

TOWN OF PALM BEACH

Office of the Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON WEDNESDAY, JANUARY 18, 2012

I. CALL TO ORDER

The Special Town Council meeting was called to order on Wednesday, January 18, 2012, at 9:34 a.m. in the St. Edward's Parish Hall, 144 N. County Road, Palm Beach, FL 33480.

On roll call, all of the elected officials were found to be present. Also present were Town Manager Peter B. Elwell, Town Attorney Jeff Mandel, Director of Human Resources Danielle Olson, Town Clerk Susan A. Owens, Fraternal Order of Police (FOP) Union Counsel Anthony Livotti, FOP Union Representative Bryan Wilkins, and Special Counsel Christine Hanley.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. INTRODUCTIONS AND OPENING COMMENT BY CHAIR

Council President Rosow announced that today the Town Council sits as a quasi-judicial body. This means that they are charged with looking at the record materials, listening closely to the presentations of the parties, and ultimately making a determination on how the imposed articles of the collective bargaining agreement for the Town police officers, both the supervisory and non-supervisory units, shall be resolved.

Council President Rosow explained the process for these proceedings. The Town Council will hear presentations from the FOP and Town Management, they will receive public comment, and then the Council will vote. Council President Rosow announced that the Council's decisions today will be based on the presentations heard and the materials submitted to the Council by both sides. Special Counsel Christine Hanley read into the record all materials received and that will be made a part of the record.

Council President Rosow announced that both parties have agreed that the Town will present its case first. Each side will have one and a half hours, including rebuttals, to present their case.

1 **IV. PRESENTATION BY MANAGEMENT**

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3 Town Manager Elwell presented Management's case regarding those articles with a
4 significant economic impact, and responded to questions from the Council.

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6 Town Attorney Mandel presented Management's case regarding the non-economic
7 articles, and responded to questions from the Council.

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9 **V. PRESENTATION BY LABOR**

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11 FOP Attorney Livotti presented the Union's case, and responded to questions from the
12 Council.

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14 Town Manager Elwell and Town Attorney Mandel took their remaining time for rebuttal,
15 and responded to questions from the Council.

16
17 FOP Attorney Livotti took his remaining time for rebuttal, and responded to questions
18 from the Council.

19
20 **Motion was made by Council Member Kleid and seconded by Council Member Pucillo to**
21 **amend the agenda to move Item VI, Questions by Town Council, to before the lunch break.**
22 **On roll call, the motion carried unanimously.**

23
24 **VI. QUESTIONS BY TOWN COUNCIL**

25
26 Both Management and the Union representatives responded to Council questions.

27
28 *Clerk's Note: The Council recessed for lunch at 1:22 p.m., and reconvened at 2:05 p.m.*

29
30 **VII. PUBLIC COMMENTS**

31
32 The following individuals spoke in favor of Management's proposal:

33
34 J. Patterson "Pat" Cooper, 265 Orange Grove Road, Palm Beach

35 Jere Zenko, 232 Tangier Avenue, Palm Beach

36 John F. Cunningham, 353 El Bravo Way, Palm Beach (comments read into the record by
37 Ms. Hanley)

38 Jack Cohen, 3450 S. Ocean Boulevard, Palm Beach (comments read into the record by
39 Ms. Hanley).

40
41 The following individuals spoke in favor of the Union's proposal:

42
43 Adam Zeller, 345 S. County Road, Palm Beach

44 Samuel R. Riley, 345 S. County Road, Palm Beach

45 Michael Dawson, 345 S. County Road, Palm Beach

Michael Lynch, member of the Police Pension Board, 345 S. County Road, Palm Beach

Lance Marsigliano, 345 S. County Road, Palm Beach

Stanley Kriegsman, President Florida FOP Lodge NY3100, address exempt per F.S. (comments read into the record by Ms. Hanley)

Deborah Robinson, 217 Clarke Avenue, Palm Beach, spoke in favor of the Union's proposals regarding survivor rights, calculation of the multiplier, and when an officer can begin collecting his/her pension, and in support of Management's proposals regarding the remaining items.

VIII. MOTIONS

Motion was made by Council Member Pucillo and seconded by Council Member Kleid to adopt the recommendations of the Town, with respect to Article 2 (Non-Discrimination in Workplace Environment). On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo to adopt the recommendations of the Town, with respect to Article 5 (Management Rights and Scope of Agreement). On roll call, the motion carried unanimously.

Motion was made by Council Member Kleid and seconded by Council Member Diamond to adopt the recommendations of the Town, with respect to Article 7 (Bill of Rights and Related Matters). On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Wildrick and seconded by Council Member Kleid to adopt the recommendations of the Town, with respect to Article 9 (Vehicles and Equipment). On roll call, the motion carried 4-1, with Council Member Pucillo dissenting.

Motion was made by Council Member Pucillo and seconded by Council Member Diamond to adopt the recommendations of the Town, with respect to Article 12 (Causes for Disciplinary Action). On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond and seconded by Council President Pro Tem Wildrick to adopt the recommendations of the Town, with respect to Article 13 (Grievance Resolution). On roll call, the motion carried unanimously.

Motion was made by Council Member Pucillo and seconded by Council Member Diamond to adopt the recommendations of the Town, with respect to Article 15 (Holidays). On roll call, the motion carried unanimously.

Motion was made by Council Member Kleid and seconded by Council Member Pucillo to adopt the recommendations of the Town, with respect to Article 16 (Sick Leave), with an amendment that a provision for domestic partners be included, and that the term "domestic partners" be defined using the verbiage from Palm Beach County Ordinance

1 No. 2006-002. Item was deferred to allow both parties time to review the County's
2 definition.

3
4 Motion was made by Council Member Diamond and seconded by Council Member Kleid
5 to adopt the recommendations of the Town, with respect to Article 17 (Bereavement). On
6 roll call, the motion carried unanimously.

7
8 Motion was made by Council Member Diamond and seconded by Council Member Pucillo
9 to adopt the recommendations of the Town, with respect to Article 19 (Vacation Leave).
10 On roll call, the motion carried unanimously.

11
12 Motion was made by Council Member Kleid and seconded by Council Member Pucillo to
13 adopt the recommendations of the Town, with respect to Article 20 (Extra Duty Police
14 Employment). On roll call, the motion carried unanimously.

15
16 Motion was made by Council Member Pucillo and seconded by Council Member Diamond
17 to adopt the recommendations of the Town, with respect to Article 23 (Hours of Work and
18 Overtime). On roll call, the motion carried unanimously.

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20 Motion was made by Council President Pro Tem Wildrick and seconded by Council
21 Member Kleid to adopt the recommendations of the Town, with respect to Article 24
22 (Compensation). On roll call, the motion carried unanimously. Council further directed
23 that, if the reduction in starting salary becomes a problem, then it will be reviewed
24 immediately.

25
26 Motion was made by Council Member Diamond and seconded by Council President Pro
27 Tem Wildrick to adopt the recommendations of the Town, with respect to Article 25
28 (Uniform Safety and Equipment). On roll call, the motion carried unanimously.

29
30 Motion was made by Council Member Pucillo and seconded by Council Member Diamond
31 to adopt the recommendations of the Town, with respect to Article 30 (Safety Standards).
32 On roll call, the motion carried unanimously.

33
34 Motion was made by Council Member Diamond and seconded by Council President Pro
35 Tem Wildrick to adopt the recommendations of the Town, with respect to Article 31
36 (Prevailing Rights). On roll call, the motion carried unanimously.

37
38 Motion was made by Council Member Pucillo and seconded by Council Member Kleid to
39 adopt the recommendations of the Town, with respect to Article 33 (Retirement Benefits).
40 On roll call, the motion carried unanimously.

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42 Motion was made by Council Member Diamond and seconded by Council President Pro
43 Tem Wildrick to adopt the recommendations of the Town, with respect to Article 34 (Drug
44 and Alcohol Free Workplace Testing). On roll call, the motion carried unanimously.

1 **Motion was made by Council President Pro Tem Wildrick and seconded by Council**
 2 **Member Diamond to adopt the recommendations of the Town, with respect to Article 35**
 3 **(Duration of Agreement). On roll call, the motion carried unanimously.**

4
 5 The Town Council came back to Article 16 (Sick Leave), which was previously deferred.

6
 7 Town Manager Elwell reported that Management and the Union had come to an
 8 agreement for the definition of "domestic partner". It would mirror the requirements
 9 delineated in Palm Beach County Ordinance No. 2006-002, which requires that a
 10 Declaration of Partnership form be submitted. Town Manager Elwell stated that the
 11 contents of the form are agreeable to both parties. The form requires that:

12
 13 *"The individuals swear or affirm, under penalty of perjury, that they are residents*
 14 *of Palm Beach County, that they are both at least 18 years old and competent to*
 15 *contract, that they are not married to each other or anyone else, that they are the*
 16 *sole domestic partner of each other, that they are not related to the other person*
 17 *by blood, that they consent to the domestic partnership relationship without force,*
 18 *duress, or fraud, that they agree to be jointly responsible for each other's basic*
 19 *food, shelter, and common necessities of life and welfare, that they have not been*
 20 *a member of another domestic partnership for the past year, that they share the*
 21 *primary residence with each other, that they consider themselves to be members*
 22 *of the immediate family of each other, and that they share the financial*
 23 *responsibilities as domestic partners."*

24
 25 Town Manager Elwell added that there is additional documentation required.

26
 27 Council Member Kleid stated that, if we approve the domestic partner definition as stated
 28 above, then the requirement to be a Palm Beach County resident should be removed.

29
 30 **Motion was made by Council Member Kleid and seconded by Council Member Pucillo to**
 31 **adopt the recommendations of the Town, with respect to Article 16 (Sick Leave), with an**
 32 **amendment including a provision for domestic partners. To be considered domestic**
 33 **partners, these individuals must meet all of the County's requirements as stated above,**
 34 **with the exception of the residency requirement, and submit to the Town a Declaration of**
 35 **Domestic Partnership form on an annual basis. On roll call, the motion failed 2-3, with**
 36 **Council President Rosow, Council President Pro Tem Wildrick, and Council Member**
 37 **Diamond dissenting.**

38
 39 **Motion was made by Council Member Diamond and seconded by Council President Pro**
 40 **Tem Wildrick to adopt the recommendations of the Town, with respect to Article 16 (Sick**
 41 **Leave). On roll call, the motion carried unanimously.**

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 45 [THIS SPACE LEFT INTENTIONALLY BLANK]
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1 **IX. ADJOURNMENT**


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3 There being no further business, the Special Town Council Meeting of Wednesday,
4 January 18, 2012 was adjourned at 3:42 p.m.
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7 APPROVED:

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12 David A. Rosow
13 Town Council President
14

15 ATTEST:

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18 Susan A. Owens, MMC
19 Town Clerk
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