

REGULAR TOWN COMMISSION MEETING HELD JULY 12, 2010

for 2 hybrid vehicles and a rebate program for the residents. 8) Telephone Contract. We contracted with the League of Cities last year to review our telephone expenses. We received 3 proposals from new phone companies, and have selected Nuvox over our present AT&T System. It will save us over \$5000 a year. 9) Entrance Signs – The cost will be addressed later in the meeting. 10) The Briny Breezes' Council selected Ocean Ridge to provide police service for the next 3 years at a cost of \$185,000/year effective October 1st. Briny Breezes spoke very highly of the police service and we look forward to working with them again.

Manager Schenck also reported that he had received a letter from the Dept of Community Affairs approving our Comprehensive Plan.

Comm. Brown asked that his report include a landscaping update each month.

5. Town Attorney

Atty. Spillias stated that the Delray Beach's Ordinance to ban shark fishing had a restriction of 300ft from the municipal's beaches, and that the fishing laws are controlled and enforced by the State. Ocean Ridge does not have a municipal beach area. There are few local restrictions; our issue would be east of the high water line, and anything that would affect the safety/health/welfare of our residents. We could impose regulating the use of chum/bait for fishing and draft some regulations if directed. He explained the difference of "spear fishing" and "spearing for fish". "Spear fishing" is done by divers under water which would be regulated by State. "Spearing for fish" is done on shore, and there are 10 types of illegal fish that cannot be speared and it also cannot be done within 100ft of a public beach. Atty. Spillias stated it would be difficult for our officers to determine the types of fish and where they were standing at the time if it was part of our jurisdiction. Any ordinance would need factual findings and he asked the Commission for direction.

Chief Yannuzzi stated that the issue would be "jurisdiction" in determining the high water mark. Comm. Pugh asked about spearing for fish from the intra-coastal. Chief Yannuzzi stated that it was within Ocean Ridge, but would only be a violation as to the type of fish and if salt or fresh water.

Mayor Kaleel stated that he was concerned with the increase of activity and foot traffic on the beach at night. He was concerned that spear fishing might lead to other suspect activity. There was no direction given to Atty. Spillias.

6. Police Chief

Chief Yannuzzi informed the public that new signage was to be implemented on Ocean Avenue and A1A requesting that turning vehicles yield to pedestrians. He was also looking into the possible installation of a surveillance/red light camera on Woolbright and A1A. Chief Yannuzzi also stated that he had sent out letters to the 22 applicants that had been on hold since February; 4 applicants were eliminated, 1 dropped out, and 17 were current and available.

7. Town Engineer

Engineer Tropepe was absent with notice.

ACTION ITEMS

8. Approval of Change Orders 2-4 with Anzac Contractors, Inc. Related to the Island Drive Bridge Replacement Totaling \$14,372.07 to be Funded from the Capital Projects Fund B
Manager Schenck explained that there were 3 Change Orders for the replacement of Island Drive Bridge for surveys, realignment of water lines and the cost to replace pilings for the seawall based on discoveries during construction.

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Comm. Pugh motioned to approve Change Orders 2-4 with Anzac Contractors, Inc. related to the Island Drive Bridge Replacement totaling \$14,372.07 to be funded from the Capital Projects Fund. Seconded by Comm. Brown.

Motion Carried – yea (3).

9. Approval of Transferring Funds in the Amount Not to Exceed \$16,000 from the Beautification Reserves to the General Fund for Four New Town Entrance Signs (THIS ITEM WAS DEFERRED UNTIL THE JULY MTG)

Manager Schenck stated that he had received an estimate from Tile & Marble by Valentin Inc for new town entrance signs. One was for a 4ft high sign and the other for a 5ft sign. The 4'x4'x12" sign would complement the sign in front of the new Town Hall. A separate estimate was received from Concrete Inc for the base of this sign.

It was discussed that the complete cost of the signs and the bases seemed high. They also asked for clarity in the estimate option#2 that stated "with slab in middle", and felt the slab should therefore be included in that price. It was discussed that the price of the 5ft sign was less expensive and would also have a smaller base, but there was no price for these smaller bases.

Comm. Brown motioned to approve Option #2 in the amount not to exceed \$16,000 with funds to be transferred from the Beautification Account to the General Fund.

There was no second, and the motion died.

A consensus was to get pricing for the base of the 5ft sign and a clearer estimate from the builder for the complete project and to defer this to next month's meeting.

10. Approval of Health Insurance Renewal for Employees

Manager Schenck reported that he received the renewal proposals for the Health Insurance for the employees. The existing policy with Blue Cross had increased 22%. Proposals were received from Blue Cross, Aetna, Humana, Cigna and United. Cigna and United were too high. Aetna and Humana had the lowest premium initially; however, after Aetna redid their underwriting they increased the premium to a higher rate than Blue Cross. Based on the review of the options it seems that Blue Cross is the best coverage even with the premium increase. The 5068/5069 plan is the most cost effective overall and is recommended by staff, the other plans were also limited as to the choice of doctors.

Mayor Kaleel stated that it was hard to vote on insurance premiums for next year without a complete budget prepared. He asked if there was a balance in this year's of premiums or debit charges that were not spent yet, and when would the premiums be in effect. Clerk Hancsak reported that \$24,000-\$25,000 was left.

Wendy Wiley, Manager of Wells Fargo Insurance, was present and stated that the new plan would be in effect August 1st. How or who paid the premiums and/or deductible did not have to be decided tonight, just which plan. It would be up to the Commission to decide what portion would be paid by the Town or the employee. She noted however few municipalities pay 100%; most only pay 75%.

Chief Yannuzzi requested to speak as an individual and as a representative for the police department (20 of the employees). He stated that an anticipated slight cost increase had been built into the current budget, and also that 26 employees are budgeted even though some employees waive the coverage. He asked the Commission to fund the premium through the end of this fiscal year since it was in the budget, so as to not impact the employee within the next 3 weeks.

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Mayor Kaleel stated that this plan was cost effective for the services provided. Comm. Brown noted that as Ocean Ridge was a small community, the employee may be asked to pay toward the insurance plan this year. Mayor Kaleel agreed that in this coming year's budget the Town may not be able to pay 100% anymore, but a decision did have to be made as to which plan to choose.

Comm. Pugh motioned to accept the proposed Blue Cross Blue Shield Plan 5068/5069 with the ability to make changes on who/how it is funded at a later time. Seconded by Comm. Brown.

Comm. Brown asked that it be on record that with the failing economy, there will need to be a cooperative effort of the employee to pay for a portion of the costs and offset the Town's spending. Mayor Kaleel and Comm. Pugh agreed.

Motion Carried – yea (3)

11. Authorize Amendment to Employee Handbook to Provide for Twelve (12) Hour Shifts for Designated Police Personnel and Related Sections Thereto Such as Holiday Compensation and Overtime, etc.

Chief Yannuzzi asked to utilize the FSLA 7K Exemption that would allow for a 12 hour shift for the police personnel. He stated that this would implement an 84hr schedule every 2 weeks in lieu of 80 hrs at straight time. This would increase the straight time from 2080 hrs a year to 2184. He felt that this would reduce the total cost of overtime and allow the shift coverage of 3 officers per shift. He stated that overtime was never used to fill a 3-man shift only to fill a 2-man shift, and as of June the Police Dept had used up to 97% in the overtime account. The new schedule also allowed for the men to have time off every 2-3 days and have every other week-end off to accommodate vacations and family schedules. He stated that the main issue of the police officers was not the 12 hour shift, but working an additional 104 hours at the same salary, but he felt this change was necessary for economic reasons to accommodate the new budget.

Atty. Spillias noted that the next Item #12 involved changing the Salary Step plan to allow for the 2184 working hours in lieu of the 2080 working hours. There were 2 main issues: working an additional 4 hours every 2 weeks for the same annual pay; and adjusting the hourly rate resulting in a lower overtime rate for anything over 84 hours.

It was discussed that this appeared to be beneficial for all and that it could be reviewed within 6 months to see if it was working. It was also discussed to allow for an increase of Holiday Compensation time from 8 hours to 12 hours. The officers would get an additional 4 hours holiday pay per holiday (44 additional hrs per year).

Comm. Pugh motioned to approve and authorize the amendment to Employee Handbook to provide for twelve (12) hour shifts for designated police personnel and related sections thereto such as Holiday Compensation and overtime, etc. Seconded by Comm. Brown.

Sgt. Tinfina stated that the choice of the 12hr shift would be at the Chief's discretion. The Towns of Gulf Stream, Lantana and South Palm Beach had implemented the 12 hr shifts without reducing the employee's wages. He had been with Ocean Ridge for over 21 years and with the falling economy and rising health care costs, he felt his family was continually falling behind, and asked for the Commission's support.

Officer Giardino stated that as a new employee he was in favor of the 12hr shifts, his issue however was working an additional 104 hours for the same pay. He suggested that the Town issue "Kelly Days" for the additional time worked. He also noted that the 12 hour day would cut back the number of sick days and vacation days that could be used. As a new employee his 10 days of

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sick time or vacation time would be reduced to only 6 days; 3 wks vacation is reduced to 10 days; 4wks vacation time would now be 13 days.

Chief Yannuzzi showed a sample schedule to the Commission and explained that an employee can actually have more days off in a row utilizing accumulated less time and they would have every other weekend off.

Officer Massimino stated that other towns did not reduce the hourly rate, but paid the additional hours at the straight time. He asked that Ocean Ridge pay the same as the other neighboring towns. He did feel that there would be morale issue if their hourly rate was reduced.

Berndt Schulte, 5 Osprey Court, stated that he had faith in our Police Chief and Town Manager and asked the Commission to give them an opportunity to manage their staffing efficiently as they see fit.

John Wootton, 5907 N. Ocean Blvd, agreed with Mr. Schulte. He had worked in the health care industry and felt for the employees that would have to work additional time for the same pay; but at the same time this was a chance to step up and reduce the budget for next year.

Officer Hutchins stated that everyone was trying to do what was best for Ocean Ridge and the employees. He was in favor of this plan in lieu of cutting positions. He felt that there needed to be changes at this point for the budget.

Chief Yannuzzi pointed out that Officer Hutchins would not have his shift or overtime pay affected by this. He also mentioned that when the other Towns instituted the 12 hour shifts, it was during better economic times and he felt this was the best solution for the Town and employees.

Motion Carried – yea (3).

Mayor Kaleel stated that he was disappointed with the staff comments in regards to the “morale issue”, as the Town had always tried to accommodate the staff. He did feel however, that there were some benefits to the new schedule also, and that this was a give/take situation that could be reviewed at a later time.

12. Resolution No. 2010-11; Amending the Salary Classification and Step Plan to Provide for New Hourly Rates for 12 Hour Shifts for Designated Police Personnel

Atty. Spillias requested some minor typing corrections: the word recalculate should be “calculate and remove a semicolon to the Resolution

Comm. Brown motioned to approve Resolution No. 2010-11; Amending the Salary Classification and Step Plan to Provide for New Hourly Rates for 12 hour shifts for designated police personnel with a Chief’s review within a 6 month time frame. Seconded by Comm. Pugh.

Motion Carried – yea (3)

SECOND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCES

13. Ordinance No. 588; Amending the Code of Ordinances; Chapter 66, Article I, General Provisions, Sea Turtles and Wetlands, by Adding a New Section 66-3 to be Entitled Bird Sanctuary, Providing for the Designation of the Town of Ocean Ridge as a Bird Sanctuary

It was discussed that this Ordinance was for cosmetic purposes only,

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Comm. Brown motioned to approve Ordinance #588. There were no seconds, and the motion died.

14. Ordinance No. 589; Amending Chapter 54, Article III, Section 54-87 Modifying the Provisions for Overnight Parking on Public Streets or Vacant Lots

Comm. Pugh motioned to approve Ordinance No. 589; Amending Chapter 54, Article III, Section 54-87 Modifying the Provisions for Overnight Parking on Public Streets or Vacant Lots. Seconded by Comm. Brown

Pat Kropp, 16 Tropical asked for clarity as there was an empty lot in her neighborhood that was being used for parking. Clerk Hancsak stated that it had come to their attention that there was conflicting language in the Code. One section prohibited parking on vacant lots, and the other said no parking on vacant lots during certain times only. This Ordinance would amend that conflict and provide no parking on vacant lots at any times, as has been interpreted all along. Chief Yannuzzi stated that parking on vacant lots was a violation and should be reported to the police department.

Motion Carried – yea (3).

Adjournment at 7:45p.m.

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Brown

Comm. Pugh