

**MINUTES
(CORRECTED)
GOSHEN CITY COUNCIL
SPECIAL MEETING
January 15, 2019**

1. CALL TO ORDER: Cathy Oliver, Mayor, called the special meeting of the Goshen City Council to order on January 15, 2019 at 6:30 p.m. at Goshen City Hall.

2. ROLL CALL AND DECLARATION OF QUORUM: Paula Anderson, Angie Driver, Bill Hewat, Colton Martin, John Vaillancourt and Birch Wright were present for roll call, and Cathy Oliver declared a quorum. Charles Harwell, City Attorney, was also present. Lora Nanak, Office Manager, attended the meeting due to the absence of Sharon Baggett, Recorder/Treasurer.

3. APPROVAL OF AGENDA: Cathy Oliver stated that she would like to add an item to the agenda. She stated that Charles Harwell had prepared an ordinance to address the policies regarding annual leave, sick leave, overtime and compensatory time discussed at the previous meeting and she would like to add discussion of this ordinance. Paula Anderson made a motion, with a second by Birch Wright, to approve the amended agenda. All voted in favor and the motion carried.

4. CITY BUSINESS:

A. DISCUSSION OF ORDINANCE ESTABLISHING POLICY REGARDING ANNUAL LEAVE, SICK LEAVE, OVERTIME/COMPENSATORY TIME, AND SICK LEAVE BANK (AMENDING ORDINANCE 130): Cathy Oliver reiterated that this was being brought up for discussion purposes only since the Council had not had an opportunity to review the ordinance. She reported that she had appointed an Employment Policies Task Force to assist with this, and that they would research the policies of other cities, and this information would be forwarded to the Council. When asked by Birch Wright, she reported that the Task Force consisted of Colton Martin, Russell Stroud and Matt Buell, and that she might add one additional member. She stated that they would be addressing an Employee Handbook, but they had been asked to begin with the policies being addressed in this ordinance.

When asked, Charles Harwell confirmed that he would include in the proposed ordinance that the policies approved at the last meeting involving holiday pay, compensatory time and annual leave would be retroactive back to January 1, 2019. When asked, Cathy Oliver gave her reasoning for setting up the Task Force. She then gave the public an opportunity to give input. As a result of this, she began to summarize the document she had shared with the Council at the previous meeting regarding the police officers' holiday pay, vacation and compensatory time. It was then decided that it would be more beneficial for Charles Harwell to go over the proposed ordinance. There was discussion concerning the difference in policies for uniformed and non-uniformed employees, Fair Labor Standards Act (FLSA), exemptions for managerial positions such as the Police Chief, whether the City would be in the bracket of five employees or more if the part-time and volunteer police officers were counted in that number, compensatory time for officers being earned at the rate of 1.5 hours for hours worked over 86 hours during a two-week pay period, compensatory time for non-uniformed employees, holiday pay for officers being included in their salaries, additional compensation for officers who worked on holidays, role of the Task Force, providing adequate police coverage for the City, unfunded liabilities created by

the accrued vacation and balancing the budget. Cathy Oliver also allowed input from the public and Mike Ball was asked his opinion on these topics.

B. RESOLUTION APPROVING THE 2019 BUDGET: In reviewing the budget figures, it was pointed out that the budget could be revised throughout the year as needed. In discussing the income for the general fund, it was agreed that the projections appeared to be low for some line items. After a few comments, a motion was made by Bill Hewat, with a second by John Vaillancourt, to increase the projected income from Sales and Use Tax to \$220,000. Cathy Oliver then asked for public input. All voted in favor and the motion carried.

Cathy Oliver commented on leaving the Building Official expense at \$15,000 and combining the Code Enforcement duties with those of the Building Official, with the exception of those that would be the responsibility of the Police Department. She reported that she had put together a Road and Bridge Committee, consisting of Tom Hennelly and Russell Stroud, and this would alleviate having to pay someone to handle these responsibilities. She stated that Russell Stroud was heading up this Committee, and she would like to have someone on the Council to also serve. After some discussion, Bill Hewat agreed to serve on the Committee. When Birch Wright asked if anyone from the general public would like to serve, Zeb Rone volunteered.

As far as the other positions discussed at the previous meeting and the possibility of combining some of those duties, Cathy Oliver reported that Sharon Baggett was already doing five of the seven duties of the Zoning Official; therefore, she had made the decision to combine the zoning work with Sharon Baggett's planning duties. There was discussion regarding Sharon Baggett wanting to cut back on her hours instead of a pay raise and whether her preference was to cut back on the Planning duties or to delegate some of the duties she performed as part of her Recorder/Treasurer responsibilities. Birch Wright then brought up the discussions at the last meeting and the fact that Cathy said she would present a proposal to the Council in regards to the different positions and the possibility of combining some of those duties, and in particular, the Building Official, Code Enforcement Officer, Planning Services, Zoning Official and Flood Plain Administrator. Cathy Oliver stated that she would serve as Flood Plain Administrator. Birch Wright continued to question Cathy Oliver regarding the Council's request for her proposal for these positions as nothing was brought in writing as promised by Cathy Oliver. Three other Council members, including Bill Hewat, John Vaillancourt and Angie Driver concurred and said this document was promised. Cathy Oliver stated that she thought she had brought alternatives to the Council by setting up a Road and Bridge Committee, agreeing to serve as Flood Plain Administrator, combining the Code Enforcement Officer duties with those of the Building Official and Police Department, whichever was appropriate, and also, combining the Planning and Zoning duties. This was followed by discussion regarding whether the Planning duties were contract labor or employee, and Charles Harwell opined that Sharon Baggett should perform these duties as an employee, which involved the city also incurring payroll liabilities, including APERS; however, under certain circumstances, the City could contract with a professional to perform this service. It was pointed out that the City had received a proposal from an outside firm last year, and the charge would have been \$100 an hour for her work. Cathy Oliver again allowed public input.

A motion was made by John Vaillancourt, with a second by Paula Anderson, to approve the Resolution Adopting the 2019 budget with the revision approved earlier to raise the Sales and Use Tax to \$220,000. A voice vote was taken, and Paula Anderson, Angie Driver, Bill Hewat, Colton Martin and John Vaillancourt voted in favor, and the motion carried. Birch Wright voted against the motion.


5. REPORTS/COMMENTS BY MAYOR, CITY COUNCIL, CITY ATTORNEY OR RECORDER/TREASURER: Birch Wright stated that he would like for Cathy Oliver to bring an analysis of the five or six positions talked about to the next meeting or the meeting after as agreed upon at the last meeting on January 8, 2019. He further explained that since it was his recollection that she would bring those alternatives to the Council, he would like to have some document for the record. After further back and forth between Cathy Oliver and Birch Wright, Cathy Oliver allowed public comment again.

John Vaillancourt brought up the city's 1% sales tax, and with residents in the City having physical addresses in Fayetteville and Elkins, he asked who received the taxes collected by entities such as utility companies. During the Council's discussion of this, it was indicated that the utility companies and the Department of Finance and Administration had software to track addresses to determine which city should be the recipient of the sales tax.

6. PUBLIC INPUT: There was public input regarding the Planning Services and the feasibility of hiring an outside experienced professional at \$80 an hour for this work. Zeb Rone questioned Charles Harwell about Ordinance 130 and if there was a separate provision for annual leave for police officers because he thought the only policy was for non-uniformed employees. Charles Harwell confirmed that it did have a provision for police officers. Lora Nanak then reminded everyone to submit their Statement of Financial Interest if they had not done so.

7. ADJOURNMENT: There being no further business, a motion was made by Bill Hewat and seconded by Paula Anderson to adjourn the meeting. All voted in favor and the meeting adjourned at 7:50 p.m.


Sharon Baggett
Recorder / Treasurer


Cathy Oliver
Mayor