16 detail, **but he would certainly be in favor of getting some background information,**
17 **putting it on a Town Council Agenda and re-discussing it. He did not feel right now**
18 **was the time to do it. Town Manager Elwell indicated that this Committee Report**
19 **will be on the February 10, 2009 agenda at which time the full Town Council can**
20 **decide if this matter should be reconsidered and discussed.**

21
22 Another issue was on hurricane evacuation, according to Chair Markin. Could
23 Chief Reiter explain when there is a hurricane evacuation, the concern from people in the
24 condos, is that no one pays attention to them.

25
26 Chief Reiter simply stated that when there is an evacuation order, everyone should
27 evacuate. If they stay, they are doing so at their own hazard and own risk. In 2004, after
28 the first hurricane, there were over 60 gas leaks and he was appalled at how many people
29 had remained on the island and the conditions that they were living in. He had called the
30 Town Manager immediately, and they attempted to address the situation, supply food,
31 water, ice, and that shouldn't be something that a government does on a regular basis
32 because you encourage people to stay. Palm Beach is a barrier island, and has experienced
33 three hurricanes since 2004, but none of them were serious. If a serious storm were to hit
34 us, there would be no way to provide any assistance to anyone who stayed. There would
35 be too many other problems. An evacuation order means exactly that: you should leave.
36 There is now a far better program on the readmittance of residents and people will be
37 allowed back into town as soon as it is safe to do so. Special Needs people do register
38 prior to storms if they cannot leave.

39
40 The next question from Chair Markin pertained to Code Enforcement, and how
41 they are now under the Police Department. She stated there were several issues with the
42 police department handling code enforcement. She asked Chief Reiter how that was going
43 and specifically touch on the issue of blind corners, and on the issues of driving around
44 town and having blind corners.

45

1 Chief Reiter stated that generally Code Enforcement is making a difference. In
2 Palm Beach where we have so little crime, what we can do is improve the quality of life,
3 and those are the ordinances that address that. The Code Enforcement Unit, some are here
4 today, is uniformly applied now. The Code Enforcement Board is excellent in working
5 with the department, and some of the initiatives were water violations, and short term, the
6 compliance rate was very satisfactory. Construction parking for most of the Town and the
7 damage it does to the citizens nearby, is better than it used to be. There are so many
8 different areas, and big strides are being made, but the community should be the people to
9 answer that question, because they have to live through it. On the site triangle and
10 intersection issue, not to answer for the planning zoning and building department for new
11 construction, that is regulated by them. In some cases, a resident gets a CO on a compliant
12 structure with hedges and walls at an intersection and then at some later point changes that
13 and falls out of compliance. That is difficult for government to police. The greater issue
14 is the existing intersections in Town. It is the character of the entire North End, that it is
15 very difficult to pull out from the east/west streets onto the north/south streets. Even if we
16 had 100% compliance with the new construction, that only touches upon a small part of
17 the problem. That is a policy issue of the Town Council. The police department is
18 executing the current policies that are in place.

19
20 Mayor McDonald noted that citizens had been waiting over two hours to speak and
21 suggested giving the Chief a break, taking public comments, and then going back to the
22 Chief. Because the written comments can be answered after these people speak and then
23 have the opportunity to leave.

24
25 Chair Markin said that with all due respect, there were not that many more
26 questions, and some of the questions that may come up from the residents, may be directed
27 to the Chief.

28
29 Town Manager Elwell added that the Planning and Zoning Commission, at the
30 Councils' request, has looked recently again at the site triangle issue, and the
31 recommendations from that Commission will be coming back to Council at the February
32 or March Town Council Meeting. Chair Markin also added that since Code Enforcement
33 was put under the Police Department, she feels that the Ordinances are being more
34 strongly enforced.

35
36 Chief Reiter was asked by Chair Markin if the 12 hour shifts affect the
37 effectiveness of officers from a recent shift design from an 8 hour shift to a 12 hour shift.
38 She stated that she had spoken to the Chief regarding this issue, but would like him to
39 explain it to the public on the record.

40
41 Chief Reiter has a variety of different shifts within the Police Department. The
42 change was the general patrol component of the department which is the backbone of
43 every police department. Previously, they worked 5 eight hour shifts with two days off.
44 Now they work an 11 ½ hour shift which four days on, three days off, three days on, four
45 days off. He was estimating that 90% of the law enforcement agencies in the country are

1 on that type of shift. There was some hesitation from a leadership point of view, when the
2 program began 7-8 months ago, on a one year test basis. That is what the department is in
3 right now. They are now called teams, and not shifts. Approximately 70% of officers
4 approve of the change. There are also exceptions for officers attending school, or have
5 child or adult care issues. The 3-4 days off provide ample time for rest as well. He has
6 researched this medically and in-depth, regarding the lengths of shifts of police officers,
7 the Harvard Medical School group has also been contacted by the Police Chief. He
8 assured the Committee that the concerns of the community are top priority and there has
9 been no increase in force by officers, complaints have not gone up, violations of
10 performance issues have also not risen. In addition, sick time has not risen.

11
12 Mayor McDonald had some comments. One, he found it ludicrous that a resident
13 would be concerned about what shifts the Police Department is working, given the kind of
14 job Public Safety does. And secondly, when Chair Markin asked the question, she
15 indicated it was a resident, but then it is difficult to know when you get an anonymous
16 comment, whether they are a resident or not.

17
18 Chair Markin responded that she thought it was a valid question, and as residents,
19 they want to know how they are being protected and they want to know that the police
20 officers are as alert as possible. It was a responsible question.

21
22 Chair Markin then opened the floor for public comment or questions. She prefaced
23 with the fact it is a forum, a constructive forum, if there is a criticism to make, by all
24 means present a solution to that criticism or a suggestion, and any other comments the
25 public would like to make.

26
27 Michael Stein, 227 Via Tortuga, apologized that he grabbed the microphone but he
28 had a lunch engagement and was counting on the original schedule which Chair Markin
29 enunciated at the beginning of the meeting. First, he wanted to commend Chief Reiter on
30 an outstanding presentation. Particularly on his responses to those questions, which some
31 seem to be an interrogation, instead of questioning. Most meetings of this kind begin with
32 a review and approval of the minutes of the preceding meeting. He asked whether or not
33 this Committee has met before, and if so, when, and could the public know about that
34 because a lot of substance came out of the meeting. A lot of important information that the
35 community should have on an ongoing basis, and it has been suggested that it might be
36 unfortunate that this finally did occur during an election season. He would like to know
37 about the meeting minutes and previous meetings and what happened. And finally he
38 wanted to endorse a comment made by a fellow resident, and the Mayor, about anonymous
39 questions. He was horrified, by the thought that anonymous questions would be received
40 and given credence, in a forum like this, smells like an inquisition. He suggested that all
41 bodies of the government in the future should be aware of that and refuse to accept or give
42 credence to anonymous questions.

43
44 Chair Markin stated that since she called the meeting, as a Committee Chair, she
45 wanted to explain why she called the meeting. She felt the timing was very appropriate.

1 She explained that every year, after an election, there is a re-assignment of the council
2 members to different committees. She was assigned as Public Safety Committee Chair in
3 the end of February, beginning of March, of 2008. The fact that this committee has not
4 met before is not her responsibility as much as it is the Council Members' responsibility,
5 and all of the Councils prior to her. She opted to have the meeting, and wanted to have it
6 shortly after the Brazilian fire, because there were a lot of questions as to what took place
7 during that fire. She and Chief Amador and Chief Reiter agreed that they would wait until
8 there were more residents in Town and Chief Amador specifically asked to wait until the
9 fall. Secondly, the issue relative to financial fraud, just happened right around the
10 holidays. That affected so many residents in the community and an attitude and fear in the
11 community, that it warranted putting it on the agenda. Lastly, the most recent crime trends
12 because of the economy and talking with Chief Reiter, and new things that the residents
13 should be aware of, it was appropriate to put that onto the agenda. That is why she called
14 the meeting together for Public Safety. There was a debate this morning of all the
15 candidates at the Palm Beach Business Group, at the Chesterfield, and it became evident
16 that her opponent and some of the other candidates all said that public safety is in the
17 forefront of everyone's minds. Prior to the fire, she saw no reason to have a Public Safety
18 Committee meeting. She thinks the residents are very happy with the Police Department
19 and still thinks they are very happy with the Police Department and the Fire Department.
20 She didn't think it hurt to have a Public Safety Committee Meeting once in a while. Quite
21 frankly, whether she was a candidate or not, she would have called the meeting. There
22 were three reasons, which she just mentioned why it was important to have it now. She
23 then stated if all she wanted to do was get votes, she could think of a lot more different
24 things she could be doing to get votes than the stress of going through this meeting. She
25 said that everyone is on the same team, this is an opportunity to share information. That's
26 what they are here for, to protect each other, be aware of the issues at hand. This does not
27 need to be a cheerleading session for anybody, this meeting is not about the Police
28 Department. It's about informing the residents, and keeping them happy about what's
29 going on here.

30
31 With regard to the anonymity issue, Chair Markin indicated that is a debatable
32 issue. She had many residents tell her that they could not come to the meeting, they would
33 like to pose a question, and asked if they could do it anonymously. She didn't feel that
34 there was any reason not to. She believes in open government, she feels it is healthy and
35 she feels the issues that can come forward, and some of the ideas can be very good ideas.
36 She apologized if some people were offended by the anonymity issue. Even Peter Elwell
37 in his most recent payday report to the employees stated that, if you see any suspicious
38 activity among employees, you may anonymously tell somebody. You want people to
39 report things. If she were the Police or Fire Chief, she would want to know what residents
40 are saying and thinking. She didn't care what their names are. Chair Markin added that
41 this meeting had no political attachment or credence whatsoever. It has everything to do
42 with Public Safety in our community.

43
44 Jack Cohen, 3450 S. Ocean Blvd., read a letter into the record of his opposition to
45 the January 9, 2009 Palm Beach Daily News article as being incomprehensible, and that a

1 meeting or discussion could take place concerning unsubstantiated, anonymous complaints
2 or criticisms of the police and fire departments. In fact, any complaints or negative
3 comments to any entity in the business world, are routinely discarded. Anonymous reports
4 could cause damage and have life altering effects on an employee if taken seriously. A
5 person's reputation and life could be destroyed, as far as having a job, or looking for a new
6 job. Anonymous written or spoken statements are worth nothing. It is one person's
7 unsubstantiated word. For those people who have had concerns about certain actions that
8 the police or fire department would take, and do not want to come forward in an open
9 meeting and vocalize their criticisms, rather than suggest they give anonymous comments,
10 he suggested that they stand up for their convictions, come forward and state their
11 complaints. He is a graduate of the second Citizens Police Academy, and along with his
12 wife, a graduate of the first Citizens Fire Academy, and has been a working member for
13 seven years at VIP (Volunteers in Police Service). His respect and dedication and his pride
14 in these two Town Departments could not be greater than if he were a sworn officer, or
15 firefighter. He stated that he says this to be made public, along with his sincere conviction
16 expressed in his letter there is a prejudice. Secondly, the reason he chose to be here in
17 person to read his letter, rather than having it read into the record, was instigated by a
18 feeling of hypocrisy on his part, although he had identified himself by name and residence,
19 he felt that anyone not knowing him personally, would not be able to agree or criticize
20 him, he would be, in essence, anonymous. He is sure that there are members of the
21 audience who may not agree with his comments, but no one can question who is talking,
22 or that he is an anonymous person. He thanked the Committee for being allowed to
23 express his thoughts.

24

25

26 Etonella Christlieb, 200 Everglades Ave, stated that she has been here 35 years in
27 the Town of Palm Beach and has worked with four Police Chiefs. As you say, there are
28 people who have problems with the police, not so much with the fire brigade, but we have
29 a good crime watch program in the Town of Palm Beach. There are block captain. If her
30 neighbors have a problem, they can come to her, and if she cannot solve the problem, then
31 she can go to a Town Council Member or to the Mayor. Nobody should feel that they
32 cannot talk to anyone in this Town. This is a very good community here, with good
33 community spirit and it surprised her (to Chair Markin) with her being on the Council,
34 how little you know what the people want in the Town. About the alarm system where
35 you increased the fees when she should have listened to the people in your constituency.
36 She needs council members who know what the people want, and who represent her (us).
37 A lot of the questions that Chair Markin asked the Police Chief were an investigation and
38 were insulting because she, and other Council Members, should be aware of all of those
39 situations. She has done all of the academies and has worked with the fire and police
40 departments. She really wanted to compliment the Police and Fire Chiefs for doing such a
41 wonderful job to make our Town a safe place to be and she thanked the Mayor and the
42 Police Chief and Fire Chief for explaining everything to Chair Markin and Mr. Kleid.
43 Chair Markin thanked her for her comments.

44

1 Alexandra Hufty, 154 Atlantic Ave., commented that the Police Chief was
2 extraordinary. He gave absolutely perfect responses, he was there at the podium a long
3 time, answered lots of questions, and very very well done. Most of us live here and love
4 our community because of the police and fire departments, and our sense of security.
5 Certainly she does. She stated that she can walk alone at night, she can walk on the beach
6 at night and she personally does not like the timing of the meeting or the negative
7 overtones. What she wanted to ask is what happened to positive reinforcement. They
8 should be told how wonderful the Town thinks they are. She really thinks they are
9 wonderful and she is grateful everyday of her life for them.

10

11 Tim Moran, 257 Dunbar Road, started by thanking Leo Albert "upstairs", for the
12 police boat, because without that police boat there would not have had the great execution
13 by the police department this past week. This meeting was to be an informative session, as
14 Chair Markin said, and he appreciates that. He commented on her defensiveness, and he
15 indicated he had been speaking with people all week, and he works with the police
16 department, Mr. Elwell and the Council to try to work together. In the past year, there was
17 a period of union/non-union, and as the groups were leaning towards union, the employees
18 went back and said, it was a great community, and they decided to go non-union. As he
19 sat there after that decision, as his heart went out to Chief Reiter, because he had a
20 fractured community of police officers. And that was due to the fact that a lot of times the
21 comments that come from the Town Council really hurt morale, like nobody's business.
22 He only knows this because he spends 2-3 hours per week on the phone with the 80 police
23 officers. At the end of the day, the comments that hurt morale, and he has been in the
24 Town for 11-12 years and he and his wife love it, and stated he liked everyone on the dais,
25 but he had to say, that in the last 3-4 years, he had never seen a wheel that had been broken
26 so fast, that he and John Scarpa, as citizens, that went out there to try to bring the healing
27 back. He stated that last weekend, there was a party they all know about, that a lot of
28 healing took place. That was good for the Town. But a lot of the time the comments that
29 come off the dais, does so much damage, and he wholeheartedly felt that. He went into
30 the Chief's office after the union vote and asked him to get the place back together within
31 6 months. The Chief was able to do this in 3 months. What continually happens
32 afterwards, whether it was last week with the extraordinary longevity pay, and to put faces
33 and numbers together, should be saying "you guys are doing a great job", but the darts that
34 go across. He views the Chief as a CEO, he sets the direction, and his people follow. The
35 Town Council sets the direction and people follow, but the people have to manage also.
36 The Town is losing a lot of senior officers, as we know. A lot of them leave out of fear.
37 What are we going to lose next, what are they (the Council) going to take next. I know it
38 is a bad time economically, and there are certain sacrifices that have to be made, as we all
39 make them. But at the same time, the reasons citizens live here is because of the security.
40 There is no finer Police Department within the United States. Wholeheartedly, this is one
41 of the strictest, toughest most unbelievable departments. Every time the Council throws
42 out comments that get overblown off of the dais, more and more officers will leave. He
43 had a conversation with the Police Chief the other day, that it is getting to a point that so
44 many senior officers have left, that certain shifts only have three years of seniority. That's
45 absurd. He knows officers that have left out of fear and that is wrong. He feels the Town

1 should embrace the officers because they make our lives better. It's an informative session
2 and he wonders what the defensiveness is about. He stated he was not going to discuss the
3 anonymous issue because he feels that is the most absurd thing he has ever heard. Anyone
4 who sends something in and won't stand behind it, and it gets read, he stated he loses
5 respect for Chair Markin for reading it. It should be thrown in the garbage. He concurred
6 with the gentleman before who said that an anonymous complaint could change
7 somebody's life just over writing something anonymously. That is absurd.

8
9 Former Mayor Marix, 1570 N. Ocean Blvd., called the meeting very informative
10 and would like to put it in perspective, and mention things that she thought would be
11 brought up but were not. The idea of having a Public Safety Meeting at this time of year
12 has been questioned, but she would like to point out that when she was on the Council,
13 and when she was Mayor, the various Committees met every month: Police, Public Safety,
14 Public Works, Personnel and Administration, etc. They did not meet to fight or argue or
15 to punish, they met to review anything of importance that had come up and to think of
16 things that they had heard that concerned the public, like the interesting man who spoke on
17 the fraud. It was a constructive thing. The Council Meetings are getting so long that they
18 are going back to it (having more Committee meetings). She feels that what has caused
19 some of the bad feelings, people who feel very strongly that they weren't heard, these are
20 the type of things one would not get into if there is a very clear air all along. If the Public
21 Safety meetings took place every month, people would come and ask if they had any
22 questions. She personally thinks it was a good idea to start them again. She was pleased
23 to see all of the Committee Meetings coming back, since that is what the Town is for.
24 Otherwise, two people would not be appointed each year to serve on the Committees, if
25 they were to never meet. She feels it is a good idea to hold the meetings and save a lot of
26 bad feelings.

27
28 Robert Foster, 2295 S. Ocean Blvd., apologized for interrupting Chair Markin
29 earlier in the meeting. He was very offended to hear public officials state publicly that she
30 saw nothing wrong with "poison pen" letters. If someone were to write poison pen letters
31 about the Chair, her candidacy, or her office, he predicts she would be equally as offended.
32 Anyway, he feels she owes the Town an apology.

33
34 Rebecca Williams, 232 Seabreeze Avenue, stated that there is so much dissention
35 in the room. She was delighted to be at the meeting and to hear from the Fire Chief and
36 Police Chief and the informative people that were there, because it was an opportunity for
37 her to say "Thank You" for all that they do for them. She loves having the meeting so that
38 she can hear from them, and know how they feel about the Town and what is going on.
39 She was unsure of how often the Committee meets, but agreed with Former Mayor Marix,
40 the Committees, if they are valid, should meet more often. Thanks again to the officers in
41 the community and thank you for letting her hear from them.

42
43 Chair Markin stated that future Council Members may not want to have a Public
44 Safety Committee meeting again in the future if they would be this intense. Out of all the
45 questions that were presented today, she did not feel that any of the questions were in any

1 way abrasive or derogatory but rather questions that residents deserve to have the right to
2 be answered. However, she would take the input into account. Residents had said they
3 would like to give input but would like to be anonymous. It was truly an afterthought to
4 say and to mention to the Town Manager, why not allow them to give input anonymously,
5 if that makes the residents happy, as long as we get their input. She took the opportunity
6 to apologize if she offended anyone. The end result was the Police Chief, did in fact,
7 handle the entire meeting beautifully. She had every confidence that he would and his
8 presentation was excellent. The end result of the meeting is again, that it was informative,
9 some of the criticism was quite frankly, politically motivated. She continued that we were
10 all here as residents trying to make the service to the residents better. She didn't
11 understand why it was so questionable as to why they can't get together to discuss issues.
12 She feels some very good points came out of the meeting. She said she would be the first
13 one to admit if she had made a mistake, and if she made a mistake with asking people to
14 be anonymous with their questions, then so be it, she will take it as a "live and learn" and
15 she will move forward. Overall, the meeting has been very good, and they are not
16 finished, they will hear from Chief Amador about the fire.

17

18 VI. REVIEW OF QUESTIONS, ISSUES, AND LESSONS LEARNED FROM THE
19 MAY 2008 FIRE AT 416 BRAZILIAN AVENUE.

20

21 A. Presentation by William Amador, Fire-Rescue Chief

22

23 Chief Amador gave a brief synopsis of what occurred at 416 Brazilian Avenue on
24 May 5, 2008. He began by expressing his sorrow to Mr. James Barker for his loss. He
25 stated that he would provide an overview of issues and lessons learned. The first topic he
26 addressed was the Fire Department's response and the mutual aid that was requested. The
27 fire was in advanced stages before anyone noticed it. When Palm Beach Fire Rescue
28 Battalion Chief Roger Lane was dispatched to the incident, he immediately requested
29 additional resources from the City of West Palm Beach Fire Department. Two of the
30 Town's Ambulances were on medical calls at the same time. Temporarily, the mid-town
31 aerial truck was out of service. Because the fire was in advance stages, it was going to
32 require additional resources. They also called Palm Beach County and Lake Worth Fire
33 Departments.

34

35 Mutual aid is a common practice for all fire departments. As a matter of fact, Palm
36 Beach Fire Rescue does provide assistance to West Palm Beach Fire Rescue and other
37 departments when they have similar structure fires.

38

39 The next topic Chief Amador addressed is the size of and the strategy, and the
40 tactics used to combat the fire. First, he was on the scene and he observed the incident.
41 He observed all of the actions and decisions that were made by the Incident Commander,
42 Roger Lane. At any time, if needed, he was able to assume command of the incident.
43 However, he decided not to, because he was confident in the decisions and the tactics that
44 were being implemented. As he previously stated, the fire spread quite rapidly. First
45 arriving crews reported initial observations of smoke and fire coming from the eaves of the

1 roof. This indicated that the fire was already in advanced stages. It also indicated that the
2 structural components in the attic were involved. Although the likelihood of a survivor
3 was not promising, the fire department did initiate an interior attack of the structure, to
4 locate any unknown victims and to extinguish the fire.

5
6 While the fire fighters were completing interior operations with hose lines, they
7 were driven back by a condition called "flashover". Chief Amador explained that
8 flashover occurs when all of the contents in the area of the fire reach ignition temperature.
9 This is often the most dangerous point of the fire. It was the free-burning stage of the fire.
10 If anyone were to be in that area, firefighters or victims, it could prove to be fatal. In
11 addition, it was reported that there was a partial collapse in the rear of the structure. At
12 that point, a tactical decision was made to discontinue all interior operations and to begin
13 defensive operations externally. Hose lines were repositioned externally, outside of the
14 structure. They were able to knock down the fire from the first floor. However, the fire
15 did extend to the second floor. It was a two story structure.

16
17 At a certain point, the fire had advanced, and had vented itself through the roof. At
18 that time, a mutual aid aerial truck that was present from the City of West Palm Beach
19 provided elevated master streams and was able to contain the fire. At the same time, the
20 Palm Beach Fire Rescue deployed multiple hose lines due to neighboring structures that
21 were also threatened, by the size of the fire. There was a detached mother-in-law cottage
22 that the department protected and was able to save. There was also a condominium within
23 close proximity and another residence.

24
25 He stated that concluded his summary of the fire.

26
27 There were a few important points that he wished to share about the importance of
28 smoke detectors and carbon monoxide detectors. Palm Beach Fire Rescue urged all Town
29 residents to install smoke and carbon monoxide detectors. Smoke detectors are devices
30 that warn of the early stages of a fire to allow time for evacuation. Smoke detectors
31 should also be supplemented with carbon monoxide detectors because carbon monoxide is
32 a colorless, odorless and extremely hazardous gas. Chief Amador stressed that it was
33 important to have both of these in their homes or businesses. He was happy to report that
34 the Fire Department has received a generous donation of smoke and carbon monoxide
35 detectors, that are available to residents and businesses free of charge.

36
37 His next point was related to storm shutters and structure fires. He encouraged
38 residents to remove their shutters as soon as possible, especially if the home is occupied.
39 Not only can shutters seal the fire itself, it can eliminate escape routes, in the event of a
40 fire. Shutters do make the tasks of fire-rescue personnel more difficult when fighting a
41 fire.

42
43 There were some lessons learned from the fire. They have revised and
44 implemented numerous standard operating guidelines to make the department more

1 proficient in fire-fighting. In addition, the department constantly conducts training on an
2 annual basis, and actual structural fire fighting to make them more proficient.

3
4 Chief Amador was happy to report that the department has obtained a new device
5 which can quickly be deployed to assist in the knock down of a fire. This device, when it
6 is deployed, will improve survivability of victims, and minimize property damage. In
7 addition, the department has received new medications from a State Grant which would be
8 utilized to treat fire victims.

9
10 B. Questions and Answers

11
12 Jimmy Barker, 416 Brazilian Ave., a resident of Palm Beach since 1961, stated he
13 was not appearing before the Committee to complain about the disaster. He loves Palm
14 Beach and the residents in it. He would like to point out a few facts very quickly.

15
16 Mr. Barker asked if the previous speaker was the Fire Chief and Chair Markin
17 acknowledged that Mr. Amador was the Fire Chief.

18
19 Mr. Barker stated that there is a lapse in people's lives, and indicated that it was
20 not his lapse that started the fire, and the police came. He had read the police report and
21 he had some questions. The first question/statement was that the police report was full of
22 fabrications and inconsistencies.

23
24 The first page of the police report, is from Officer James D. Miller, who was the
25 first Police Officer on the scene on his bicycle. Later on, after the fire, Officer Miller
26 again saw Mr. Barker in the front yard, and stopped to express his sorrow over the death of
27 Mr. Barker's friend. He stated Officer Miller was a very polite, young man. According to
28 Mr. Barker, Officer Miller expressed to him what he experienced. He went to the back of
29 the house after viewing the fire and opening the front door, and seeing smoke. Officer
30 Miller did not report seeing any flames at that time. He then went to the back of the home,
31 and slid open the sliding door, and the report states "he could go no farther because of the
32 smoke, the heat, and the fire". According to Mr. Barker, Officer Miller entered the house,
33 into the kitchen, looking for any signs of life. There was no fire, no heat but there was
34 smoke. No body, no dogs. He asked where his puppies were. And of course, one of the
35 puppies died, and he wanted to point that out, and he sees fabrications. That means if they
36 started fabricating on the first page, they fabricated through the whole report to try to
37 present that the fire was completely uncontrollable, which was not true, according to his
38 fire inspector. His fire inspector turned to the fire people when he went through the house,
39 and said the negligence the fire department has shown here was not acceptable. Mr.
40 Barker indicated that Palm Beach Fire Rescue responded by saying they did the best that
41 they could.

42
43 His second question was related to the Police Department. Did the Police Chief,
44 when Mr. Barker came out of the house, which they have written up once again as a
45 fabrication, say "arrest that man". He, the owner was trying to find the life of a man that

1 he had lived next to for 18 years, and had him come and live with him for another 18
2 years. Would he not go into the home and try to locate Jimmy? And where was he in that
3 home, he was going right through the kitchen. There was no smoke, because the windows
4 and back door were open. There was no heat, and no fire, no dogs. He stated that he
5 searched diligently to make sure that Jimmy could not have been in the kitchen, or any of
6 the rooms involved in that area. He knew the door to the dining room would be locked
7 and it was, just because the dogs could not push themselves into the front of the house.
8 He pushed into the front of the house, and had to climb over, and there was no heat, no
9 smoke, no fire and he worked his way to the top of the house immediately to the room, he
10 thought Jimmy might have been in. The ceilings had come down, but he could not see
11 because he had closed all of the second floor things (shutters), for the hurricane season,
12 and was planning to leave town the next week.

13
14 Next, Mr. Barker stated he went to the back of the house, and there was no fire in
15 his bedroom, no heat, no smoke but found his television set and the table had been turned
16 over. He asked how that could have happened. A lamp was thrown off the table that was
17 next to the bed. No one else was to have supposed to have been in the house except
18 Jimmy. And Jimmy he had spoken to at 11:30 a.m. By this time, it was 1:30 p.m. after
19 arriving at the house at 1:15 p.m. After he saw the collapsed ceilings, he figured he had
20 better get out, and also assumed they had seen his figure going through the house. And of
21 course, he said, if he could be in there, then the fireman should have been in there too,
22 looking for a human being. They were not.

23
24 He stated that a fireman was shouting at him through a window to come over there,
25 and he said "I will be coming out on my own", and he went down the front stairs, opened
26 the front door, and was still wet. He remembered thinking he had to get a flashlight and go
27 back up there because his friend Jimmy was in that room. He was grabbed by two people,
28 and at that point, he didn't know who they were. He stated that they were shouting "put
29 your hands behind your back" and threw him face down. His hands were underneath him
30 and he held them together, wondering what was happening. He was flipped over and had
31 his head stomped on, according to Mr. Barker, and shoved into the gravel which tore the
32 skin off the side of his face. But that didn't hurt his heart, he said. What hurt his heart the
33 most was that no one came to his defense. He asked where was the Chief of Police. He
34 was a man coming out of a burning building, but it wasn't burning, because the total
35 destruction had taken place. It had taken the fire department an hour to get two hoses on,
36 and a half hour to put the gear on, and get a hose working. All these things were reported
37 by people that were standing there watching the fire before Mr. Barker arrived.

38
39 Naturally, Mr. Barker stated that he did not stay. The moment he arrived at the
40 house, he ran around the block, jumped over a six foot tall wire fence, went around the
41 guest house and went into the doors that were already open. Fabrications, he said. He
42 claims the fire was arson. He knows that. It was not an electrical plug by the grand piano.
43 Besides the life of a human, and a puppy, treasures that should be in museums, and they
44 would have been, are all gone to the next world. He stated that everyone will be going to
45 the next world.

1 Mr. Barker turned to the Fire Chief and told him he did not hold anything against
2 him. He knows what wasn't done because his fire inspector knows too. And the Chief of
3 Police ordered him incarcerated and detained, that was his privilege because of his rank.
4 The Chief of Police or the Fire Chief should have interviewed him to find out about that
5 house. Not one person has come near him, only one woman called Sgt. Jennifer, who
6 asked him if he was coming to the police station to make a complaint. According to Mr.
7 Barker, Sgt. Jennifer relayed to him that she knew he had gone to the Town Manager. He
8 explained to her that he did not go to the Town Manager, but was taken there by Chair
9 Markin. He claims that was his only contact with the fire or police departments after the
10 fire.

11

12 Mr. Barker reiterated that he thought this was arson. 31 years prior, there was a
13 fire in the house. The firemen were there within 15 minutes had oxygen masks on 23 little
14 dogs, as fast as they could get oxygen to them. Where were the missing puppies. Both
15 were carried in fireman's hands, and why weren't they turned over for immediate help.
16 According to Mr. Barker, because they were not looking for a human being. What was
17 missing in that fire was compassion for each other. He has compassion for Jimmy's life,
18 and he feels badly about the loss of his treasures, but it is not the same as a life. Our lives
19 can be snuffed out quickly, and we will be gone. The only thing left is the nice things we
20 have done. He thanked Chair Markin for having the meeting.

21

22 Chair Markin thanked Mr. Barker for bringing forth his concerns. What she offered
23 next was to have Chief Amador and Chief Reiter respond.

24

25 Chief Amador stated that he would be unable to report about the police officer on
26 the bicycle, but perhaps Chief Reiter could address that. He said that the fire department
27 had been combating the fire for over an hour prior to Mr. Barker's arrival. The fire
28 department's concern was the structural integrity of the structure. When Mr. Barker
29 entered it, the fire department was concerned for his life. Firefighters with protective
30 equipment went into the home to retrieve Mr. Barker.

31

32 Although the fire was extinguished, there were still byproducts of combustion, and
33 poisonous gas, carbon monoxide, within the structure. Without proper equipment, Mr.
34 Barker could have easily succumbed. That was why the fire department made entry to
35 remove him from that structure, because of the instability.

36

37 Chief Amador stated that their department did work in conjunction with the Fire
38 Marshall, State Fire Marshall, State Fire Marshall's office, Alcohol, Tobacco and
39 Firearms, and the Palm Beach Police Department, to investigate the cause of the fire. He
40 did review all of the fire reports, Medical Examiner's report, all of the reports from all of
41 the agencies, and they all come up with the same conclusion that the fire was caused by an
42 electrical short, and not by arson. They have the capabilities of testing for accelerants and
43 there was no use of accelerants determined from the reports.

44

1 Chair Markin asked to clarify further, why it was possible that it earlier on, when
2 there could have been smoke in the back of the house, which prohibited a person from
3 entering, that once the house was opened up, there would not have been smoke in the
4 home. This is why Mr. Barker claims there was no smoke when he entered the home.

5
6 Chief Amador stated that would be correct. The Fire Department had been battling
7 the fire for over an hour prior to Mr. Barker's arrival. Thousands of gallons of water had
8 been put onto the structure. When he opened the door, a rush of water came out. The fire
9 was completely extinguished on the first floor, and actually the second floor. However,
10 some of the structural components and members of the attic, were still on fire. The fire
11 department ceased all operations when Mr. Barker entered the house. They were afraid
12 that by them adding water, it would jeopardize his safety. At that time, the major concern
13 became Mr. Barker's safety, and to remove him from the structure before he succumbed to
14 the poisonous gases, or have the structure collapse on him.

15
16 Chair Markin asked about the furniture on he second floor being knocked over, as
17 Mr. Barker stated. She asked if that was caused by pressure from the water hoses.

18
19 Chief Amador responded that could be a reason for that, or the actual collapse of
20 the roof. There were gaping holes in the roof where the structure fell. That could have
21 caused the furniture to be turned over. The Fire Chief stated that they did several
22 combings of the area approximately one hour after the fire. Again, they did look under
23 furniture, under beds and debris to locate the victim.

24
25 Chair Markin asked Police Chief Reiter to comment on the investigative part of the
26 fire.

27
28 Chief Amador asked to make one more point. The response time on scene was less
29 than five minutes. They were actually placing water on the fire at that time. There was no
30 delay in the Palm Beach Fire Rescue operations. Although residents didn't see hose line
31 from a hydrant, that doesn't mean that there wasn't water being applied. There are tanks
32 of water on the trucks and are able to administer water on a fire immediately.

33
34 Police Chief Reiter stated that this was a tragedy and offered his condolences to
35 Mr. Barker for his loss. There were a lot of questions in Mr. Barker's statements. He
36 stated that the dog was rescued by a member of the police department, the crime scene
37 manager, Greg Parkinson, against department policy. He entered the building to save an
38 animal life, and the Chief was glad that he did break the policy to do that.

39
40 As far as the officers making arrests upon his direction, he clarified that he does
41 not direct police officers to do that. He stated that officers have the full authority to do that
42 on their own. The Chief stated he was at the fire scene most of the time, within 15
43 minutes of the time the call came in. The officers were directed by some command level
44 person, to attempt to stop Mr. Barker from entering the home, because he had disappeared.
45 His nephew (Hunt Edwards) had informed the Police Chief that when Mr. Barker arrived,

1 he would be very emotional and the police department should take some effort to control
2 him. He had that information upon Mr. Barker's arrival and he had communicated that to
3 staff. Officers met with Mr. Barker and gave him all of the information that they had.
4 Next, Mr. Barker disappeared and the officers were directed to go and find him, to protect
5 him from going into the building. Once Mr. Barker was inside the building, the firemen
6 asked Mr. Barker to leave. As he was leaving the building, two police officers met him.
7 Mr. Barker pushed them away and their concern was to prevent Mr. Barker from returning
8 into the structure. They chose to immobilize him by putting him on the ground, and it has
9 been investigated fully.

10
11 The only account that alleges improper use of force, such as grinding his face into
12 the ground, is that of Mr. Barker. All of the other accounts, from the firemen, police and
13 others that were there indicate that did not happen. It was unfortunate that he had to be
14 detained, and immobilized in that way. The officer that did that, was extremely physically
15 capable and could have very easily broken Mr. Barker's arms, but was very gentle and
16 careful. By doing that, he is a gentleman and gentle at the same time. The Police
17 Department's concern was to keep Mr. Barker from going back inside of the building. He
18 expressed to Mr. Barker that he was glad he was not injured when he went inside, because
19 he certainly could have been.

20
21 Chief Amador added that they did transport one of the puppies, against policy, and
22 he was glad that they did, to an animal care clinic for treatment.

23
24 Chair Markin thanked both Chief Amador and Chief Reiter for their explanations
25 and those answers. She addressed Mr. Barker, and stated there was no way that they could
26 possibly appease all of his concerns, and feelings, after his loss. She does believe that the
27 Town had two capable and qualified individuals who had his best interests at heart. They
28 have given as good as explanation as they possibly could, whether Mr. Barker was happy
29 with it or not.

30
31 Chair Markin asked if there were any other questions regarding the fire. Next, she
32 asked Chief Amador if he had any new programs coming up that he would like to mention.

33
34 Chief Amador announced that the Fire Department is offering its 6th annual
35 Citizens Fire Academy, which will be starting February 11, 2009. The Palm Beach Civic
36 Association has sponsored the event for them. There are 10-15 seats available. They also
37 have a volunteer program for citizens, similar to the Police Department's, the Fire Corps
38 Program, that was recently implemented. If there were any residents were interested,
39 please contact the Fire Department.

40
41 Chair Markin stated that if there were no other questions, then the action
42 item that would be coming from the meeting before Council would be the matter of alarm
43 fees and to see if the Council would like a reconsideration.

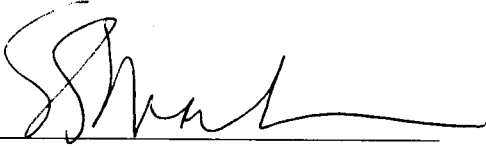
44
45 VII. ANY OTHER MATTERS

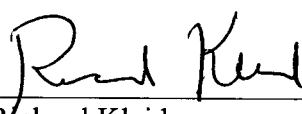
1 Dan McConnell, 2784 S. Ocean Blvd., wanted to make sure that his letter was
2 submitted for the record. It was complimentary to both Public Safety Bureaus. He stated
3 that he felt the people in the Town have not listened to the Chief of Police or the Fire
4 Chief over the past five years. Everything that was repeated in the meeting today, has been
5 said time and time again. Crime Watch has published a lot of the things that the Chief has
6 talked about. He was amazed that the people in the Town, who are relatively intelligent,
7 don't listen or believe that anything will happen to them. The fire was a wooden structure,
8 and had no alarm system whatsoever. His experience with the Police and Fire
9 Departments, other than through the Fire Academy, is watching them handle his elderly
10 neighbors. They do it professionally, with care and comfort the residents. He has an
11 awful lot of respect for both departments. They are top notch, in his opinion.

12
13 Chair Markin indicated that the comments received today are in the vein of trying
14 to improve the service to the residents. She stated that Mr. McConnell and the other
15 residents are much more informed, by going to the police and fire academies and the VIPs
16 classes. They are not the majority of people that had questions or concerns. As a result, it
17 is the Committee's responsibility, and the Council, to give every opportunity to the
18 residents to be informed, and to be able to ask questions. There is nothing wrong with
19 asking questions. There is nothing wrong with having an open discussion. And not only
20 with just the good things that go on with our departments and in the Town, but also with
21 the things that the Town needs to take a look at. It lends itself to improving our situation.
22 Nobody is beyond the need of being improved at any level. She indicated that if you
23 looked back at the questions that were asked, and talk about the anonymity aspect, you
24 have to believe that people can have the ability to look at the questions that came, and be
25 able to sift through the ones that are very valid and the ones that weren't, and bring forth
26 the questions that could very much improve the service to the residents. It was in that light
27 that she had the meeting today. That was why they had a Public Safety Committee
28 Meeting from time to time. She stated that you cannot rely just on the Shiny Sheet to talk
29 about and send policy forward to the residents. You must provide a venue for residents,
30 whether they come or don't come. She feels it is her responsibility to provide a venue to
31 have these types of discussions. She hopes the residents found the meeting informative,
32 productive and positive.

33
34 VIII. ADJOURNMENT
35

36
37 There being no further business, the Public Safety Committee Meeting of January
38 16, 2009, was adjourned at 2:00 p.m.
39

40
41 
42 _____
43 Susan Markin
44 Public Safety Committee Chair



Richard Kleid
Public Safety Committee Member