

SPECIAL COUNCIL MEETING MINUTES
VILLAGE OF MANTUA, OHIO
DECEMBER 17th, 2010 6:00 p.m.

MEMBERS PRESENT: Council President Ben Prescott, Linda Clark, Marty Hura, Roger Hawkins, Giles Seith.

OTHERS PRESENT: Mayor Donna Hawkins, Clerk-Treasurer Jenny August

CITIZENS: Pearl Campbell

CALL TO ORDER: 6:00 p.m. by Mayor Hawkins, then Pledge of Allegiance was recited. Legislation immediately followed.

RES. 2010-51 A RESOLUTION ESTABLISHING A NEW FUND FOR THE VILLAGE OF MANTUA AND DECLARING AN EMERGENCY. 2nd Reading.

Motion to Suspend the Rules by Ben Prescott, seconded by Linda Clark. All others voted yes.
Motion to approve and open for discussion by Ben Prescott, seconded by Marty Hura.
No discussion
Call to question: All ayes on vote. Passed as Emergency 5-0

Motion to excuse Linda Schilling by Giles Seith, seconded by Ben. All ayes on vote.

RES. 2010-56 A RESOLUTION AUTHORIZING CERTAIN FUND TRANSFERS BY THE CLERK-TREASURER BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, AND THEIR RESPECTIVE DEBT SERVICE RESERVE FUNDS, ALL NECESSARY TO MEET CALENDAR 2011 DEBT SERVICE REQUIREMENTS, AND DECLARING AN EMERGENCY. 2nd Reading.

Motion to Suspend the Rules by Ben Prescott, seconded by Giles. All ayes on vote.
Motion to approve and open for discussion by Ben, seconded by Marty.
Jenny explained that this is the monthly transfers that we do every month for the OWDA debt payment.
Call to question: All Council members voted yes. Passed as Emergency 5-0

RES. 2010-57 ADOPTION OF 2011 COUNCIL MEETING CALENDAR. 2nd Reading.

Motion to Suspend the Rules by Ben, seconded by Giles. All voted yes
Motion to Approve and Open for Discussion by Marty, seconded by Ben.
Jenny said at the Finance meeting we changed the December meeting to the 13th from the 20th since it falls during Christmas week.
Call to Question: All members voted yes. Passed as Emergency 5-0

RES. 2010-59 A RESOLUTION AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2010 APPROPRIATIONS AND DECLARING AN EMERGENCY. 2nd Reading.

Motion to Suspend the Rules by Ben, seconded by Giles. All voted yes
Motion to Approve and Open for Discussion by Marty, seconded by Ben.
Jenny said this is to pay for the security cameras in the Park.
Call to Question: All members voted yes. Passed as Emergency 5-0

ORD. 2010-61 AN ORDINANCE APPROVING THE AMENDMENT TO THE CONSORTIUM AGREEMENT BETWEEN ROBINSON HEALTH AFFILIATES AND THE MEMBERS OF THE PORTAGE COUNTY DRUG & ALCOHOL TESTING CONSORTIUM. 2nd Reading.

Motion to Suspend the Rules by Ben, seconded by Giles. All voted yes

Motion to Approve and Open for Discussion by Ben, seconded by Linda. No discussion.

Call to Question: All members voted yes. Passed as Emergency 5-0

RES. 2010-62 A RESOLUTION AUTHORIZING THE CLERK TREASURER TO ADVANCE FUNDS FROM THE GENERAL FUND TO THE SEWER DEBT FUND AND DECLARING AN EMERGENCY. 2nd Reading.

Motion to Suspend the Rules by Marty, seconded by Ben. All voted yes

Motion to Approve and Open for Discussion by Ben, seconded by Linda.

Jenny said we don't know the exact amount that we will need until closer to the date. Jenny estimated that we would need about \$30,000. Giles asked what is the total debt still owed on our water & sewer plants? Jenny said it is about 5.8 million, but could get an exact amount later.

Call to Question: All members voted yes. Passed as Emergency 5-0

5. Other Business

Design Fabricators Invoice-

Jenny explained that the invoice was much higher than the estimate. Jenny read the explanation that Donna Maynard sent her after she spoke with Paul. The explanation was accepted and Finance agreed that it should be paid.

Motion to pay Design Fabricators Invoice by Linda, seconded by Ben. All ayes on vote.

Franklin-Regan Storm Sewer project-

Linda read the letter from Rich Iafelice which recommends that we complete the project. He estimated that we would need about \$25-30,000 with 50% off for in-kind labor. Rich said Ed already used some pipe and stuff towards this project, but it was prior to the grant, therefore not eligible for reimbursement. She said we have to decide if we want them to apply for another extension. Giles said we don't even have an Equipment Operator for the in-kind.

Motion that we do not have CT file for an extension, and to give back the grant by Linda Clark.

Roger asked if it costs money to file an extension.

Marty seconded the motion.

Donna asked what is the cost to the Village to return the grant. She feels that there is an expense to the Village of approximately \$2500. Jenny asked if this is money we have already paid out to CT? Donna wasn't sure, but said she is certain that if we don't go forward with the grant, we can't get those expenses reimbursed. Giles said it is money already spent.

Call to Question: Roger voted no, Ben abstained, Linda, Marty & Giles voted yes. Michele said since it is only a motion, it passed.

Franklin Street project-

Linda said this is the project that Council agreed to do on Franklin Street putting in the two catch basins, hooking into a third one on Franklin between Oak and Elm Street area. Ben said the Mayor is going to get that guy to fix that driveway culvert. Giles stated that he has eight inch pipe and he feels it works the best, and you don't have to dig up the whole road. Ben asked if

Mike McCauley was doing it. Donna said he couldn't do it because of the snow, and they will proceed as soon as weather permits.

Northeast Quadrant project-

Linda said that Rich also discussed this at Service. The grant is up Dec. 31 of this year. Last May or June, Ed had done more testing in that area and we were within EPA regulations for passing. He sent the EPA a letter with our test results. Ed recommended a high pressure service valve, and we told him to check on pricing which has not been done. We need to decide if we want to move forward. Is it necessary since we are within standards, or should we try the valve? Giles said we are within EPA standards, why would we go forward with the project. We were below the pressure at 2:00 in the morning, which doesn't make sense. Donna said she has never seen anything stating that Leslie Otten from the EPA is satisfied with the situation over there. Linda said we need to contact her. Donna said she would call her.

NOPEC grant-

Ben said we are not going to be eligible since we joined the First Energy consortium. We could only do it by joining the gas consortium. We can't be a member for both NOPEC and First Energy.

Compensation for the Village Administrator position-

Ben said "The issue here is that Mr. Fiorilli wanted to be paid regular time from 30 to 40 hours, and then go into overtime hours, which is more than we can afford to pay him. It goes up near \$44,000 a year and that's more than what we can pay him. We have to hire Water & Wastewater Operator of Record. It might have been a misunderstanding to Mr. Fiorilli of what salary was, but I understood that was explained to him. I would like to have a chance to talk to him again and see if we can talk him into it, but we can't afford to pay him what he wants."

Roger said it doesn't mean we will always be paying him the 30-40 hours. Ben said he has to come back to us some. Roger said you are saying you can't afford it if we are always paying the 40 hours. Roger said we wouldn't always be paying the ten.

Marty said "When you hire someone on salary, it is not broken down by hours, so there is really no way to figure out what they would get for overtime, and there is no overtime on a salary person anyhow. Any time I ever worked for salary I never got a penny overtime." Michele said that was not correct. Marty asked what is not correct. Michele said "It is not correct that a person on salary never gets overtime. Salary is not a way to avoid giving people overtime. It depends on the kind of work they are doing. If a large portion of his work is going to be hands on, fixing water breaks, running a backhoe and all that stuff, he still has to be given overtime" Marty said "Then we are not offering him a contract for a set amount of money, we have to come up with an hourly rate". Ben said "We can't come up with an hourly rate at \$21.15, because it ends up being \$44,000 per year. And that is more than we can afford to pay him. The salary thing is alright, it is just that he has to come back to us if he wants the job because that paying him those 10 hours at \$21.15 is going to amount to more than what we can afford to pay him."

Ben said he would be willing to call him in and talk to him again and see if he would come back towards us some about that, and a little bit later in time, that might be alright, but right now it isn't going to be alright. We have to hire a water & wastewater plant operator. Roger asked what we are going to pay him for the 10 hours. Ben said we won't pay him at all, but he isn't going to say anything right now without talking to him. Roger said you have to be prepared.

Linda asked Michele if she can ask, just so it is clear in her head: "We are offering him \$33,000 for up to 30 hours per week." Michele said "That is not what we agreed to on Tuesday. Linda asked for clarification. Michele said "What we agreed to was an annual salary of \$33,000 with an approximate work week of 30 hours. Some work weeks would be less, some might be more, but he would get his salary every pay, unless he went over 40 hours at which time he would be compensated at a rate of \$31.75 per hour which is going over and above what the Fair Labor Standards Act requires, but it is a bonus for him, an incentive for him to take the job and say okay I can stand having a set pay, and if I really have a bad week and have to work an extra lot, at least I am getting this really good overtime rate." Jenny asked how much the overtime rate was. Ben said it is the \$21.15 times one and a half. Something like \$31.74. Marty asked if that is for every hour over 30, and Linda said every hour over 40. Donna said 40 hours and one minute.

Roger said there is always work to do in the Village, even sweeping the floors. Roger asked what he is expected to do between 30 and 40 hours, and Ben said he could go home. Roger asked what if someone says there are leaves to pick up. Marty said "Who is someone that's going to tell him what to do? It's not going to be you and me." Linda said "That is why we hired Seasonal people". Roger said "Someone may say he never works over 30 hours, will that be explained?" Ben said "That is the contract that we are hiring him to work". Linda said "We are hoping he can do the job adequately in 30 hours, but we realize that there will be circumstances where his week might be up to 45 hours and then we would be paying him for those 5 hours". Roger said "On Friday if there is a water main break that takes 5 hours, then he would work 35 hours". Linda said "If it's only 35, then no, he wouldn't get paid, it would be taken into consideration as part of the \$33,000 for the 30 hours".

Ben said "The point is that when you pay someone salary, you expect a little bit more out of him". Jenny said "He won't have water & sewer right? So then he's basically a Street Superintendent". Giles said yes. Linda said "If he wants to take his grandson to Water World for a day and take the day off, he is still going to get his pay". Roger said he is just trying to come up with if someone says "hey, he is never working over 30 hours". Ben said it is the contract we made with him. Roger said he is just bringing it up.

Donna said she has a couple scenarios here. Suppose it is Thursday morning and there is a water line leak, and he has already put in the large portion of the 30 hour work week, and it kicks him over into 40-42 hours, what you are saying is that you still expect him to stay here and take care of that and be paid regardless of the fact that he has now gone over his 30 hours? Ben said right. Donna asked if that is correct by everybody. All agreed. Michele asked "What do you mean when you say stay over and be paid if he's gone over his 30 hours"? Donna said "if he goes 2 hours over his 40". Michele said "Over 40, yes". Donna said "But he will be doing the 30-40 for free". Michele said "He will be doing the 30-40 for his set salary". Donna said "No, for the \$33,000 a year for the 30 hours", and Michele said "for his job". Donna said "The 30 hour job", and Michele said "no, his job". Jenny said "That they hope averages 30 hours a week but there's no guarantee". Ben said "There will be times when he gets things straight, there will be times in the Spring and the Fall when he can take a day off and not even get his 30 hours in, that's part of salary too. The Mayor asked if everyone was all right with that. They all agreed. Ben said he is willing to set with him and with Donna and see if we can get him to come back to us some because along down the road when a few things get things straightened up, we might be able to do more for him, but right now we have to hire the water & wastewater operator, and it's the winter, and we've got a lot of expenses.

Donna asked if we can do this section verbatim on the minutes so she has this to reflect upon providing Anthony does come to work for us so she can know what the feeling of Council is at this particular time going forward and she can handle things accordingly.

Motion to have this section verbatim by Ben Prescott, seconded by Roger. All ayes on vote.

Giles said he would like to see Michele, Ben and the Mayor meet with Anthony. Ben said he called him and he promised to call him back but he hasn't because it hasn't been decided yet, but I will call him and tell him that you are going to set up a meeting between him, Michele and myself.

Donna said "So let's say he has worked 42 hours that one week and the next week comes up. Are you anticipating that he will have to work 30 hours the following week or if he has all his ducks in a row and the guys are out doing what they need to do, and Tom is out doing meter readings or whatever, can he leave early and not put in 30 hours the following week? Ben said "he needs to do what is required to do a job and you are mostly responsible for that and Council is going to be watching. If he needs to take off some time and his job is done, then I don't see what's wrong with that." Donna asked what is his job. Ben said it is per ORC. Donna said there is always something to do. Ben said he needs to monitor his own hours and adjust that himself. Roger said "As long as he keeps the Village running".

Linda said he needs to keep the Village running and stay within his appropriations. He has to be able to track his appropriations. Donna said we are only talking about his work right at this point, and Linda said that is part of his work. Donna said she is talking physical work, not spending, she's talking labor. Linda said that spending and appropriations is part of his job. Donna said she is talking work week, work hours, physical work. Ben said we would like to hire this man, but we can't go broke hiring him. He said he likes him and he thinks he can do the job, but he has to come back to us some. Linda asked to back up because she doesn't understand why knowing how he functions in the accounting end of the job is not being physical work also. Donna said if he is doing computer work, yes, that is part of it, but she is not talking about that segment of it, she is talking about the labor segment of it. Linda said but they are all included in the salary. Donna said "Absolutely they are, there is no question that it is an all inclusive job description for this man, but that portion really doesn't have a lot to do with what her discussion is about at this particular time, so she understands what his work week looks like. Yes he will have to do computer work, and yes he will have to stay within his appropriations, and if he doesn't he will have to answer to Council, there is no question about that, none. But I am talking about working on the streets, whatever it requires, that is what I want to know. That is something that you don't physically see, but it has to be done". Linda said it is equally important. Donna said she never said it isn't important, but it is not something we won't physically see. She is talking things we physically see. Donna said he could spend 8 hours at the computer, or 6, but that is not something we would see.

Donna said suppose the three of them sit down and discuss it with him, and there may be some give and take on both parts, would we need to call another meeting? Michele said Council has passed the pay rate on Tuesday, it can't be deviated. Giles said we also agreed to offer him the job. Donna said she really would like to get this person hired. Ben said if they meet with him and have something slightly different, we will have to have a Council meeting, would it take more than a simple majority to pass it. Michele said you can pass it with four votes that all agree.

Donna said she regrets that he wasn't here this evening so we could have gotten this all worked out. Ben said he will call him this evening. Donna said he can start on the 27th. Donna Maynard is taking her vacation earlier than she wanted to so if he started she could be here.

Michele asked Donna if she had another scenario. Donna said if he puts in 42 hours one week, her understanding is that the following week he can put in less than 30. Marty said he can put in less than 30 hours every week as long as the Village is taken care of. If he can do it in 25 hours, more power to him.

6. Citizens- No comments

7. Anything else that may properly come before Council

- Ben said he would appreciate more stability in Committee meetings.
- Marty wished everyone a Merry Christmas.
- Giles said Mantua is a nice place to live.
- Linda asked regarding RES. 2010-51, the Special Events. Have any minutes been turned in? Donna said “No, we are trying to get everything compiled”.

ADJOURN:

Motion to adjourn by Ben Prescott, seconded by Roger Hawkins.
All members voted yes. The Mayor adjourned the meeting at 6:48.

Donna Hawkins, Mayor

Jenny August, Clerk-Treasurer