A Work Session of the Borough Council of the Borough of Avalon was held on

Wednesday, September 14, 2016 at 4:05 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public -------------------- 3 Reporters ----------------------- 2

The Meeting was called to order by Council President Hudanich.

Pledge of allegiance.

Roll call: Council President Hudanich Present

Councilman Burns Present

Councilman Covington Present

Councilman Dean Present

Council Vice President McCorristin Present

Also present:

Scott Wahl, Business Administrator

James Waldron, Assistant Business Administrator

Stephen D. Barse, Esquire, Borough Solicitor

William Macomber, Director of Public Works/Utilities

Ed Dean, Fire Chief

Jeff Christopher, Police Captain

Jim Craft, CFO

Nicole Curio, Esq., Gruccio, Pepper, DeSanto & Ruth, P.A.

Council President Hudanich read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 22, 2016. It was given to the news media and posted on the Official Bulletin Board as required by law.

Discussion regarding Refunding Bond Ordinance.

Jim Craft explained there is an opportunity to refund a portion of the 2003 and 2008 bonds that are still outstanding which will exceed the required three percent minimum net value savings. The savings to the General Capital Fund would be approximately $175,000.00, while the savings to the Water/Sewer Capital Fund would be approximately $40,000.00 net of all costs.

After brief discussion, Council agreed to proceed with an Ordinance to be prepared for introduction at tonight’s Regular Meeting.

Discussion regarding Ordinance regarding stipend system for the Avalon Volunteer Fire Department.

Scott Wahl explained the proposed Ordinance addresses the stipend program for the Avalon Volunteer Fire Department previously discussed by Council. Numerous meetings and conversations have taken place with Jim Waldron, Ed Dean, Jim Craft and Steve Barse to review the legal aspects and ramifications of drafting the Ordinance. The proposed Ordinance would initiate the program within the Borough, and a Memorandum of Understanding between the Borough and the Fire Department would be necessary to create the funding mechanism and the appropriate checks and balances for the program.

Steve Barse added the concept is for the proposed Ordinance to outline how the stipends would be paid, while the Memorandum of Understanding would outline the relationship between the Borough and the Fire Department in regards to the funding and disbursement of funds. Additional conversations will be taking place to ensure the Ordinance and Memorandum of Understanding compliment each other.

Ed Dean also added a draft copy of the Memorandum of Understanding has been provided to Council, however, some language may change prior to its approval.

Council President Hudanich suggested the Ordinance reference the Memorandum of Understanding as an addendum.

Jim Waldron explained the Ordinance authorizes the Memorandum of Understanding and the spending of Borough money through the stipend program. Once the Memorandum of Understanding is finalized, it will be presented to Council for approval by Resolution prior to its implementation.

Councilman Covington suggested a detailed stipend payment schedule be attached to the Memorandum of Understanding.

Ed Dean noted the focus of this program is to staff the firehouse overnight to help with public safety.

Council agreed to proceed with an Ordinance to be prepared for introduction at the September 28, 2016 Regular Meeting.

Discussion regarding Ordinance amending Chapter 19 (Flood Damage Prevention) and Chapter 27 (Zoning).

Jim Waldron reported meetings have taken place with Frank Bruton of Mott MacDonald for the recertification of the CRS for 2016 as required by FEMA. During those meetings, Mr. Bruton has identified some required technical Ordinance amendments. As a result, amendments are necessary for two Chapters of the Borough Code, Chapter 19 (Flood Damage Prevention) and Chapter 27 (Zoning). The reason being that each chapter references different maps and different facts. The proposed changes include the removal of all map references from the Zoning Ordinance, and to simply refer to Chapter 19. Discussions have also taken place with Ed Dean regarding the proposed amendments for these two chapters. The most recent firm map from FEMA is dated in 1983, and in the interim the Construction Office has been utilizing work maps that have been updated periodically. As of now, the Construction Office is working with a map dated January 30, 2015. The proposed amendments reference the most recent work map and goes on to state that as more updated maps become available, the Construction Office will update their procedures accordingly in order to stay in strict compliance with the rating system and continue to guarantee to the extent that any guarantees exist that the flood insurance discount continues to be available to the residents. There are also some technical amendments to section 3.3 to align the penalties into compliance and also make each day a continuing violation.

Council President Hudanich questioned if the deadline will be met for the CRS recertification.

Jim Waldron noted Frank Bruton will be reviewing the proposed amendments next week. Assuming there are no changes, it is requested that Council discuss this matter further at the next Council Meeting and introduce the Ordinance amending Chapter 19 in order to take action prior to the October 1st deadline. If Council agrees to proceed with the amendment to Chapter 27 at the next Council Meeting, the proposed amendment will go to the Planning Board for their comment period at their October meeting, and an introduction would be necessary in November.

Council agreed to proceed with further discussion on this item as well as an Ordinance to be prepared for introduction at the September 28, 2016 Regular Meeting amending Chapter 19 (Flood Damage Prevention) and an Ordinance to be forwarded to the Planning Board for review and possible introduction at the November 9, 2016 Regular Meeting amending Chapter 27 (Zoning).

Discussion regarding Resolution acknowledging appointment by the Trustees of the Free Public Library of Public Records Custodian.

Council agreed to proceed with a Resolution to be prepared for the September 28, 2016 Regular Meeting.

Discussion regarding Resolution approving a raffle license for the Cape May County Chamber of Commerce Education Foundation.

Council agreed to proceed with a Resolution to be prepared for the September 28, 2016 Regular Meeting.

Further discussion regarding amendments to the Borough of Avalon Personnel Policy Manual.

Scott Wahl reported the Personnel Policy Manual is reviewed every two years as required by JIF. During the review, there were topics that were redrafted, removed, and added. Among the changes made are the changes required to be made by the MEL as previously discussed by Council. He reviewed the additional changes as follows:

* This manual will, for the first time, acknowledge the existence of other manuals including those assigned to the Avalon Beach Patrol, Avalon Beach Tag Inspectors and seasonal employees.
* All new employees will receive a hard copy of the manual with a page for signature to acknowledge the employee has an obligation to review it.
* The manual will include clarification of language that will be beneficial to employees regarding lunch time policies, time off policies, and staffing offices to ensure the highest level of customer service and access to all vital offices of the Borough at all times during every working day to residents and visitors.
* The previous policy for a grievance that can be made by an employee referenced both calendar and working days, however the changes propose only calendar days be used in the timeline to help provide a quicker hearing for the employees.
* The manual will include new language suggested by the MEL such as the revised social media policy language and various other policies including the employee dating policy, as previously discussed.
* The Borough will eliminate the language in the Manual dealing with public bidding. This practice is only conducted by a few employees and is not necessary within the Personnel Policy Manual.
* Discussions took place regarding the Borough’s disability policy. Avalon has been very generous to offer a disability policy to employees who find themselves in unanticipated medical conditions to help the employee throughout the length of their disability. The new policy will provide that opportunity for the employee, but also provide checks and balances for the Borough as well, as the Borough is its own self-insurer in this situation.

Nicole Curio added most items included within the summary provided by Scott Wahl are included in the current Personnel Policy Manual, however, the proposed manual includes stronger language on those subjects. She stressed the importance of implementing the policy and ensuring that all employees are aware of the policies as included in the manual. The changes proposed regarding the disability policy requires documentation of the disability be provided to the Borough in order for an employee to qualify for the disability coverage. If an employee is unwilling to provide the necessary documentation, they will not be entitled to receive the coverage.

Scott Wahl also noted if the new Personnel Policy Manual is approved by Council, a Department Head meeting will take place to educate Department Heads about each policy within the manual to help them educate their employees as to their obligations and responsibilities as employees of the Borough.

Council President Hudanich addressed the grievance policy and asked if the procedure includes a first level with efforts to solve the grievance with a manager or supervisor before any type of hearing.

Scott Wahl explained the grievance policy for minor discipline gives the employee the right to speak to the Personnel Officer about the discipline, at which point a ruling will be made via a written response to both the employee and the Department Head. For major discipline, the employee has a right to a hearing before an Independent Hearing Officer assigned by the Business Administrator.

Council President Hudanich asked if there are timelines in place as to when a manager will need to respond with a conclusion to a grievance.

Nicole Curio responded yes. She added the major discipline appeal process has also been amended to include Borough Council President and their designee as an appellate level. When the matter is heard by the Business Administrator and/or Mayor or their designee, a record of that will be created. If the employee involved appeals the decision made after that hearing, The Council President and their designee will review the recording of the hearing and rule on the grievance.

Jim Waldron noted the intent is to add an additional level of appeal before the Superior Court level for major discipline matters.

Nicole Curio clarified major discipline qualifies as 6 days or more of a suspension. The full Council was previously in the process, however this amendment will change that to two members of council.

Council President Hudanich suggested the language state that the Council President may choose a designee to serve in their place.

Jim Waldron noted the change helps facilitate the strict timelines set forth by the Personnel Policy Manual, as there may be difficulty scheduling an open meeting with all members of Council if the process is utilized.

Councilman Burns agreed with the suggestion made by Council President Hudanich in the event the Council President is out of town during the time frame the grievance must be reviewed.

Council President Hudanich further suggested the policy state the use of technology be permitted in the review by Council President and their designee.

Nicole Curio also added in the event the two individuals from Council do not agree on a decision, the lower level decision will stand.

Council President Hudanich commended all involved in the process for their hard work and dedication to redrafting the Personnel Policy Manual.

Council agreed to proceed with a Resolution to be prepared for the September 28, 2016 Regular Meeting.

Discussion regarding Resolution authorizing sale of surplus property on GovDeals.

Bill Macomber explained this is normal procedure for surplus equipment no longer needed within the Borough.

Councilman Burns questioned why the list of items to be sold states that one vehicle was in an accident and covered by insurance, but the insurance company did not take the vehicle.

Bill Macomber explained the insurance company relayed that the Borough could dispose of the vehicle in the method of its choosing.

Council agreed to proceed with a Resolution to be prepared for the September 28, 2016 Regular Meeting.

Discussion regarding Resolution authorizing Joe Clark to advertise for bids for the following:

* 2017-2019 Fireworks

Scott Wahl reported the fireworks specifications have been reviewed with Ed Dean, and the request is to bid the contract for a three year period. During that period, July 4th falls on a weekday of each year which eliminates the desire to hold the fireworks on a day other than July 4th. There was a safety concern regarding certain boxes of fireworks that could cause a safety hazard if ignited on a barge and the fireworks do not go off. Those certain fireworks are being removed from the specifications to avoid safety hazards. As a result, the fireworks show will not be diluted or shortened in any way.

* Electric Vehicle Charging Station

Scott Wahl reported Yugo Stations originally installed an Electric Vehicle Charging Station in front of the public safety building and as customers would use the charging station, a percentage of the revenue derived from that use would go to the Borough. The five year agreement with Yugo Stations has been concluded and it is being recommended by Joe Clark to advertise for bids for the maintenance of the station.

Councilman Covington questioned how the maintenance of the station can be bid if the station is not owned by the Borough.

Steve Barse explained the agreement is essentially a lease for the location of the charging station. If another company would like to install their charging station, they could bid on it and bid the commission to be received by the Borough if utilized.

Council agreed to proceed with Resolutions to be prepared for the September 28, 2016 Regular Meeting.

Public Comments:

Michael Boughman, 497 24th Street, referenced flooding events within the Borough and requested residents be allowed to park on bridges during these types of events.

Scott Wahl explained all emergency messages state there is no parking allowed on bridges or traffic islands. A Department Head and Office of Emergency Management Meeting recently took place with the Chief and Captain of Police, Chief and Captain of Avalon Volunteer Fire Department, and Bill Macomber to discuss parking on bridges. During the meeting, the Fire Chief and Fire Captain explained that if there are gas leaks or fires when vehicles are parked on both sides of the bridge, it would be extremely difficult for firetrucks to maneuver across those bridges.

Captain Christopher added cars have parked on bridges during flooding events in the past, however they have never been authorized to do so. Although it is an inconvenience to some residents, public safety must be a primary concern of the Borough.

Michael Boughman suggested that the Borough consider allowing parking on one side of each bridge during flooding events in the future.

Council Vice President McCorristin noted he is investigating the matter.

Michael Boughman reported the bulkhead on 24th Street is deteriorating and suggested the Borough assess the bulkhead and complete repairs.

Bill Macomber gave his contact information to Mr. Boughman and informed him he will contact Mott MacDonald regarding the bulkhead.

Michael Boughman also suggested the Borough consider implementing a 20 year plan regarding flooding as a result of global warming and the sea level rising.

Council President Hudanich noted the Borough has a flood management plan in place that is regularly assessed.

Councilman Burns added the Planning Board is currently assessing the problem of water flowing over bulkheads during flooding events.

Scott Wahl further noted the Borough has formed an independent Flood Plain Management Committee that has created an independent Flood Plain Management Plan.

Michael Boughman also suggested routine street cleanings take place in areas with high construction volume to help alleviate construction debris in the streets.

Bill Macomber explained the Department of Public Works has a list of areas that have high volumes of construction activity, and noted any concerned residents should call Public Works to add any areas to that list for regular street cleanings.

Motion made by Council Vice President McCorristin, seconded by Councilman Burns to adjourn the Work Session.

ROLL CALL VOTE: Councilman Burns Aye

Councilman Covington Aye

Councilman Dean Aye Council Vice President McCorristin Aye

Council President Hudanich Aye

Work Session adjourned at 4:49 p.m.

Respectfully submitted,

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Marie J. Hood, Borough Clerk

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Nancy M. Hudanich, Council President