

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Special Meeting**

**July 18,**

**11**

**HELD AT:** Berlin Township House, 3271 Cheshire Rd., Delaware, OH

**CALL TO ORDER:** Phil Panzarella, Trustee Chairman

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by D’Amico

**ROLL CALL:** Phil Panzarella, Tom D’Amico, Ron Bullard, Claudia Smith, Fiscal Officer.

**ATTENDANCE:** Chris Paykoff, Jerry & Mary Jo Stein, and Brodi Irwin

Panzarella asked Smith if the meeting had been posted 24 hours prior to since it was a Special meeting and Smith indicated that it had been. Panzarella stated that the meeting was being recorded for transcription purposes only. Panzarella stated Trustees were adhering to Resolution 05-07-44 regarding public comment at the meeting. He asked if anyone wished to make a public comment. He also stated that we were following Roberts Rules of Order since it was adopted it at the organizational meeting.

**OTARMA /KLA Loss Control –**

Panzarella stated that Smith received a request for a loss control visit after the last meeting so we needed to pick someone to cover it so that we can maintain our insurance rates. He stated that he had participated in the visit for the last 4 years. Bullard asked what the meeting entailed and Panzarella stated that it is a discussion with the fiscal officer and a trustee that covers items that OTARMA and KLA like to look at such as are you inspecting the trucks, loss records and what the status is of your equipment is. This requires you to go to different departments with the representative. At the end they give you a risk assessment of what their insurance coverage is subject to and then they decide what rate to give you. Bullard stated that he would only be in town this week as he would be out of town the following two weeks and it made more sense for Panzarella to do it since he was available and had the experience. D’Amico said that if it were during the day he could not attend. Panzarella said he would make himself available but it would be nice if someone else could get the experience.

**RESOLUTION  
11-07-16**

**APPROVE PANZARELLA BE THE REPRESENTATIVE FOR THE  
OTARMA/KLA LOSS CONTROL VISIT**

Motion: Bullard  
Second: D’Amico  
Vote: Panzarella yes, Bullard yes and D’Amico yes

**Time sheet Procedure -**

Panzarella stated that at the last meeting we adopted a new timesheet where all departments are signing in and out with date and time but a question came up as to what happens if someone comes in early or leaves late, does this incur overtime? He was told that it only takes the board to make a policy statement that says “You are not authorized to put on your timesheet early or late arrivals, unless you have approval from a trustee.”

After great discussion it was agreed that employees are to work their assigned hours unless they have been authorized to come in or leave later than those normal assigned hours by a trustee. D’Amico will come to the board, at the next meeting, with a written procedure before the new timesheet will be distributed. Panzarella also asked D’Amico to add a list of succession for the roads department to the procedure.

**Road Department Issues –**

D’Amico stated that on July 13<sup>th</sup> he received a telephone call from Chris Paykoff asking why he was paid less than normal to install signs. D’Amico said that at the trustee meeting the trustees looked at the funds and decided that they would pay Paykoff & Cole \$12.60 an hour as a Labor I for the purpose of changing out the signs. Paykoff explained to him that he did not feel that was fair, his wage has always been higher than \$12.60 and he would not work for that amount. Therefore D’Amico wanted to have this special meeting to discuss it and

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indicated that he was unaware that we had different road department job classifications with different pay rates.

Bullard said we should pay per the expectations and that if we communicated the rate incorrectly then we should make it right.

After a lengthy discussion regarding job descriptions it was determined that we did not have job descriptions for all the different jobs that are listed under the roads department; road superintendent, labor II, labor II new hire, labor I, labor I - part-time, tractor driver – snow removal, truck driver – no CDL and truck driver – CDL casual labor. Panzarella stated that he had a draft of a job description for the road superintendent that he thinks was prepared for the handbook but it was not an official job description and feels we need these. Irwin said he did not have the authority to tell road employees what to do and that the job descriptions should be kept up to date by the board. Panzarella said that they should be prepared with the help of the department heads and the trustees.

Stein asked who came up with the different pay rates for the different job classifications.

Panzarella said he did not know and that in the past an employee was hired and the board was surprised to found out the rate that they were hired in at, but the board had to honor the rate. He did not know who gave the employee that rate and therefore that is why job descriptions are so important.

Panzarella stated that in the initial meeting it was only stated that the roads department needed more people to help with the installation of road signs. When D'Amico came back to the board he proposed that we hire Paykoff and Cole and therefore a resolution was adopted to pay Paykoff and Cole \$12.60 an hour. Panzarella read the resolution: # 11-06-07 AUTHORIZE CHRIS PAYKOFF AND KEITH COLE WORK AS LOBAR MAINTENANCE WORKERS, FOR A TOTAL MAXIMUM OF 400 HOURS BETWEEN THE TWO MEN AT A PAY RATE OF \$12.60/HOUR, FOR THE SOLE PURPOSE OF CHANGING OUT TOWNSHIP ROAD SIGNS THAT NEED TO BE UPGRADED TO COMPLY WITH THE NEW LAW REQUIRING REFLECTIVITY."

Panzarella said the guy that made the motion came up with the rate and he didn't know why he came up with the rate. D'Amico made the motion, Bullard seconded it and Panzarella voted yes as he had his questions answered; what were we doing, how many hours will it take and how much we are paying. He had one more question, is it in the budget and he was told yes, so he was happy.

D'Amico said he looked at the sheet that had pay ranges on it and decided that it was only casual labor which was \$12.60 an hour. And if we hired anyone to do it we would only pay them \$12.60 to install signs. He was not aware that Paykoff was getting a different pay rate. Paykoff said he did not know that he would be paid a lesser amount until Brodi read it in the minutes and by then he had already worked 33 hours. D'Amico said that was his fault and he apologized.

Irwin said that we had part-time people that all do the same tasks so why have all these different classifications. As a laborer Paykoff started at the bottom 30 years ago and has worked up to where he is now but people that come in now should not start at the same rate as him. You have a road superintendent and a laborer and the job description states that you have to have a CDL to work here so you won't have any employees that don't have it. He stated that he had asked the roads liaison to have the road department classifications changed before the last organization meeting and it never happened.

Bullard said the rates and job titles came from the organization minutes from years ago and have been in the books since he has been a trustee. He does not think that job descriptions came along with the job titles. Panzarella stated that when we had a full time employee leave it opened up a part-time position and when we hired the part-time employee the rate was never established and he has asked who told the employee what his rate of pay would be and never received a response. The only person that can establish a pay rate is the board so when we hire someone the board has to hire by name, by rate and by job description that currently does not exist.

Panzarella asked "What are we going to do to make this right for Paykoff and Cole?" D'Amico said because of the misunderstanding he feels that these two should be paid the \$18.90 an hour for the time that they have already put in. Going forward he is not sure if

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we should be paying \$18.90 an hour to install signs. Paykoff said he understands that but he feels everyone that works for the township in maintenance has experience and do not fall in the \$12.60 an hour category. He also stated the reason he was receiving the rate he is, is because in years past he helped the township out but he wanted paid a certain amount since he would clear his calendar to do so. And if he had been told that he was only going to get \$12.60 an hour to install signs then it would be his choice if he wanted to or not.

Irwin stated that we have had more problems with part-time people since we only have one full-time person. When we had two full-time people we only used Paykoff occasionally to help out.

**RESOLUTION**

**11-07-17**

**APPROVE PAYKOFF AND COLE ARE PAID AN ADDITIONAL \$6.30 AN HOUR FOR HOURS WORKED TO INSTALL SIGNS, IN A LUMP SUM PAYMENT**

Motion: D’Amico

Second: Bullard

Discussion: Smith asked if it should be a separate check or lumped in with their next check. D’Amico would like it to be a separate check.

Vote: Bullard yes, D’Amico yes, and Panzarella yes.

Panzarella stated that we need to take care of a situation we have with a part-time employee that works 25 hours a week for general purposes such as berming, mowing etc. "A precedent was set as this person makes \$18.90 an hour and the question becomes what are we going to do here. This is not the same situation as he is not just putting signs up he is doing a board range of things in the road department. We don't have to go back on this as he is getting paid but what are we going to do going forward. I know he puts in significant hours because I see him doing work all over the township. Tom what are we going to do since you're the roads trustee?"

D’Amico "You say I'm the roads trustee but we are all trustees for township, roads, cemetery etc. I am the roads liaison which means I keep in touch with my department which is difficult to do. I try to stay in touch with Brodi and things are running smoothly but I don't understand the issue you are bringing up about, I believe Jerry since you did not mention him by name, what does this issue have to do with what we are talking about tonight?"

Panzarella "The meeting tonight was road department issues and the issue is when we hired the individual we did not give a definitive understanding of what the rate would be. There was an assumed rate and we have been paying it and there is an issue of fairness here. Going forward are we going to continue paying him \$18.90 an hour. If we say nothing we have just reinforced that we should pay the traditional rate. So I say we address this at this meeting so we don't have to have another special meeting. Every time we hire we have to say what we are hiring them to do, what the rate of pay will be and what the requirements of the job are and with this individual we did not do this. We just said we were going to hire someone to backfill because we went from two full-time people to one person and one part-time."

D’Amico stated that he doesn't understand the pay rate discussion for Jerry Stein as he is not positive when we hired him and if there was a description of what his role would be at that rate. Stein stated he was hired in 2009 as part-time snow plow driver and then in June 2010 he offered a part-time position. Panzarella asked if they told him what the rate of pay would be. Stein answered with no, he was making \$18.50 an hour to plow snow, and then it went to \$18.90 an hour.

Bullard stated that they worked on job descriptions and they are to be put in the handbook which is being looked at legally and in not in place yet. He is not sure that they are correct as we have full-time and part-time employees and we should have a full-time rate and a part-time rate. He does not think that we have ever had anyone that fits in all the classifications that we have. The comparison of work that was being done years ago to the work being done today is not a comparison of the mileage of the roads. The bulk of the change has occurred in the requirements for things such as an OTARM list that shows the conditions of our trucks and equipment that has to be done by the road department on a weekly basis. There is an OTARM list to look at the conditions of the roads and none of that

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existed years ago. This work was put in place in late 2009 early 2010 and is a major job description change that takes up a lot of hours. We have also asked the road superintendent to come to us with three estimates when he needs anything done, which we did not do years ago. These are things that need to be compared to when we look at when we had one road employee supplemented with part-time.

Panzarella "The requirement to do the OTARMA list came from the OTARMA/KLA audit that we had two years ago where they wrote us up for not doing it. Three estimates goes back to Judge Whitten that says how many estimates we should be doing, the only thing that has changed is the amount of money. We still need to take care, in a fair manor, what we have done since we hired an employee and I keep making the statement that we have set a precedent, whether we wanted to or not we have to take care of it."

Mary Jo Stein "What OTARMA is requesting from you is accountability for the township for safety issues which puts more responsibility on these guys. And if you don't do them you'll be penalized for them. With a big township there's a lot of money and you have people watching what is happening."

Panzarella "And they should be in the job description and the job description that I looked at does not have it in there. So the job descriptions have to be changed. There is nothing that says we have to wait for the employee handbook to issue job descriptions."

Bullard "Then we need to start with the ones that are in the employee handbook not the ones you have."

D'Amico "When we hire we need to give them a job description and what their rate of pay will be and have them sign for it so they understand what we expect from them. If someone is being paid an hourly rate that rate should not be reduced. So in Jerry's situation he was hired in making \$18.50 an hour and I think that rate should continue. We should look at the pay scale for 2012 and possibly eliminate 50% of these pay scales and job classifications." Bullard agreed that we should not change Jerry's rate of pay.

**RESOLUTION  
11-07-18**

**APPROVE CONTINUE PAYING JERRY STEIN \$18.90 AN HOUR FOR PART-TIME WORK IN THE ROAD DEPARTMENT**

Motion: D'Amico  
Second: Bullard  
Vote: D'Amico yes, Panzarella yes and Bullard yes

Panzarella stated that we should have standard hiring practices that include interviewing the applicant, establishing a pay rate with a job description and obtaining a signature.

Irwin stated that now that they have established that Stein, Paykoff and Cole would be paid \$18.90 an hour how much is it worth to be responsible for these guys. They get calls at night, weekends and on holidays and that's why they get paid \$18.90. So not only does he have to make the phone calls to make sure they are all available he has to be responsible for everyone of them. The present road superintendent's salary is \$17.75 which is not comparable to his employees. He would like to discuss this at a future meeting.

Panzarella stated that we would make sure that everything that we expect an employee to do is in the job description and that the pay rate takes care of part-time and full-time employees. When you go from part-time to full-time you have an over head rate as full-timer employees get vacation, sick, retirement and insurance which comes to a 35% difference.

D'Amico said it seems that Irwin is being paid \$1.15 an hour less than the people he supervises so he would like to take a survey of what other townships are paying their road superintendents and discuss making an adjustment at the organization meeting at the end of the year. He feels we will lose our superintendent in the near future if we don't do something and he does not feel it is worth it as Irwin has been a good employee.

Panzarella stated that at \$17.75 an hour and 35% in benefits it comes to \$23.96 per hour for what the township is investing. This will need to be discussed at a different meeting.

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After lengthy discussion it was determined that all signs that were purchased last year have been installed. Irwin was having problems with the sign vendor so he put Paykoff and Cole on repair sign detail. D'Amico indicated that they were hired for a specific job which was sign installation. Irwin purchased 120 more signs which would be in next week and this would take 190 hours for two guys to do. D'Amico stated that since Paykoff and Cole had been hired to do this job and their work has been effective and efficient we should have them continue to do the job that we authorized them to do. Panzarella asked if we wanted to pay the maximum rate to get the job done. Paykoff stated that sign installation is a physically harder task due to the heat. Irwin said he previously had asked from cheap summertime help but he was told that with younger employees with no construction history, you had a liability issue, so you would want to hire more experienced people at a higher rate. D'Amico said he doesn't think we can pay Paykoff less than \$18.90 an hour to put in signs but feels we could pay someone else less than that amount. He feels Paykoff and Cole are willing to do the job, are dependable and have already done part of the job efficiently. Bullard said he was not comfortable hiring new people and having them install signs as the roads are dangerous.

**RESOLUTION  
11-07-19**

**RECIND MOTION # 11-06-07**

Motion: Bullard  
Second: D'Amico

Discussion: Panzarella stated the reason the motion is rescinded is, the rate of pay is not the rate of pay that should have been paid because they did not realize what the job entailed and there is a risk of danger and experienced people are needed to perform the duties.

Vote: Bullard yes, D'Amico yes and Panzarella yes

**RESOLUTION  
11-07-20**

**APPROVE CHRIS PAYKOFF AND KEITH COLE WORK AS  
LABORS FOR THE PURPOSE OF CHANGING OUT SIGNS IN  
THE TOWNSHIP AT A RATE OF \$18.90 AN HOUR FOR MAXIMUM  
OF 400 HOURS**

Motion: Bullard  
Second: D'Amico

Discussion: Panzarella the \$18.90 is being offered because it gives us a higher confidence level of finishing this job. He asked if we had \$7560.00 available in the budget for labor. They took a five minute recess to get the information and Smith determined that there was.

Vote: Panzarella yes, D'Amico yes and Bullard yes

**RESOLUTION  
11-07-21**

**MOTION TO ADJOURN**

Motion: Bullard  
Second: D'Amico

Vote: Bullard yes, Panzarella yes and D'Amico yes

Meeting adjourned by Chairman Panzarella at 9:06

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Philip P. Panzarella, Trustee

ATTEST:

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Thomas A. D'Amico, Trustee

\_\_\_\_\_  
Claudia Smith,  
Fiscal Officer

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Ronald W. Bullard, Trustee