

Special Joint Human Resource and Streets Committee Meeting
Friday, October 29, 2021, 7:30 a.m.

Members Present: Chairman Carroll, Chairman Nairn, Porter, Mayor Koons, Fiscal Officer Romanowski, Street Commissioner Alder, Engineer Haibach

Visitors: Meghan Walsh, CVT

The meeting was called to order by Chairman Carroll.

The Street Commissioner reported that the Road Program should start Wednesday. Carroll thought this was occurring late and asked if the grant delayed the process. The Street Commissioner concurred. The Mayor observed that there was a significant number of base repairs on East and West Bel Meadow. \$140,000 had been spent just preparing the road for paving, and the Mayor thought it should have been gutted and redone two years ago. The Engineer stated that it would have cost the same had this been done. Once 25% of the road has base repairs, it would be a wash between a recycling and base repair. If nothing had been done, it would have been a difficult situation. Carroll noted that being proactive with culvert replacements on the Bel Meadows was beneficial. The Mayor and Engineer relayed how happy the residents were.

The Engineer provided an update on the Lake Louise Bridge replacement. The footers had been poured for the east side of the bridge and this side of the bridge should be replaced and drivable in about two and a half weeks. The bridge replacement will be complete this year aside from grass restoration. The Engineer relayed that there had been a problem with minor vandalism on the site to include cones being thrown into the lake and the porta potties being tipped over. The police were asked to monitor this. The Engineer further relayed those efforts had increased to keep the residents informed of the progress of the project.

Carroll asked for the status of the Village Hall detention project. The Engineer said he would have a preliminary plan for Council to review by the next Council meeting. He met with the design group and said it would be rectangular and had gotten bigger with less of an embankment. The design group was trying to balance the excavation on site so there would not be so much dirt to remove. Nairn asked about the wetlands located in the area, and the Engineer said this would be considered in the orientation of the basin. He wanted to keep the basin rectangular for ease of maintenance and potential auxiliary use in the future. Porter asked for the status of permitting relative to the wetlands, and the Engineer did not know other than it was being addressed. Porter verified that digging could not begin until this was established. He asked the Engineer when there would be confirmation from the Army Corps of Engineers, but the Engineer did not know. Carroll asked if it would still be possible to go out to bid by the end of the year, and the Engineer concurred. Every effort would be made to avoid impacting wetlands to stay within the allowances of the general permit. Carroll verified that this project was the number one project identified by the Engineer for stormwater retention.

Carroll asked if the retention pond was addressed at the Kensington Green Homeowners' Association (HOA) meeting, and Porter said it was not. The Mayor said the meeting disintegrated. Porter said that the meeting was bogged down by issues that were unrelated to the detention pond.

Carroll asked if there would be screening of the detention pond near the houses in Kensington Green, and the Engineer said he had not planned to do this but could if the Village wished. He added that it was Village property. However, there were trees there and the whole area would not be cleared. Carroll reminded the committee that this project had been advertised to the community through the newsletter, was identified by the Engineer as the number one stormwater mitigation project, was presented to the Budget Commission, and addressed a safety issue with flooding of Chillicothe Road. Council wanted it addressed without delay. The Engineer recalled that there was pushback from Kensington Green over the previous suggestion of a cemetery in this location but felt that the importance of the project took priority over residents' concerns about their view. Carroll agreed and reiterated that the impact with stormwater was of greatest importance and the project should not be delayed.

Regarding Fox Trail, Carroll reached out to Chris Smith, the HOA President, who relayed that the contact to which the Mayor referred was superficial text messages. Carroll thought that having the completed detention pond South of Village Hall to use as an example would help the Fox Trail HOA with their considerations. The Engineer noted that this was private property and would require the HOAs consent. However, it should be something the Village remains open to consider. Carroll asked if this area were to be made available, would the Village want to seek a permanent easement to enable the Village to maintain it. The Engineer said yes that it would be a Village infrastructure improvement. Carroll reiterated that there had been no substantial discussion of the project with the HOA, and it was completely up to the HOA to allow it. Carroll suggested Council engage with the HOA next year.

Regarding Manor Brook, the Engineer said there would be a meeting at 11:00 a.m. that day with the Environmental Protection Agency (EPA) to discuss splitting the project and revising the scope. Carroll asked for the status of the easement, and Porter had not heard but would follow up. Carroll recalled when the project failed with Kensington Green, it was necessary to identify an additional area. He wondered if this would be required, and if so, would part of the project be done on the park property again. The Engineer did not think so. The committee discussed that if the EPA were to decline, it would be the end of the Manor Brook project. Carroll added that this would not necessarily be the case because the Village could just pay for the half of the project the grant would have covered. If it would have a positive impact, it could still be done. He would encourage Council to consider this. The Engineer advised that if the EPA money were to be withdrawn, it could be an easier project.

The Street Commissioner asked whose responsibility it was to maintain the Federated Church retention area. The Engineer said it would be the church's responsibility since the Village does not own it. However, if it were not being maintained, it would be in the Village's best interest to maintain it. The Street Commissioner said it needed to be cleaned. Carroll suggested contacting the church first and then perhaps Bainbridge Township. If nothing happened, then the committee could discuss it further.

The Engineer addressed the illicit discharge pipe in Lake Louise. The Geauga County Health Department was looking at it. In the meantime, the pipe needed to be redirected. The Street Commissioner contacted the boring company that would come in three weeks. The catch basins had been ordered as well. They would put in a two-by-two catch basin and the pipe would come

down Louise Dr. into the catch basin, take a left turn, and then go underneath the road. Carroll verified this would redirect it from the private pond. The Mayor had complained about the smell, but the Engineer detected nothing. He suspected the Mayor was smelling the porta potty being used during bridge construction. Carroll stated that there had been high levels of bacteria and whether or not the replacement of the septic system resolved the issue, he just wanted to ensure it was being addressed by the county.

The Street Commissioner reported that it was too wet to do road striping. It would occur once the rain stopped.

Regarding the overtime issue, Carroll noted that this had been discussed by Council. He felt that the emergency call-in should be an overtime situation regardless of hours worked. Carroll said that the Service Department was the only department where the overtime was based on an eight-hour day. The Police Department and Building Department were by the work week. He questioned whether there should be consistency across the departments.

The Fiscal Officer joined the meeting, and Carroll explained that the committee was discussing that any emergency call-in would qualify as overtime at time and a half, with a minimum of four hours. Any planned event would not be automatic overtime unless it went over the work week or workday. The Fiscal Officer reviewed the different pay policies per department to include the Police Department which is paid based on hours worked in the week. The Employee Handbook is based on hours worked in a day. Porter addressed the Federal Labor Standards Act (FLSA) and said it was hours worked in a day. If you go over eight hours in a day or 40 hours in a week, you are entitled to overtime. The Fiscal Officer clarified that FLSA is 40 hours in a week. She thought this made things clearer. She further explained that when the Service Department recently did four ten-hour days, they got overtime for the two hours every day. They did not work on Friday, which meant they only worked 40-hours in the week. They were given time and a half, which meant they got a day and a half off for working the four 10-hour days. It was a planned event. Had it been based on hours in a week, and they worked the four tens and took off Friday, then they would still have their 40 hours for the week, and it would not have cost the Village overtime.

The Street Commissioner said it was not planned. They went day by day on it and there was an opportunity to get more work done. Carroll stated that it was planned in the sense that the Street Department was trying to do culverts, so he would argue it was a planned event. The Street Commissioner stated that had it been prearranged it would have been four 10-hour days with no overtime. Carroll said this could not be done according to the handbook. If it were a 40-hour work week, the Street Commissioner could have done this, but the Street Department is based on an eight-hour day.

Carroll stated another issue is what is considered a work week. Some cities do not count comp time and sick time as part of the work week or hours worked. Some count vacation time. Using Trash Day as an example, if an employee worked Monday through Friday, and Trash Day is Saturday, he potentially can get overtime. If the employee were off sick or on comp time two of those days, he would not get overtime because he did not fulfill the 40 hours for the week. If someone had a vacation planned, he would not get overtime and that was just the way it was. If the employee does not plan vacation time or time off during that work week, then the employee could potentially get

the overtime. Carroll thought a work week would be easier to understand. The Fiscal Officer concurred and added that Council could then decide whether Saturdays or Sundays were automatically overtime, or whether vacation time could count as hours worked.

Nairn clarified the meaning of hours worked, and the Fiscal Officer explained that according to the FLSA, an employee is entitled to overtime for hours *worked* over the 40 hours.

Carroll felt that sick time and comp time should not count towards hours worked because it allowed for gaming the system. However, employees should not be penalized for being on vacation. There should be a balance. Carroll clarified that the decisions Council needed to make were whether it should be a 40-hour work week, and what would be counted as a workday, and how vacation, sick time, and comp time would count. The Fiscal Officer added that this should be for all departments and not just one. Carroll agreed. He added that Council should also consider that any emergency callout should be overtime and four hours. A burial would not be an emergency since it can be preplanned.

Carroll referred to the Street Commissioner's statement in a previous meeting about the sacrifices his employees make with missing birthday parties and events. Carroll offered that they are public servants. Police and Fire also miss events and it is part of the job as a public servant. The Fiscal Officer explained that the Police have floating holidays and are not paid double and triple time when they work on Thanksgiving and Christmas. They are staffed 24/7 and it is part of the job.

Carroll summarized that the discussion will be to consider the 40-hour work week, define what will count towards these hours, and make this policy consistent across all the departments as much as possible. Carroll added that emergency callouts should be overtime.

The committee discussed the system the police currently use, and the Fiscal Officer explained that it is a 40-hour work week, but they are on 12-hour shifts. Their sick, vacation, nor comp time count towards the work week.

The Street Commissioner stated that in March, he asked if there was such a thing as administrative time off for COVID quarantine. The Fiscal Officer stated that Council discussed this in January and decided that when employees must quarantine due to COVID, they were not actually sick but Council allowed the employees to use sick time so they could be paid for their time off. Documentation was required. Carroll added that the other COVID time ended at the end of 2020. Carroll concluded that there was no admin time for COVID exposure at this point in time.

Carroll made a motion to adjourn the Joint HR/Streets Committee meeting at 8:31 a.m., seconded by Nairn. Voice vote – ayes, all. Motion carried.

Michael Carroll, Street Committee Chairman

Cindy Nairn, HR Chairwoman