

**BOARD OF PUBLIC WORKS AND SAFETY  
MEETING MINUTES  
MONDAY MARCH 7, 2016**

**Mayor Dennis Buckley called the meeting to order at 6:11p.m.**

**ROLL CALL:** Board of Works Members Sandy Seward, Ed Bell and Mayor Dennis Buckley were present. Also in attendance, were Clerk Treasurer Dan McMillan and City Attorney Craig Wiley.

**MEETING MINUTES:** Clerk-Treasurer, Dan McMillan read the minutes into the record. Sandy Seward made comments to Carla McKee's final check. Sandy asked if it should be in the record that she was paid for 24 sick days, 15 vacation days and 20 hours at her 2001 rate. Dan stated that he personally made sure that was how it was broke down. No changes made; Sandy Seward made a motion to approve, Ed Bell seconded; minutes approved by unanimous voice vote.

**APPROVAL OF CLAIMS:**

**Corporate Claims: \$1,628,249.62** – There were no questions or comments about the claims. Ed made a motion to approve, Sandy seconded; approved by unanimous voice vote.

**OLD/UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- **Handicap Parking Permits:** Jerry Turner- Sandy made motion, Ed seconded, approved by unanimous voice vote.
  
- **Request for Retirement (update letter) - David Heiniger**  
Chief Swartz stated that David Heiniger was informing the Mayor and Board of his planned retirement date after 25+ years with BGPD will be April 15 2016. This will allow him to use his 31 vacation days and 2 personal days to get him to this date. The City will owe him for 61.25 sick days at half rate = 30.63, 5 comp time hours and 2 holiday return hours.

Dennis: This is the 3<sup>rd</sup> retirement date for him.

Mark: This is his planned retirement date. The others were just thought to be retirement dates. The last date he thought was going to be in July, but was changed due to a change in police policy. So he changed his mind.

Dennis: What prompted this letter?

Mark: A change in policy.

Dennis: Was it the legal action from the attorney?

Mark: I think it was the legal action plus the Police Department changed their policy as far as reporting sick time and not working while you are on sick leave. We changed that policy and he was informed that he wouldn't be able to work a part time job if he was on sick leave or he would have to get a Doctor's slip every 30 days due to the new policy. So he decided to retire.

Dennis: Floor is open for questions and comments for the Chief.

Ed: What was the date of the policy change?

Mark: It was put into our policy book, I believe, last week but all police officers are allowed 7-10 days to sign off on it. That was just for notification. I think it was last week sometime after our policy review committee made that decision.

Dennis: Thank you, Chief.

Dan: I have a couple of questions. Who figured out the total amount owed would be \$8,541.64?

Mark: That was my calculations.

Dan: Ok. In doing so, can you tell me what you paid him in holiday return time?

Mark: It is whatever his hour rate was.

Dan: Ok. I have a question on that, because we had another retiree that was only allowed \$55.00. So I guess my question is, how do we pay one their hourly rate and the other one only \$55.00?

Mark: I wasn't sure how you paid him because you had a question about that.

Dan: Ok, I still have a question on that. My other question is; Can you tell me from the time that he put in his initial request to this board, how many sick days has he used?

Mark: Not at this point, I can't tell you.

Dan: Ok. Could you get that information to me?

Mark: Sure.

Dan: Ok.

Dennis: Any other questions or comments from the board? We don't generally allow speakers at the Board meetings, but we have a Council Member that would like to speak, so we are going to grant that.

Chris Duffer: Thank you, Mayor. Given what our City Attorney found concerning Officer Heiniger, and that he was not adhering to the ordinance exactly, I have here and would like to give copies to the board, time sheets for Officer Heiniger from 10-24-2015 to 12-04-2015. Counting this through, the number of sick days, he did not have enough days/time to get through to his anniversary date without sick days. I would like for the board to give copies to the Clerk to look into. The way I calculate, he did not have enough time; the sick days were not valid in conjunction with retirement. This is difficult; Officer Heiniger is a good man, a good officer for the City. But we have laws and ordinances that need to be followed. Let the Clerk look with the City Attorney---confirm that the Chief's calculations are accurate.

Nathan Rinks: But, Chris, you are asking the Clerk to be involved in what amounts to discipline; that is not even remotely his job.

Chris: I think that in the coming days, are going to look into the Clerk, having in his possession, the records of the sick days and vacation days.

Nathan: He is not in Officer Heiniger's command.

Chris: He is responsible for paying.

Nathan: But he is not in Officer Heiniger's command structure, so you're asking him to look at punishment.

Chris: Who should look at it? The way I am looking at it, it is not being done right. Who should look at it then?

Nathan: Not in his command structure, not in command of anyone other than in the Clerk's office.

Chris: Which is responsible for giving that man his pay.

Nathan: But he is not responsible for punishing that man.

Chris: I'm not asking for punishment.

Nathan: That would amount to punishment.

Chris: No it wouldn't. I'm saying that he needs to be paid out; according to the time he had, when he started working his other job.

Nathan: I don't think you are going to be able, that's a whole different issue to go back and retro.

Chris: I disagree with you. I think it is up to the Board to decide. All I am asking is that the Board

Nathan: Up to the Board, not the Clerk-Treasurer

Chris: I am petitioning the Board, to let the Clerk-Treasurer confirm the calculations. I am not asking him to be involved in the process to discipline this man at all.

Nathan: But this would amount to discipline.

Chris: I don't see that.

Sandy: Gentlemen, excuse me, I would like to recommend that we take this off line and discuss as a team rather than sit here and bicker about it at the meeting, if we want to get together, we can do that but let's not has it out here.

Chris: Very good, thank you.

Dennis asked for motion to table retirement letter for Officer Heiniger. Sandy made a motion, Ed seconded, approved by voice vote.

- **Request for Retirement (update letter) - Craig Stevens**

Chief Swartz stated that Charles Stevens entered the DROP Program three years ago and his last day was set for Feb 27, 2016. He was hired in Jan 1982. Stevens has requested one check for 63 hrs. comp time, 5 hrs. holiday return time, 40 vacation days, and 2 personal days.

Dennis: Floor is opened for questions and comments.

Sandy: Are we straight with this or is it also something that needs to be discussed offline?

Chris: He was not found in violation by the City Attorney. I would ask the Board that the Clerk be allowed to do the same calculations, but that would be entirely up to you.

Ed asked about the DROP Program and Mark explained it to him. Mark stated that the Clerk knew about Stevens being in the DROP Program, but he (Mark) did not know. Dennis opened the floor for questions and/or discussion.

Sandy: Are we straight with this or is it also something that needs to be discussed off line?

Chris: He was not found in violation by the City Attorney. I would like to ask the Board that the Clerk be allowed to do the same calculations, but that would be entirely up to the Board.

Dennis: My thought is that it is up to the Board to approve the time, but the Clerk has to have an accurate assessment of how much comp time is going to be paid, which I agree should be paid. Holiday Return Time, I think it is within the Clerk to request the proper time and proper pay. The City Attorney has informed me that vacation days and personal days are part of their salary; and they are entitled to whether they quit or retire. However, I do think, and have always thought that it is up to the clerk to pay the bill, and he is not going to pay the bill unless he has accurate information. My thought is that Craig is off the books, he has entered the DROP, so I will ask for a motion to approve this, based on the Clerk getting proper information to adequately pay the retiree.

Dan: I have a couple of questions before we vote on this. Again, I would like to know who figured this dollar amount of \$13,379.26?

Mark: I did with his pay schedule.

Dan: Okay. Holiday Return Time at what rate?

Mark: His hourly rate for half an hour; .5 hours

Dan: Okay. But he was paid at his hourly rate. Again, I am going to bring up that we had a retiree that did it properly and was penalized and only paid \$55.00 for the day.

Mark: I don't know that he was only paid \$55.00. That is what was figured and you had questions about it. And I don't think he retired properly; because he retired on the same day and ordinance says you give a week notice.

Dan: But regardless you have two retirees that are going to be paid their hourly rate, and you have one that did it properly that is being penalized at \$55.00 for the entire day. And it cost him in excess of \$600.00. So I just want to put that on the record that we are not doing it properly across the board.

Mark: I don't think during our one meeting you informed me which way it should be paid. I know that is the way I turned it in. So it would be up to the Board and you to tell me which way it is going to be paid to make it clear.

Dan: Well it is not up to me to make it clear. I go by what you guys bring to the Board and this is what was brought to the Board and that's how he was paid.

Mark: Okay.

Dennis: The formula to figure out what is paid for HRT should be consistent for any retired employee.

Dan: I agree.

Mark: I agree.

Dennis: So whatever it that is, it needs to be communicated and paid. And if the other retired officer, who may not have been compensated properly; if it is determined that he should be compensated the same as everyone else. That's the end of the story. That's how I feel about it.

Dan: Agreed

Mark: I think the Board could tell me which way they want to read it, is HRT by policy \$55.00 a day but Dan had a question that they should be paid their rate at our one meeting.

Dan: I guess my question is, because you are putting it back on me: Can you tell me one person in the police department that has ever gotten \$55.00 pay? They have all gotten an hourly rate.

Mark: Mike Treat

Dan: Okay I will check into that. When did that happen?

Mark: It was when I was working late shift. He requested pay for holiday and he was paid that.

Dan: Okay.

Mark: I don't know of anybody else that has asked for pay. Everybody else that I know of asked for time off.

Dan: Okay. And again, I would request from his very first time he brought to the Board, when he was going to leave and retire, how many sick days Captain Stevens used. And I did know about the DROP Program, probably in the last 90 days but even on his retirement it was for March 23<sup>rd</sup>, his DROP date was March 22<sup>nd</sup>. So there was a difference in what he actually had and what the DROP Program stated.

Mark: I can tell you what he told me and Feb 27<sup>th</sup> was what he told me. I don't know if he figured it wrong when he told me, I can't change the DROP, only he can.

Sandy: Is this something that can be hashed out here in the next few minutes or is this another one we need to table and get together and work together and figure it out?

Dan: I think we need to do that. I have no problem accepting their retirement. The dollar amount is where there is going to be a difference of opinion.

**Sandy: Let's get together and figure it out.**

**Ed: Yes, let's do that.**

**Sandy: I don't think we can do it right now. Let's partner, all of us and get this straightened out. That would be my recommendation.**

Dennis asked for a motion to table Captain Stevens retirement letter. Ed made a motion, Sandy seconded, approved by voice vote.

- **Payroll Update BGPD** – Officer Timothy White – Officer White was certified by the Law Enforcement Academy as of 2/26/2016. Per ordinance, \$3,000.00 Certification pay should be added to his salary. Ed made a motion to approve, Sandy seconded; approved by voice vote.
- **Payroll Update DPW** – Mitchell Richey passed his CDL on March 1 2016 and it is recommended that he be promoted to Commercial Driver. There is money in the budget to fund this position. Sandy made motion, Ed seconded; approved by voice vote.
- **Landscaping Proposal for 2016** –DPW Director- Brad Meriwether obtain three quotes for the landscaping for Main St, Emerson Ave, the Roundabout, and Centennial Park. The quotes are as follows: Borgmann Enterprises – \$23,715.00; Restoration Landscape - \$27,487.35 and Pro Cut Landscape- \$36,720.00. Borgmann has been doing the landscape for the past few years, has done excellent work. Motion to approve Borgmann made by Ed, seconded by Sandy; approved by voice vote.

**Comments from Board Members:** None

**ADJOURNMENT:** Ed made a motion to adjourn, Sandy seconded; adjourned at 6:42 pm. The next meeting will be Monday, March 21, 2016, following the Board of Sanitation Meeting in City Hall Council Chambers.

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Dennis Buckley, Mayor

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Dan McMillan, Clerk Treasurer

Prepared by: Debbie Springer