

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
DECEMBER 12, 2013**

MEETING CALLED TO ORDER

Mayor Jankowski called the December 12, 2013, Town Council Workshop Meeting to order at 5:00 p.m.

ATTENDANCE

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Jim Gross, Tony Caputo, Sue Callaway, George Junkin, and Pat Voveris; Town Manager Melvin Cusick; and Finance Director Renee McDorman

Mayor Jankowski read the following: "According to Title 29 of the Delaware Code § 10004(e)(2) which you find at the bottom of your agenda, this agenda is subject to the deletion of items including executives sessions which arise at the time of the meeting. Therefore, in reference to Items 8, 9 and 10 of today's Workshop Agenda, I move that a vote be taken to strike these items from today's agenda. The validity of this action has been verified by our attorney. The proposed action is based on the following: 1) the Town Manager has responsibility for taking action on any disciplinary issues related to the employees who report to him, 2) The Mayor has responsibility for taking action on any issues related to the Town Manager, 3) This issue is related to a current employee who reports to the Town Manager, 4) This issue was addressed by both the Town Manager and the Mayor in a meeting with the employee and resolved in accordance with the current personnel manual, 5) The Town Council was informed of the outcome of the meeting. In addition, in response to the email requesting an Executive Session, I requested some reason for the agenda item and no response was received. Therefore I make a motion that items 8, 9 and 10 be stricken from the agenda."

Councilman Junkin seconded the motion.

Discussion: Councilman Gross referred to Mayor Jankowski's statement that the outcome was shared with the Council. Mayor Jankowski said it was shared that she and the Town Manager had met with the employee and that it had been resolved according to the personnel manual. Mayor Jankowski asked for any other discussion. There was no further discussion.

Mayor Jankowski called for a vote. The voting was as follows:

FOR THE MOTION: Mayor Jankowski and Councilpersons Rae, Caputo, Callaway, and Junkin

AGAINST THE MOTION: Councilpersons Gross and Voveris

The motion carried with a 5-2 vote.

Mayor Jankowski said Items 8, 9, and 10 will be stricken from the agenda.

Administrative Assistant's Note: During the meeting the sequence of the agenda items were modified. These minutes reflect the order in which agenda items were discussed.

PUBLIC COMMENT PERIOD

There were no comments from the public.

DISCUSSION AND POSSIBLE VOTE ON REVISIONS TO THE TOWN'S PERSONNEL POLICY MANUAL

Page 5

Section 1 General Provisions 2) Definitions m): Insert a hyphen in part-time.

Page 6

Section 1 General Provisions 2) Definitions: Councilman Gross suggested adding a definition for the step schedule. The Town Manager agreed.

Page 6

Section 1 General Provisions 4) Personnel Administration d): Change insure to ensure.

Page 7

Section 2-1 Town of South Bethany Personnel System 3) Records, Third Sentence: Employees, upon written request **to the Town Manager**, are able to view his or her personnel file. Council agreed.

Page 11

Section 2-3 Performance Evaluation B. Procedure 4) Employee Review, Last Sentence: The Town Manager stated that he is still looking into this.

Page 12

Section 2-4 Hiring Process B. Procedure 4) Applicant Screening and Interview a.: After the deadline for application has expired, the Town Manager, **and** the Mayor, **and others at the discretion of the Mayor and Town Manager** shall:

Page 12

Section 2-4 Hiring Process B. Procedure 5) Notification, First Sentence: After the **Town Manager and the Mayor have chosen Town Council has approved** the applicant to fill the vacant position, the successful applicant and all other applicants shall be notified by the Town Manager of his or her status in writing.

Page 16

Section 3-2 Blood Bank: Regarding the question Council had about what the Blood Bank's definition of a dependent is, the Town Manager stated that the Blood Bank is reviewing its manual due to all the health care changes that are coming through. The Blood Bank's revisions won't be ready until sometime in January. The Town Manager suggested holding off on this.

Page 29

Section 4-3 General Employee Work Practices A. Policy 1): Each employee is expected to be at his or her assigned work area ready, **willing, and able** to begin work at the beginning of the work day.

Page 29

Section 4-3 General Employee Work Practices A. Policy 9): **No employee is allowed to use the computer or e-mail communication system for the transmission of off-color, pornographic material or other improper material or to receive such material.**

Page 29

Section 4-3 General Employee Work Practices A. Policy: **11) Employees are to be judicious in their discussions with residents and other individuals while conducting Town business. Employees are expected to follow and comply with the guidelines outlined in the "Ethical Principles and Values for Public Servants" contained in the Appendix.** (Administrative Assistant's Note: Councilman Rae suggested and Council agreed that there should be something in the Personnel Manual regarding this subject. The Town Manager said he would come up with the wording. This was written by the Town Manager after the meeting):

Page 33

Section 4-6 Motor Vehicle **Operation**/Accidents A. Policy, Last Sentence: Insert a hyphen in **full-time**.

Page 34

Section 4-7 Nepotism B. Procedure, First sentence: Due to the small number of Town staff and police department, and the potential for personal conflicts of interest, members of the same immediate family may not be considered to fill vacant **full-time** positions.

Page 35

Section 4-8 Outside Employment B. Prohibited Practices 3): the outside employment impacts **upon** the efficiency of the employee.

Page 36

Section 4-9 Personal Use of Town Property A. Policy, First Sentence: Town equipment, materials, tools, **and** supplies, **and vehicles** shall not be available for personal use nor be removed from Town property, except in the conduct of official Town business or after receiving permission from the department supervisor or by the Town Manager.

Page 37

Section 4-10 Political Activities of Employees B. Prohibited Practices 2): A person holding a Town position shall not, while performing official duties or while using Town equipment at the person's disposal by reason of his or her position, solicit in any manner contributions **for** any purpose, or engage in any activity during working hours that impairs the efficiency of the position or presence during the working hours.

Page 38

Section 4-11 Representation and Indemnification A. Policy 1) Representation a): the act or omission complained of arose out of and in connection with the performance of an official duty requiring a determination of policy, the interpretation or enforcement of statutes, rules, or regulations, the granting or withholding **of** public created or regulated entitlement or privilege, or any other official duty involving the exercise of the discretion on the part of the employee;

Page 39

Section 4-12 Human Relations in the Work Place A. Policy on Sexual Harassment, Second Paragraph, Sentence 4: Any employee who either receives or is the subject of discrimination of any nature or sexual harassment **is required to shall** immediately report the details to his or her supervisor.

Page 40

Section 4-12 Human Relations in the Work Place D: Change Grievance Procedure to Complaint Procedure and move D up to A. Policy on Sexual Harassment 2). Change E. Disciplinary Action to D. Disciplinary Action.

Page 41

Section 4-13 Smoking in the Work Place C. Disciplinary Action: Each employee who violates this policy **shall may** be subject to disciplinary action.

Page 44

Section 4-14 Drug and Alcohol Policy G. Costs of Testing and Rehabilitation 2), Second Sentence: If the results of the **confirmation confirmation** tests are negative, the Town shall pay the cost of the confirmation test.

Page 50

Section 5-6 Maternity Leave: Change 5-6 Maternity Leave to 5-6 Family and Medical Leave. Keep the first sentence in blue, **Eligible employees should refer to the Family and Medical Leave Act of 1993 in Appendix B of this manual**, and delete everything else from the page.

Page 52

Section 5-8 Personal Leave: Regarding Personal Leave, Councilman Gross asked the Town Manager to check to make sure it is consistent with the State of Delaware. After discussion, Councilman Gross said it is fine the way it is. Councilman Junkin asked Councilman Gross if he wanted to find out for informational purposes. Councilman Gross said yes.

Page 54

Section 5-10 Sick Leave B. Terms 5) Benefit Accrual, Sentence Two: When the employee returns from such leave, the time ~~sent~~ **spent** on leave shall be considered as continuous service in computing vacation and sick leave.

Page 56

Section 5-11 Unpaid Leave of Absence A. Eligibility: ~~All Town Full-time~~ employees may be ~~eligible to apply for granted~~ an unpaid leave of absence for, in most cases, one of the following reasons:

Page 56

Section 5-11 Unpaid Leave of Absence B. Terms 2) Duration, First Sentence: **Eligible Full-time** employees may be granted an unpaid leave of absence for up to six (6) months by the Town Manager, provided the employee has exhausted all other appropriate leaves of absence.

Page 60

Section 6.1 Disciplinary Action B. Procedure 1) Types of Disciplinary Measures g) (2): committing acts which ~~effects~~ **affect** the safety of equipment or fellow workers;

Page 60

Section 6-1 Disciplinary Action B. Procedure 1) Types of Disciplinary Measures g) (11): Council discussed the wording of this item but the wording was not finalized definitively. At one point the following wording was discussed: unauthorized use of Town equipment such as telephones, cell phones, email, internet, computers, vehicles, and equipment. (Administrative Assistant's Note: After this meeting the Town Manager and the Administrative Assistant came up with the following wording for the January 23, 2014, Town Council Workshop Meeting presentation: unauthorized use of Town **property such as** telephones, **cell phones, email, internet, computers, equipment, and vehicles;**)

Page 61

Section 6-2 Grievance B. Procedure 1) Filing a Grievance: In the event a problem cannot be settled informally through oral discussions with an employee's supervisor, a grievance may be filed if an employee **alleges that they are adversely affected as a result of: is adversely affected-alleged:**

Page A2

Section 7 Appendix A Democratic Leadership: Public servants should honor and respect the principles and spirit of representative democracy and ~~wet set~~ a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.

Mayor Jankowski stated that the next step will be to get all the changes made and then reissue the Personnel Manual to Council. The Town Manager noted that Council needed to vote on the amendments either tonight or after the changes discussed at this meeting have been made. Council agreed to wait until the changes have been made to vote on the amendments.

**DISCUSSION AND POSSIBLE VOTE ON PROPOSED EXPENSE BUDGET AMENDMENTS
REDUCING BUDGET BY \$26,700**

Councilman Caputo gave the following proposal to Council:

Proposal to Amend Expenditure Budget

We discovered that there were two auditor adjustments made in our FY 2013 audit that recorded two expenditures in FY 2013 that we specifically budgeted in FY 2014. The items were also added to our FY 2013 Fixed Asset list by the Auditor. Accordingly, we will not purchase the items again, and we do not need the expenditure budgets in FY 2014. The Amendment is appropriate because they were specific items with specific expenditure budget amounts.

Therefore I am requesting we reduce the specific budgets as follows:

Account 01-250-5805 DPW - New ATV reduce from \$13,500 to \$0
Account 01-250-5806 DPW - Tractor Upgrade reduce from \$13,200 to \$0

These two adjustments will add \$26,700 to our budgeted Surplus for FY 2014.

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, that Council accept Councilman Caputo's proposal. The motion was unanimously carried.

**DISCUSSION AND POSSIBLE VOTE ON CHANGES TO THE MAINTENANCE WORKER
POSITION DESCRIPTION**

Council discussed the following proposed changes to the Maintenance Worker Position Description:

- Change **Maintenance Mechanic** to **Maintenance Worker** throughout the document.
- First Paragraph: Change **The Maintenance Worker reports to the Town Manager** to **The Maintenance Worker reports to the Maintenance Supervisor**.
- First Paragraph: Change **Code Compliance Constable** to **Code Enforcement Constable**.
- Add 2i: ***Typical landscaping duties which include grass cutting, weed spraying, weeding, plant and tree installation, plant watering, pruning and maintenance, and other duties as assigned.***
- Change Number 3 as follows: Assist ***Maintenance Supervisor*** ~~Town Council, Town Manager and Police Chief~~ with various projects including capital improvements, street improvements/repairs, drainage projects and emergency storm preparations and repairs.
- Change Number 4 as follows: Assist ***Maintenance Supervisor*** ~~Town Manager~~ with research of problems and complaints regarding public works and town maintenance. Respond to complaints and issues of citizens and contractors.

A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, that Council accept the proposed changes to the position description. The motion was unanimously carried.

A motion was made by Councilman Junkin, seconded by Councilman Rae, that Council go into Executive Session. The motion was unanimously carried.

**EXECUTIVE SESSION PURSUANT TO 29 DEL. C. 10004(b)(1) TO DISCUSS AN INDIVIDUAL
APPLICANT'S QUALIFICATIONS TO HOLD THE POSITION OF MAINTENANCE WORKER**

Council went into Executive Session at 6:43 p.m. to discuss an individual applicant's qualifications to hold the position of maintenance worker.

RECONVENE WORKSHOP MEETING

At 6:55 p.m. a motion was made by Councilman Junkin, seconded by Councilman Gross that Council reconvene the Workshop Meeting. The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE ON MATTER DISCUSSED IN EXECUTIVE SESSION INVOLVING AN INDIVIDUAL APPLICANT'S QUALIFICATIONS TO HOLD THE POSITION OF MAINTENANCE WORKER

A motion was made by Councilman Junkin, seconded by Councilman Gross, that Council hire Rick Gentile. The motion was unanimously carried.

REVIEW DISCUSSION AND UPDATE OF INDIVIDUAL STRATEGIC PLANNING STRATEGIES, 2014 OBJECTIVES, ETC., WORKSHEET - GOALS 3 AND 4

Council reviewed Goals 3 and 4 of the Strategic Planning Worksheet.

Councilman Caputo noted that the figures in the Budget Requirement column of the Strategic Planning Worksheet are not in addition to the budget requests which Council will be completing in the next few weeks. Councilman Caputo stated that the figures in the Budget Requirement column of the Strategic Planning Worksheet are estimates that have to be incorporated into the budget requests. Councilman Gross stated that should Council approve the Strategic Planning Worksheet in the future, Council will not necessarily be approving the financial aspect. Mayor Jankowski said that is correct, but the Strategic Planning Worksheet can be used as a tool in prioritizing projects.

3.1.2: Mayor Jankowski will ask Chief Deloach what he means by a Realtor reception in May and if it is something that could be combined with the Realtor Meet and Greet.

Mayor Jankowski said the names and positions (titles) will be placed in the Lead and Support columns.

3.6.1: Delete the 0 in the Budget Requirement column.

3.6.2 and 3.6.2.1: In the Support column Council agreed to replace CEC Committee Chair with Councilman Al Rae.

Goal 4 Promote Healthy Lifestyles: Mayor Jankowski stated that she anticipates some other things may come up regarding Goal 4. Mayor Jankowski asked Council to send her any ideas they may have that might be good to put under Goal 4.

PUBLIC COMMENT PERIOD

There were no comments from the public.

ADJOURNMENT

At 7:15 p.m. a motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to adjourn the December 12, 2013, Town Council Workshop Meeting. The motion was unanimously carried.