

YORK COUNTY CHESAPEAKE BAY BOARD

Minutes of December 4, 2019

At a meeting of the York County Chesapeake Bay Board held on Wednesday, December 4, 2019, at 6:00 p.m. in the Conference Room in the Public Works Administration Building, located at 105 Service Drive, Yorktown, Virginia, those present were:

Board Members Present:

Michael Woolson, Chair
Jerry Patterson
Richard Wheat
John Tinneney
Stephen Farthing
Bradley Berrane
Brian Almond

Staff Present:

Justin Atkins, Assistant County Attorney
Kent Henkel, Environmental Specialist II
Anna Drake, Stormwater Engineer II
Jennifer Wilson, Administrative Assistant II

The meeting was called to order at 6:00 p.m. by the Chair, Michael Woolson

PUBLIC COMMENT PERIOD

The Chair opened the Chesapeake Bay Board's public comment period; no one came forward; the public comment period was closed.

APPROVAL OF THE MINUTES

The August 28, 2019 minutes were approved by consensus.

Note: PowerPoint slides were shown throughout the public hearing.

CHESAPEAKE BAY EXCEPTIONS/APPEALS

- **Exception 2019-284 for Tim Bauer at 105 Chisman Circle:** After-the fact request to retain a paver patio and a walkway constructed in the 100-foot Resource Protection Area buffer along a manmade canal along the Chisman Creek.

Kent Henkel, presented the application, the project history, photographs of the site and described what vegetative mitigation would be required should the Board approve the application.

There was discussion about whether or not Mr. Bauer disclosed he was selling property when County first received complaint of walkway. Two Board members remembered the original after-the-fact request to retain the paver patio and the Board's requirement to remove it. The Board asked whether the fire pit and paver patio were in the original request for the home addition. Mr. Henkel stated it was not included in any of the plans and was discovered at the BMP inspection after the fact. The Board asked about the percentage of impervious cover on the property and Mr. Henkel informed them it is approximately 30%.

The Chair opened the public hearing.

Luek James of 105 Chisman Circle came forward. He closed on property October 30, 2019. He stated he would do what was necessary to appease the Board. He stated a neighbor left a note on car to warn him about situation with County. Mr. Bauer had not provided him information about the previous or existing violation.

Mr. Almond explained mitigation to Mr. James.

The public hearing was closed.

The Board decided to handle this as two separate motions since the applicant Tim Bauer has sold the property. Mr. Bauer did not attend the meeting, but the new property owner, Mr. James was in attendance. Information was requested from Mr. Atkins, Assistant County Attorney, as to what options were available to handle violation as far as Mr. Bauer was concerned. Mr. Atkins explained civil charges and penalties could be assessed on Mr. Bauer even though he no longer owned the property.

Board deliberated as to what to do with the after-the-fact sidewalk and the paver patio that had been replaced. They discussed mitigation and/or removal. Mr. James volunteered removal of a shed on the property as part of the mitigation plan. It was decided this was a good plan. The discussion continued on to deal with Mr. Bauer's violations. They deliberated whether to assess a civil penalty. Staff provided them with the civil charges worksheet.

A motion was made by Mr. Woolson to adopt Resolution 2019-284 B to retain the walkway and paver patio in fire pit with the condition that the shed be removed as mitigation.

Motion was seconded by Mr. Almond

The motion was approved on the following roll call:

Bradley Berrane	Yes
Stephen Farthing	Yes
John Tinneney	Yes
Jerry Patterson	Yes
Richard Wheat	Yes
Brian Almond	Yes
Michael Woolson, Chair	Yes

The Board further discussed civil charges and then a second motion was made by Mr. Woolson to bring civil charges in the amount of \$3700.00 against Timothy Bauer and his wife Marion Bauer for the violations of Section 23.2 of the York County Code at 105 Chisman Circle that occurred prior to October 30, 2019.

Motion was seconded by Mr. Farthing.

The motion was approved on the following roll call:

Bradley Berrane	No
Stephen Farthing	Yes
John Tinneney	Yes
Jerry Patterson	Yes
Richard Wheat	Yes
Brian Almond	No
Michael Woolson, Chair	Yes

NEW BUSINESS

- Staff informed the Board there will be a January meeting.
- Staff updated the Board regarding a letter from a lawyer complaining about the filling of a property in Dandy. The allegations were investigated fully and it was determined that all necessary permits had been obtained. The fill had been allowed in RPA, there was no fill in wetlands, silt fence was up and inspected. County staff concluded there was no violation,
- The 2020 meeting scheduled will be sent to the Board members on December 5, 2019.

OLD BUSINESS

None

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:03 pm.



Michael Woolson, Chair



1/22/2020

Date

**YORK COUNTY/CITY OF POQUOSON
SOCIAL SERVICES ADMINISTRATIVE BOARD**

**Wednesday, December 11, 2019, 3:00 p.m.
York County Administration Conference Room**

Present:

Board Members: Neil A. Morgan, York County Administrator
J. Randall Wheeler, Poquoson City Manager

Other Attendees: Richard Verilla, York/Poquoson Social Services Director
Vivian Calkins-McGettigan, Deputy County Administrator
James Barnett, County Attorney
David Gorwitz, County Human Resources Director

Call to Order:

The meeting was called to order at approximately 3:00 p.m.

Ordering of the Agenda:

Mr. Richard Verilla, York/Poquoson Social Services Director, explained that the meeting's agenda included the following items:

- Discussion of the Social Services Department's existing Compensation Plan and its alignment with the County's Compensation Plan.
- Reaffirmation and/or changes to the Director's duties.
- Review of the Department's Annual Financial Statement which were forwarded earlier to Mr. Morgan and Mr. Wheeler.
- Strategic direction for the Department.

Mr. Morgan added that he would also like to cover the following items during the meeting:

- Operation of the new Social Services Administrative Board.
- Determination of the Board's meeting schedule/location, selection of the Board's Secretary and possibly a Recording Secretary.
- Discussion of non-mandated services.

Mr. James Barnett, York County Attorney, stated that since the Board is composed of only two members, designating a Chair was unnecessary unless they wish to do so. As such, it was decided that Mr. Morgan and Mr. Wheeler would take turns serving as Chairman of the Board.

Approval of Minutes:

Mr. Wheeler moved, seconded by Mr. Morgan, to approve the minutes of the September 30, 2019 Social Services Board meeting as presented. The motion received unanimous support.

Public Period Comment:

No comment was made as there were no visitors in attendance.

Administrative Board Meeting Schedule:

Mr. Verilla stated that a memo was included in the agenda packet requesting that a board meeting schedule be established to include the location. He explained that, pursuant to state regulations, the Administrative Board must meet a minimum of four times a year with the Social Services Advisory Board. Mr. Morgan and Mr. Wheeler agreed to a flexible schedule for attending these meetings whereby they could take turns attending or both attend based upon their respective availability.

Following a brief discussion, the Administrative Board agreed they would meet at the Social Services office on a quarterly basis at 11:00 a.m. following the monthly Social Services Advisory Board meetings. Initially, however, it was decided that the Administrative Board would meet for the next 3 months in order to consider important issues such as the Annual Compensation Plan and its alignment with the County's plan, the FY 2021 budget, etc. Once the major issues were discussed and addressed, it was agreed that the Board could then meet on a quarterly basis, if it so desires. The Board asked that further discussion of this matter be placed on the March 2020 agenda.

Duties of the Director:

Mr. Verilla assured the Board that he is quite comfortable with the current list of duties assigned to the director, which was included in the agenda packet. In response to a Board Member query, he stated that the list of duties is quite typical for Social Services Directors. He added that he and Mrs. McGettigan, Deputy County Administrator, were already meeting on a monthly basis thereby ensuring regular collaboration with the County.

Mrs. McGettigan concurred with Mr. Verilla's statements and added that the previous Administrative Board had recently reviewed and approved the Director's list of duties which were reviewed and approved again when Mr. Verilla was selected as the Interim Director.

Mr. Wheeler stated that he had no problem with the list of duties; however, he posed the following questions: how much of the Social Services Department falls under the County Human Resources Department and what types of personnel powers and responsibilities does the Social Services Director have?

In response, Mr. Verilla stated that the Social Services Department is a County agency that is state supervised and locally administered. As a "non-deviating" agency, he explained that the YPDSS

(York/Poquoson Department of Social Services) is subject to the VDSS (Virginia Department of Social Services) employee classification and compensation system, with limited local discretion. He noted that additional policies that the Agency adheres to are set forth by the state and include EEO, Affirmative Action, Recruitment & Selection, Leave, Performance Evaluation and Discipline. He stated that York County administers fringe benefits and payroll, and that the Agency also follows the County's leave and inclement weather policies. Powers and duties under these policies are given to the Social Services Administrative Board and may be delegated to the Director. Lastly he pointed out that the Agency's job descriptions, advertisements and pay scales are all approved by the VDSS.

Mrs. McGettigan stated that perhaps some of the Director's duties should be reworded to indicate at what level the Administrative Board wants personnel matters forwarded to them. Mr. Wheeler suggested that a discussion on a possible rewording of F.1. under *Duties of the Director* should be delayed until later in the meeting when the Board has a better understanding of this matter.

In response to Mr. Wheeler's query regarding whether Social Services falls under the County Financial Polices, i.e. monthly expenditures, procurement, etc., Mrs. McGettigan stated that the County currently does not receive the financial backup information on the Agency's disbursements. However, Mr. Verilla pointed out that all of the Agency's financial expenditures are forwarded to the state for their review and approval and that the VDSS utilizes a series of internal checks and balances when overseeing the Agency's finances. In addition, he stated that the Agency reports to the County and is audited three times annually, i.e. federal, state and local audits. He specified, in response to Mr. Wheeler's question, that the audits ensure that the Agency is in compliance with the County and state's financial policies/procedures. Mrs. McGettigan stated that in the future, the County will work with Social Services to integrate the financial backup into the County's financial system to improve internal controls as the team works toward social services being managed similar to other County departments.

Annual Compensation Plan FY 2019-20:

Mr. Verilla explained that the Agency is required to submit its Annual Compensation to the VDSS in April each year. He stated that although the York/Poquoson Agency is designated as non-deviating, which essentially means it falls under the state's guidelines, it is possible to request and obtain certain deviations such as following the County's inclement weather directives and the County holidays.

Mr. Verilla stated that Social Services' employees received the same annual increase as that of County employees in FY 2020. During the ensuing discussion of annual pay increases, Mr. Morgan stated that all County directors at their annual evaluation receive the same annual raise as that of other employees; however, if they obtain an exceptional evaluation they may receive additional compensation.

Mr. Verilla reiterated that the Agency must submit a Compensation Plan to the state in April, but if the raises vary from what was reported at that time, an amended plan reflecting this change(s) must be submitted to the state. As noted under Item E. *Starting Pay*, he stated that the Agency has pay ranges and not steps. As such when the Agency has a new hire they start at the bottom of the range; however,

salary increases may be added to the base rate pursuant to information provided at the bottom of Item E.

Mr. Morgan noted that this policy is different from that of the County and will be studied and addressed in the future. He added that the County has career ladders and public safety employees have to successfully complete training in order to obtain increases. On the other hand, Mr. Wheeler stated that the City pays less than base salary for new firefighters and when they successfully finish the required training, they then attain the base salary.

Mr. Verilla provided a brief overview of the Agency's policies regarding promotion, exceptional promotion, as well as the remaining items listed under the 2019-2020 Social Services Compensation Plan.

Under the *Promotion* and *Exceptional Promotion* heading, Mr. Wheeler asked if the word must or may is used relative to providing the prescribed increases, to which Mr. Verilla responded that they are provided if the employee consistently and successfully increases their responsibilities. Mrs. McGettigan mentioned that these items will be studied and likely amended to reflect the County's 5% minimum compensation increase rather than 10% minimum noted in the current Social Services plan.

Mr. Verilla stated that under their Compensation Plan a demotion doesn't necessarily mean a salary decrease for the subject employee, but can result in a modification in their respective job description. Furthermore, he noted that in the future he will bring such matters to the Administrative Board for their consideration in a Closed Session. He also pointed out that a competitive salary increase can only be offered to match a counter offer; however, if accepted by the employee he/she is exempt from any such future offer.

Mr. Wheeler asked if exempt employees receive on-call pay to which Mr. Verilla responded as follows: the employee receives \$16 for 8 hours of on-call duty, but if they actually have to go out while on-call, Item B addresses this matter which says the exempt employee will either be compensated at the regular salary for each hour they actually worked or they will be provided special duty leave for each hour worked. Currently the Social Services Department has six exempt employees who from time-to-time qualify for this on-call pay/special duty leave.

Mr. Morgan expressed concern over this matter as County exempt employees do not receive compensation for overtime, as it is considered part of their job duties.

Mr. Verilla explained that the State Code requires 24-hour coverage and as such it provides a portion of this on-call pay.

Mr. Gorwitz, the York County Director of Human Resources, concurred with Mr. Verilla's statement relative to the State Code requirement; however, he noted that this would not be the case should the Social Services Department become a deviated agency falling under the County's plan.

Mr. Verilla stated that in the future this could be changed so that the exempt employees who work on-call will have to take special duty leave as opposed to receiving additional pay.

Mr. Morgan pointed out that Section VII. *Sick Leave Accumulation Payment* is different from the County. The Agency policy states that the allowable amount of payment for accrued sick leave for a Social Services' employee is the lesser of 25% of the accrued leave for the maximum payout amount of \$5,000, to which. The County's leave payouts are higher than the Social Services payouts. However, Mr. Morgan suggested that this change should not be enacted at this time.

Mr. Verilla stated that the state had approved the Agency's minimum range salaries in accordance with an approved internal market study.

Annual Compensation Plan-Strategic Direction:

Mrs. McGettigan gave a brief presentation entitled *Social Services Pay & Compensation Alignment Study* which included the following information:

- The purpose of the study is to align Social Services pay and compensation with the County's and to combine Social Services' Human Resources (HR) policies into the County's policies.
- A Working Group, comprised of herself, Mr. Verilla and Mr. Gorwitz, was created to study all three HR policies, state, County and the York/Poquoson unique plan, in order to advise the Administrative Board. The working group met several times to develop a grid showing the various provisions and proposed actions to align the compensation plan.
- Although some changes would be immediate, other more complex items would be studied in the future.
- The items requiring immediate action include: involve the County HR Department in all pay changes relative to internal alignments; competitive salary counteroffers; absorb Social Services into the County's evaluation system; discontinue overtime on-call pay for non-exempt employees at 1 ½ times between 37.5 and 40 hours and replace with straight time; align compensatory time with County; and coordinate with HR to obtain County administration approval for administrative leave.
- Items requiring further study in March 2020 for FY 2021 include: continue to receive pay increases consistent with the County; discontinue 1% end of probation increase; change competitive promotion increases from the Agency's 10%-15% to the County's 5% to 15%; change demotion pay decreases from the Agency's 0 to 5% to the County's 5% to 15%; change temporary pay from the Agency's 10% to the 5% to 10% in the County's plan; change tuition reimbursements from the Agency's \$2,000 to \$4,000 to the County's 50% up to \$2,000; add to the Agency the County's Inactive Vacation Leave Policy; and update the County's use of leave during probation to align with the Agency allowing employees to take annual leave during the probation period.
- Items requiring further study in FY 2020 include: comparing pay ranges, starting pay, end of trainee period increases, competitive promotions, adjustments for attainment/use of critical skills, on-call pay, pay or comp time for social work performed on-call, coordination with County relative to FMLA forms, sick leave accrual (Plans 1 & 2), sick leave accumulation payments, sick leave accruals-Hybrid, annual leave accumulation, termination leave payouts, PTO leave accumulation, PTO leave payouts, Hybrid disability leave program and leave without pay.

- Items requiring extended study for FY 2023 include: combine Social Services' HR policies into the County's HR Policy Manual; and study of the Agency's 37.5 hour workweek.

Following the presentation, Mr. Verilla stated that in the past administrative leave was granted by the Administrative Board for birthdays; 4 hours of leave each year in recognition of the Employee Appreciation Day celebrated in May; 2 hours leave when employees donate blood; and 2 hours of leave for every member of an employee team when 100% of its members fill out an Employee Engagement Form. He stated that none of the aforementioned leave is part of the Social Services Compensation Plan and can be changed by the Board at any time.

Mr. Morgan pointed out that it would not be prudent to initiate all of the changes to the Agency's HR policies and compensation plan at one time. He noted also that the County does not provide a cash payout for Inactive Leave.

Annual Financial Statement:

Mr. Verilla briefly reviewed the 2019 Annual Financial Statement spreadsheets and identified what was funded by the County and the Poquoson. He stated that the state and federal government fund the largest portion of the services provided to the clients and in response to Mr. Morgan's subsequent comment, he concurred that the localities' contributions primarily support the employees with a much smaller portion of the funds going toward client services. Regarding CSA (Children's Services Act), Mr. Verilla pointed out that Poquoson oversees and funds its own CSA Program.

Mrs. McGettigan stated that Bill Bowen, York County School Division's Chief Financial Officer, had mentioned to her that the state has capped its funding for several children's programs resulting in the localities having to increase their funding.

Non-Mandated Case Expenditures:

Mr. Verilla stated that most of the cost for non-mandated services was direct service salary and benefits. The only non-mandated Case Types on the list that are performed include Prevention and ACCESS/SST, which equates to a 1.41 FTE spread over 10 employees who are involved in these two specific case types. In response to Mr. Wheeler's query, Mr. Verilla stated that if the localities provided additional funds for the non-mandated programs, the state/federal match would not increase. He emphasized that providing many of these non-mandated services save money in the long term as they help prevent larger, more costly issues.

Designation of Secretary for the Board:

Both Messrs. Wheeler and Morgan agreed to appoint Mr. Verilla as Secretary of the Board and authorized him to designate a Recording Secretary as and when he deems appropriate.

Regarding Item F under *Duties of the Director*, Mr. Wheeler moved to approve the following change: under Item F.1. place a comma after Services and add “or York County, as applicable”, which received unanimous support.

Adjournment:

Since there was no other business, the meeting adjourned at approximately 4:50 p.m.