

Street Committee Meeting
December 3, 2021, 7:30 a.m.

Members Present: Chairman Carroll, Porter, Mayor, Street Commissioner Alder, Police Chief Rizzo, Fiscal Officer Romanowski, Engineer Haibach

Visitors: Meghan Walsh (CVT)

Carroll called the meeting to order and read the roll.

The Engineer provided a paving update. It was anticipated that Specialized Construction would be addressing the miscellaneous pavement repairs in the Village that day, and this is the last item to address for the 2021 Road Program. He thought the work would be completed within the next week or so. The Chief addressed a problem area at the Police Department and the Engineer described the planned solution.

The Engineer provided a Lake Louise Bridge replacement update. The guardrail is expected to be in next week, and once installed on the new section, traffic will be able to resume on this side. The contractor had difficulty obtaining the guardrail. Carroll verified that once the project was complete, the plan was to pave the road from Bell Rd. to the bridge, and the Engineer concurred. He added that it would include Ridgecrest Dr. The Engineer explained that since the start of the bridge project, Ridgecrest was looking rougher than it had. Carroll suggested letting the neighborhood know that this was the plan. By doing so, it also allowed residents time to plan culvert replacements ahead of the work.

The Mayor asked if the bridge was considered 50% done, and Carroll suggested avoiding percentages and just letting the neighborhood know that the second phase of the project would be beginning. The Engineer advised that the bridge should be completed in the next month and a half. Although the completion of the bridge had been delayed, the Ohio Public Works Commission (OPWC) grant funding was secure.

Carroll asked for the status on the Village Hall retention pond. The Engineer said plans would be completed by the end of the year and it would be ready to go out to bid at that time. Carroll asked if there would be anything available for Council to view by the December 13th meeting, and the Engineer replied that he did not think he would have anything other than the initial layout. CT Consultants was in the process of putting together plan details and the spec book. Carroll indicated that without having documentation for Council to approve, it would not be possible to go out to bid until January since December 13th was the last Council meeting of the year. Porter clarified that it would be possible for Council to vote on this at the first meeting in January. Carroll emphasized the need not to delay. The goal was to have the project started as soon as possible. The Engineer stated that the project could be completed by summer 2022.

Regarding the Manor Brook revised project, the Engineer had hoped that he would have had the final survey plat exhibit done for the signed homeowners' agreement that references a survey exhibit. However, he could not get his colleague to finish it in time. The Engineer asked for the status of the agreement, and Carroll indicated that the Village was ready to go with Whitetail. Although the transfers of the parcels had been completed, it could be months before any further resolution could be reached with the HOA. Additionally, there could also be another request for

an unreasonable cost of an easement. Whitetail was ready to go, and the Engineer's input was required. The Engineer anticipated having the survey exhibit by the end of the day and would send it to the committee, Mayor, and the Solicitor. Carroll stressed the need to move forward on the project without delay.

Regarding the Country Estates ditch, the Engineer said he had the profile and cross sections completed. He provided this to the Street Commissioner. The Street Commissioner asked about disposal of the spoils. The Engineer said they must be removed. After obtaining quotes, Carroll asked how soon the work could start. The Engineer said it could happen in January and February and he described the process. Carroll asked when the lidar survey would occur, and the Engineer thought it would be in December and results would be available to Council by the middle of January.

Carroll asked for the status of the Louise Drive subsurface drainpipe. The Street Commissioner stated that the pipe had been located and he was waiting for the boring company to obtain the correct sized pipe. Carroll asked if it would be done before Christmas, and the Street Commissioner said he would make a phone call. Porter clarified that the committee was discussing the septic drainage problem, and Carroll asked if there was an update from the County. Neither the Engineer nor the Mayor had heard anything from the Health Department. Carroll asked the Engineer to follow up on this.

The Street Commissioner discussed issues with replacing a manhole on Countryside Dr. and determined it would be necessary to use a precast manhole. Buckeye quoted \$8,000 for labor and the casting would be a separate charge. It was currently difficult to obtain. The Street Commissioner thought there should be enough money in the stormwater budget to fund this.

Carroll verified that road striping had been completed, and the Street Commissioner concurred.

Carroll addressed overtime and the service bonus in order to resolve the confusion surrounding the policies. Carroll understood that there were questions about the service bonus and overtime and how they would be calculated and what the impact would be relative to legislation. Carroll referred to an email sent by the Mayor with questions about the policies, and answers that were provided by the Fiscal Officer. The Mayor said he understood that callouts would be time and a half. His question surrounded overtime based on the 40-hour work week. Carroll stated that the 40-hour policy is following the Federal Labor Standards Act (FLSA). This includes that sick time, vacation time, and comp time do not count towards hours worked. The Police Department has been following these rules. The Mayor stated that this change was the issue with the employees. Carroll asked which employees, and the Mayor specified the Street Department employees. The Fiscal Officer explained that the Federal law states that if the employee physically worked over 40 hours in a week, then the employee was entitled to overtime. Council is currently considering legislation to make all callouts overtime. If an employee took vacation for part of a week and then worked the rest of the week and had to stay beyond the workday for some reason, it would be straight time. The reason is that the portion of the week taken as vacation was a benefit from the Village and was not physically worked.

Carroll indicated that the Village has been good about taking care of its employees to include the proposed service bonus as well as not passing along the health care increase. Furthermore, in the

past, Council had agreed to a four-hour minimum for callouts. A portion of the employees adhere to the FLSA policy, and he felt that all employees should for consistency.

The Fiscal Officer asked Carroll to clarify what is considered an emergency. The committee discussed that for the most part, filling a shift would not be considered a callout. Calling officers out in the middle of the night for a crisis was an emergency and should qualify the responding officer for overtime. Carroll noted this was no different than the Service Department personnel who are called in for a storm. The Mayor asked the Chief if the officers received a four hour minimum for a callout, and the Chief said that the Police Department did not have this four hour policy, but in following the Village rules, they would.

The Mayor indicated that previously, anything between 7:00 a.m. and after 3:30 p.m. was regular time and anything before or after was always time and a half. The Fiscal Officer and Carroll advised that this was not what was stated in the Employee Handbook. The Mayor stated that this was the way it was implemented. Carroll stated that it was not consistent with the Service Department. The Fiscal Officer advised that when the Employee Handbook was redone in 2017, it was explained to the Department Heads that overtime was based on hours worked. The current change to overtime is that it is hours worked in a week or two weeks for the Police Department, not the day as it was previously. The legislation also clarifies that hours worked does not include vacation, sick time, or comp time. The Mayor stated that this was the rub because this was the change. Hours before and hours after were always overtime. The committee discussed how basing overtime on the day was problematic in that it generated overtime within a 40-hour work week. The Fiscal Officer reiterated that this was not a change to the Village's policy but rather a change to the management of overtime.

Carroll reiterated that the compensation package offered to the employees should offset concern about implementing the Village policy consistently. The Street Commissioner stated that Chagrin Falls includes sick time, vacation time, and comp time when calculating overtime. Carroll and the Fiscal Officer stated that this was not according to their policy. The Street Commissioner said it is what is done. Carroll reiterated the importance of following the policy. The Fiscal Officer added that the Village is audited on adherence to its policies.

The Mayor addressed employees playing games with the policy, and the Fiscal Officer explained that the Department Heads were responsible for determining if a situation was an emergency. The Fiscal Officer further explained the necessity to schedule events that require overtime in advance to allow employees to plan accordingly. The Chief described how departmental training is scheduled to avoid overtime issues, and Carroll indicated that the matter comes down to effective management.

The committee discussed the issue with the four-hour minimum for callouts as it relates to the scheduled workday. The Chief indicated that typically, the callout for plowing occurs by 4:00 a.m. to prepare the roads for morning traffic. Carroll did not have an issue with the extra hour in this case.

The Mayor concluded that anything before 7:00 a.m. was a callout, and the committee determined this required clarification. Carroll indicated that receipt of a four-hour minimum for

a 4:00 a.m. callout was reasonable, but a 6:30 a.m. callout would be another matter and would not be fiscally responsible.

The Committee discussed the scenario where snowplowing was required for an extended period and the necessity to alter the work schedule to allow for the plowing. In this instance, it may be straight time or involve overtime, but there should be an understanding that the job description includes such instances. Carroll further explained that it would be better in an extended snow event to send employees home to rest so that they were available for a plowing shift. This is a management issue and the manager must consider fiscal responsibility as well as a safety.

The Mayor presented another scenario of an employee working extended hours and then taking vacation within the same week and not getting overtime as a result and reiterated that this would be the rub for him. The Fiscal Officer reminded the Mayor that the intent of the law is that the two days off is a benefit given to the employee by the Village. If this were included in the 40 hours, the employee would be earning overtime on a benefit rather than the time worked. The Mayor said that to him, this would be the rub. Carroll added that the job description is very specific that the employee may be held over to do certain things. Furthermore, it does not happen very often.

The Mayor presented a scenario involving cemetery burials. The Street Commissioner indicated it was overtime. The Fiscal Officer clarified that it would be if the individual worked the 40 hours that week. It was not a callout.

The Mayor clarified that the service bonus was yearly on the employee's anniversary date. Carroll concurred and the Fiscal Officer added that it would be received once the employee reached the five-year milestone.

The Mayor asked how time spent at a medical appointment for an on-the-job injury was considered relative to the 40-hours worked for overtime purposes. The Fiscal Officer stated it would be Worker's Compensation. Carroll thought that this would apply to the day of the injury, but follow-up appointments would be sick time. This topic would require further investigation. However, with the initial medical appointment, this would count towards time worked.

Carroll adjourned the meeting at 8:37 a.m.

Michael Carroll, Chairman

Prepared by Leslie Galicki