

# RECORD OF PROCEEDINGS

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

## RECORD OF PROCEEDINGS

### SPECIAL MEETING

AUGUST 20, 2019

The Special Meeting held August 20, 2019 was called to order by Mayor Waller @ 6:30 pm.

This Special Meeting was called for the purpose of a discussion of compensation and the appointment of a public employee.

Motion to excuse Councilman Boldizar was made by Councilman Tarbet seconded by Councilman Hannen. All voted yea.

Mayor Waller stated we are to the point that we need to change any of the details of the proposed agreement. We are all in agreement to give this guy a shot stated Mayor Waller.

Councilman Tarbet questioned the severance line, I thought we had said 6 months. The old contract was 8 months. Do we need to decide tonight that the offer is correct in giving him a phone or offer him a stipend? Here is my opinion, I have a funny feeling once he gets up and running he is going to get a lot of phone calls. Mayor Waller stated would it be easier to give him a stipend? Councilman Tarbet stated I don't know. Is \$50 normal asked Mayor Waller? Councilman Tarbet stated that's what I use to get when I traveled. That would be much easier stated Mayor Waller. Councilman Tarbet stated we are going to ask this person to raise the technology in this building to use the computers and we should start him off with a laptop. Councilman Hannen stated giving him a laptop does not need to be in the contract. Let's just tell him to go get what he needs to get started. Councilwoman stated that would be a better way to go. Councilwoman Stoller asked if we were going to do any comp, flex or overtime. Councilman Tarbet stated we discussed the issue of non-exempt and exempt employees when reviewing the employee handbook. We have none under the law due to paying comp and overtime stated Councilman Tarbet. Councilwoman Stoller stated I feel if we are not offering that we need to offer another week of vacation to make it 4 weeks. He will be receiving his fourth week at his current employer so if we bump that up and not give him the comp, OT, or flex time. Mayor Waller stated I have no problem with that. Councilman Tarbet stated I think we could offset that. Councilman Hannen stated if he has a dinner in the evening and comes in late, that's his prerogative as long as shit is getting done! Councilman Tarbet stated we are not setting his work hours! Atty. Battista stated we are not using Dave's contract as a template. Councilman Tarbet stated let's start from scratch. Mayor Waller stated Greg Horn will talk to Atty. Battista regarding the contract. Atty. Battista stated this is not a great contract. Mayor Waller asked Clark if he didn't like the contract. Mayor Waller stated Rudy drafted that contract. Atty. Battista stated Dave wrote his contract.

Salary is \$70000.00 yearly. Pension pickup. This has not been discussed with Phil. Councilwoman Stoller stated Greg is in contact. Fully paid medical insurance premiums. Standard holidays & personal. Dental & Vision Stipend with a one year carryover allowed \$1500.00. \$10000 Life Insurance. Vacation 4 weeks to accrue on anniversary date. Atty. Battista asked if there is a schedule. To receive his fifth week how long does he have to work? Councilman Hannen stated I thought that was what the salary is for. He is making \$8000 more than Dave with 30 years less experience. He may not be able to hunt as much! I hate to sound like an ass, but I was kind of turned off by that request because he's coming and then leaving for his wedding and vacation and he is worried about how much he is going to be able to hunt. Mayor Waller stated next year! Spring turkey nothing this fall stated Mayor Waller sorry! He has Saturday & Sunday stated Mayor Waller. Councilman Hannen stated you have to pick your priorities! I am not against the four weeks.... We have already opened Pandora's Box by giving new hires their vacation from time worked at other municipalities. Atty. Battista stated this is per contract. What are crediting on the anniversary date and 4 weeks will be credited and negotiations of a new contract will be established at that time. Councilman Tarbet stated he is not building anything, if he doesn't use it is gone. Atty. Battista stated to make it clear... for the term of the contract. Councilwoman Stoller stated this does not have sick time in the proposal, but are we going to transfer his sick leave? Councilman Hannen stated he is salary, if he is sick he stays home and comes in the next day. That's how salary works! Clerk of Council stated Dave accrued his 10 hours per month. Councilman Hannen stated that is unlimited vacation then. Councilman Hannen stated that is double dipping. Councilman Tarbet stated the contract needs to be very clear in its description. It was asked what if he needs an extended time off what does he do? Councilman Hannen stated he gets 6 weeks FMLA. The village does not qualify for

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that due to not having 50 fulltime employees. Councilman Tarbet stated he has personal days and 4 weeks' vacation. Councilman Tarbet stated where I am at now when you don't go to work they use your vacation days. I can refuse that and take it unpaid. Councilman Tarbet stated I am with you Elliot on that. For regular employees as long as you work 100 hours a month you accrue 10 hours. Councilman Hannen asked how many hours for the year 120. Councilman Tarbet stated we keep this startup very simple and to the point. Atty. Battista stated again nothing is stated he has to be here 5 days a week. Regular employees based on a 2080 year. The administrator position is a contract employee being paid \$70000 per year and if he can get the job done in three days there is nothing said he has to be here a certain amount of time. I do not understand the concept of him having comp time or sick days. Councilman Tarbet no that is what I am saying he becomes a true exempt employee. Councilman Hannen stated if something happens he can elect to work from home. That is the other option stated Councilman Tarbet. Atty. Battista asked if Dave was paid 1/3 of his sick time upon retirement. Yes he was. Councilman Hannen stated Dave was very shrewd. Atty. Battista stated, but you were under paying him! Compared to the market! Councilman Tarbet asked where the \$2500 moving expense came from? Greg Horn suggested that. Councilman Tarbet asked if he lives in an apartment. No one seems to know. Councilman Hannen asked if anyone has ever thought of providing an administrators residence. Atty. Battista stated that would be taxable income to him. Councilwoman Stoller asked if we want to do the moving expense. Yes as long as he provides receipts. Councilwoman Stoller stated he is a top employee and she feels he should receive sick time. Councilman Hannen stated if we allow him to accrue sick time literally it could turn into 8 weeks' vacation and he is also getting paid \$8000 more than Dave. Councilwoman Stoller asked if he has a doctor's appointment you want him to use vacation time? No I want him to come to work stated I want him to go to the doctor's office and then come to work or work from home or do whatever he has to do. That is how supervision works! Every supervisor I have had they come to work go to their appointment you know what you are supposed to do. But, I don't get that, but I make more than my supervisor but he has that freedom to delegate. That's where our job is and he is not fulfilling his duties that's when we step in. If he is off for extended amount of time he can email or call JT we can work through it stated Councilman Hannen. Atty. Battista stated he will ask Greg if it is normal for a contract employee to accrue sick time.

Motion to move to Executive Session @ 7:00 pm to discuss the compensation of a future employee was made by Councilman Hannen seconded by Councilman Tarbet. All voted yea.

Motion to reconvene to Regular Session @ 7:25 pm was made by Councilman Tarbet seconded by Councilwoman Stoller. All voted yea.

Motion to adjourn was made by Councilman Hannen seconded by Councilman Tarbet. All voted yea.

Attest:

Brenda Albaugh Clerk of Council

James B. Waller Mayor