

RUSHCREEK TOWNSHIP TRUSTEES  
BOARD MEETING  
07/01/15

Bill Myers, Chairman called the Rushcreek Township Trustees Board meeting to order at 7:15pm leading with the Pledge of Allegiance. Those in attendance in addition to Bill were: Dave Myers, Trustee; Hart Van Horn, Trustee; Connie Moyer, Fiscal Officer; Bob Suer, Road Superintendent; and Will Duvall, Fire Chief. Bill asked that all cell phones be muted along with all fire radios except the Chief and Road Superintendent.

Visitor  
Tracy Shahan & Joel Denny

Minutes

The minutes of the June 17th Special Meeting held at 7am, the June 17<sup>th</sup> Regular Meeting held at 7pm, and the July 1<sup>st</sup> Public Budget Hearing were presented to the Trustees for approval. Bill made a motion to dispense with the reading of the minutes because the Trustees had reviewed them prior to the meeting and approve the minutes. Hart seconded the motion. Roll Call: Dave, yes; Bill, yes; Hart, aye. Bill reminded everyone that the minutes are available upon request at the Fiscal Officer's office and the township website [www.rushcreek-twp.org](http://www.rushcreek-twp.org).

Treasurer's Report

EFT #358-2015 – #389-2015 and Warrants #39944 – #39957 in the amounts of \$25,030.35 along with the June bank reconciliation were presented to the Trustees for signatures. Dave made a motion to pay the bills and Hart seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye.

Purchase Order #12-2015 was presented for signatures which is for the lawnmower that was approved at the June 17<sup>th</sup> board meeting.

Business

Chief Will Duvall reported the following:

- Fairfield County EMA returned the Marcs radio which was repaired at no charge.
- The new hose tester arrived yesterday.
- The firehouse air conditioning unit was down for several days and has been repaired. There is a need for additional work. The gas was turned off to the large cook stove which has helped to cool the kitchen area. The HVAC configuration has changed since the building was built and the system is not being used as intended. Hart advised that the contractor will submit an estimate to balance the airflow and give us an estimate on the life of the condenser.
- Medic 542 was out of service for several hours due to brake line failure. Repairs completed.
- The Technical Service Support Agreement with Physio-Control was signed by Bill Myers on June 23<sup>rd</sup> and forwarded to Physio-Control. Hart reminded Bill of his responsibilities to the job. Rushcreek Township Board of Trustees granted Trustee Bill Myers approval to sign the papers at the Board Meeting on December 17, 2014. That is a six month delay and there was no good reason that the contract was not signed and executed. Hart stated that the Township is very fortunate that the vendor did not cancel the agreement. Hart reminded Bill again that he must do the job he was elected to do.
- On June 23<sup>rd</sup> Kristen Fetty resigned and turned property back to the Township.
- The 2<sup>nd</sup> quarter hourly report was submitted to the Trustees.

Tracy Shahan expressed her concern with the reduction in fire department personnel how things are going. Hart noted some open shifts recently and wanted to know if we have missed any calls due to the open shifts. Will responded that there were a few mutual aid calls in other Townships that we were unable to respond to however no calls had been missed in Rushcreek Township. Hart requested Chief Duvall complete an analysis of staffing the fire department since the schedule was upgraded from a 16 hour to a 24 hour daily schedule, plus an analysis for the prior two years to show the average of open shifts and missed calls. Hart advised he would help in that task. Bill was not sure if officers were volunteering to fill open shifts. Hart commended Chief Duvall for the changes and his efforts to improve coverage. In management positions of any workplace, when a schedule is

unoccupied, it is then management's responsibility. There are expectations accepted by the person to receive the title of officer in the fire department and keeping the schedule staffed is high on the priority list. Should the need arise, Hart stated he would make himself available.

Chief Duvall stated that there are four new hires that are on the schedule in July however they still need to complete the physical. Connie responded that the facility in Bremen has the last physical scheduled on July 8th and they will call with the "Fit for Duty" and then follow-up with the paperwork. Will continued that he has several qualified applications that are being reviewed for additional manpower.

Hart asked Chief Duvall if there has been anyone come to the Department asking for copies of schedule. Will responded that Joe Westenbarger had and was given a staff schedule without record [or paying for copies]. Hart reminded Will that this is a "Records Request", there is a Township policy and there is a procedure for such requests. Former chiefs, managers, and employees do not have special privileges for information and that we must abide by the Sunshine Laws in an equal manner for everyone. Record Requests are to be sent to the Keeper of the Records, which is the Fiscal Officer. Hart repeated that Departments and personnel are not to release any public records without utilizing the proper channels and following procedure equally for everyone

Hart made a motion to adopt Resolution #2015-10 which closes the investigation set forth in Rushcreek Township Resolution #2015-08 and the hearing set forth in Resolution #2015-09 is vacated in lieu of Kristen Fetty's voluntary resignation. Dave seconded the adoption. Roll Call: Dave, aye; Bill, aye; Hart, aye.

Will presented the Trustees with a list of expenditures for the next period in the amount of \$3,700.00. Hart made a motion to approve the list of expenses and Dave seconded the motion. Roll Call: Dave, aye; Bill, aye; Hart, aye. Runs reported during the pay period: 14 squad including 5 transports and 4 fire.

Road Superintendent Bob Suer reported the following:

- Road crew is spending a lot of time cleaning ditches and culverts after a lot of rain. Roads have been graded due to washouts.
- Several trees have fallen down due to the storms requiring man hours to clean up debris. One date in particular was Saturday, June 27<sup>th</sup> prior to the Ohio Township Association meeting. This required the use of a backhoe, bucket truck, and chainsaws.
- Pine trees were trimmed on McCullough Road for a complaint made by McCandlish.
- A traffic counter was placed on Pleasantview Place for a 48 hour period resulting in 35 vehicle passes, including mowers and Township service vehicles.
- McClaskey property had the right-of-way mowed per Norma Waits complaint. Hart contacted Peoples Bank who is managing the property to schedule a cleanup. He is waiting for details.
- Patching potholes with cold mix on chip/seal roads.
- Richard will be on vacation July 6<sup>th</sup> – July 10<sup>th</sup>.
- Information was obtained on replacing lighter weight snow blades on the big trucks. New blades are 200 lbs. lighter than current blades which would speed up snow removal and treatment. However if we are thinking of purchasing a new truck in 2016, it may be better to use existing blades. There are good reasons to buying new blades but we want to use taxpayer money wisely. The new blades range in cost from \$8,513 to \$7,498 per unit. At this time, Bob requested the Trustees to think on the decision until the next meeting.
- On Saturday, June 27<sup>th</sup> Mr. Roby contacted Hart about a bad area on Pleasantview. Hart relayed the message to the road superintendent who had the area patched on Monday, June 29<sup>th</sup>.

In the past, the Township mows only twice a year [the minimum by law] and most other townships are mowing at least 4 times a year. Hart stated that we have received complaints that the Township does not mow enough to keep up with the growth of the weeds hanging over the roads. With the amount of rain that our area has had, he wished for a third mowing to take place and perhaps continue with a third mowing each year. It was his understanding that Ed Pool use to help in this area to what is referred to as a "berm cut". Therefore, weather permitting; Hart will start the berm cuts this weekend asking that the Trustees handle this task. Dave advised he would help and Bill made no offer.

Bob presented the Trustees with a list of expenditures for the next period in the amount of \$1,320.00. Dave made a motion to approve the list of expenses and Hart seconded the motion. Roll Call: Dave, aye; Bill, aye; Hart, aye.

Connie reported the following:

- One zoning permit was issued since the last meeting to Marvin Plank, 3720 Bethel Road for a garage addition.
- The Amended Certificate was received from the County Auditor as presented at the June 17<sup>th</sup> meeting.
- Ad placed in the Eastern & Fairfield editions of the Towne Crier for the 4X4 Chevy truck with bid opening set for July 15<sup>th</sup> @ 7pm. Bob stated he has received several inquiries.
- A letter was received and distributed to the Trustees and Fire Chief from Ohio Department of Public Safety that the 2015-2016 EMS Training & Equipment grant application was denied due to lack of data reporting by the fire department. Chief Duvall responded immediately with the Department of Public Safety and found that contact had not been changed from prior administration. Tracy Shahan asked if emails that were sent to prior administration were being viewed in case electronic correspondence was sent. Chief Duvall stated he is using the same email since it was designated as Chief 540, he continued that the contact information has been submitted and is awaiting a response as there might be a possibility of an appeal.

Hart stated that this is the second year in a row that we have not received this grant. This clearly shows that Rushcreek Township is not being managed properly. He continued that Trustee Bill Myers is responsible for overseeing the Fire Department and has failed to provide support to prevent this from happening. Hart stressed, again, the need for Bill to be attentive to the responsibilities of the position that the taxpayers have elected him to do. Former Trustee Ed Pool stressed the need to properly apply for grants as this is a way to get our tax dollars back to local entities and the Township continues to fail in this area.

- Lancaster Public Transit System sent a request, which was distributed to the Trustees, for funding from Rushcreek Township 2016 budget which has been an on-going request since 2011. Any level of support that is given will be matched by the Federal Transit Administration. In 2014, they provided 1,547 rides in Rushcreek Township at a cost of \$23,978.50; in 2013, 651 rides at a cost of \$10,090.50; in 2012, 304 rides at a cost of \$5,478.08; and 2011, 223 rides at a cost previously reported \$3,345.00. Since its inception, the Trustees have all agreed that LPTS needed to find other sources of revenue as Rushcreek Township does not have the extra finances to support another government agency especially since this would require using General Fund monies. LPTS is requesting a written commitment by August 15th indicating our level of support. After discussion, Hart stated he wished to table the matter until the next meeting in order to obtain additional information.
- The July 2015 Grassroots Clippings was distributed to all members.
- Medical Mutual sent an email regarding changes to several of their prescription drug programs effective July 1, 2015. Copies were distributed to Richard Campbell & Robert Suer.
- Columbia Pipeline Group sent notice to the Trustees giving them an update on the Columbia Gas Transmission pipeline being installed.
- The Ohio Attorney General announced a settlement with Morton Salt and Cargill to resolve allegations that the companies conspired with each other causing agencies to pay higher prices on rock salt. The settlement was \$11.5 Million which will be distributed to government entities throughout the State of Ohio reflecting rock salt purchases between July 1, 2008 through June 30, 2011. Payments to Morton/Cargill were as follows from Rushcreek Township: 2008 - \$2,790.73; 2009 - \$1,381.89; 2010 - \$2,998.98; 2011 - \$2,983.21. Connie advised she will be filing the proper paperwork for some type of recovery.
- The Fire Department uses Time Warner as their internet provider. There has been an increase in the monthly billing from \$79.95 to \$89.95 per month. Time Warner was contacted to discuss adjusting the service to a more reasonable rate. In the course of the conversation it was found that although the billing information is Rushcreek Township, the account was listed as Bremen Village Fire Department with authorization to Joe Westenbarger and Brian Irwin. Proper paperwork was filed changing the official name as Rushcreek Township with authorization to

Connie Moyer and Will Duvall. The service was also changed to a higher speed at a cost of \$60.00 per month for a twelve month time period resulting in a \$30.00 per month savings.

Bill questioned Connie if she had contacted Debra Engelgau who is the property owner on Tent Church Road from the fire damage. We are holding monies for demolition and/or repairs to the home. Connie responded that she has not and has no authority to do so. This is the responsibility of the Trustees to determine if the property has met the requirements as set forth by law and authorize release of the money. She continued that there is law governing this situation and there could possibly be a time frame that must be observed. Will has provided the contact number for Ms. Engelgau, so Hart agreed to handle this task.

As the Trustee in charge of Administration Hart reported the following:

- On June 27<sup>th</sup> Berne Township hosted the Fairfield County Ohio Township Association meeting which reservations for seven individuals were given. Hart asked Bob to explain why two Trustees were notified that Rutter Hill Road was closed due to fallen trees and he was not. Bob responded that he contacted Dave Myers who is the Trustee over the road department. They went out to Rutter Hill Rd. and found that they needed additional manpower, hence Richard was called in. Bob stated he did not contact a second Trustee. Dave advised he called Bill to let him know he would not be attending the OTA meeting. Bill stated he took it upon himself to go out to Rutter Hill Road to access the damage and saw that Richard was sweating, questioning his ability to do the job and decided to stay. Hart stated he wanted it as a matter of record that he has not received an adequate reason why the third Trustee was not contacted and as Trustees, the Myers brothers disregarded Ohio State Laws. The Board came together to approve department managers to make decisions yet instead of allowing Bob to do his job, two-thirds of the Board convened without public notice or contacted the third member and changed policy which is a non-compliance of the Ohio Sunshine Laws. A third employee was hired to handle these items and if the problem was so severe all three Trustees should've been contacted. There are two brothers who are Trustees in this Township who made a decision to not attend a meeting to which made a prior commitment to attend, illegally operated outside of the Ohio Sunshine Laws and continue to exercise nepotism as elected officials. Rushcreek Township hosted an Ohio Sunshine Training Class in the Spring of this year presented by the Auditor of the State of Ohio at which all three Trustees attended in order to avoid these improprieties. Hart asked Bill and Dave if they have even read the book or paid attention during the class. Bill responded he has read parts of it and Dave stated he has read the book and wanted as a matter of record that he was not going to leave Bob or Richard alone on the roads. Hart pointed out that this was not policy and if it was, then Bill should go out on every fire department run as the trustee to oversee the department. Hart told the two brothers, to understand the law and follow it as described.
- At a previous meeting disposing of the old lawnmower had been discussed and it was a full Board of Trustees' decision, after Dave Myer pointed out that it should be sold at a public auction, to have the unit sold at Foltz's Auction, June 16th. Hart asked Dave why the mower did not get taken to the auction. Dave responded that he was going to take it out but Bob refused to take care of it. Bob immediately stated that was a false statement. Bill said he asked Bob if he was going to take the unit out and Bob said he would, however he would not be able to attend the Saturday sale [as it was not part of his regular work week]. Hart agreed with Bob, the taxpayers should not be burdened with paying an employee overtime to watch over the sale of the unit when both Myer brothers were at the sale. Hart stated **again** two-thirds of the board making decisions outside of a meeting and without public notice unknown to the third Trustee.
- The June 27<sup>th</sup> Fairfield County OTA meeting was very important. Senator Balderson who is the head of the Finance Committee, spoke regarding Force Account limitations. Currently in-kind is set at \$15,000.00 per mile. Liberty Township Trustee Randy Kemmerer worked with Senator Balderson to introduce into legislation an increase to \$30,000.00 per mile. Fairfield County Engineer Jeremiah Upp worked with the Senator to bring him up to speed on technical issues. Legislation was passed increasing the amount which is now in the Governor's hands to sign. It is unclear just yet when this will increase however it will be in 2015.

- At the June 17<sup>th</sup> Rushcreek Township Board Meeting the following is an excerpt from that meeting; *A meeting was held on June 2<sup>nd</sup> with Fairfield County Engineer Jeremiah Upp, Jeff Baird, Bob Suer, and Hart to go over the engineer's recommendation for the Avalon Road project. Hart stated that he was not clear why Dave Myers did not report after making contact with Jeremiah. Jeremiah informed both he and Bob that Dave wanted Jeremiah to call him after the June 2<sup>nd</sup> meeting. Dave stated he did not talk with Jeremiah. During the Fairfield County OTA meeting on Saturday, June 27<sup>th</sup> Hart spoke with Fairfield County Engineer and Jeremiah explained the conversation that he and Dave had. Hart stated it was a shame that Dave was calling a county elected official a liar when he said he did not speak with Jeremiah. Dave responded that he never said he didn't talk to Jeremiah. Hart reminded Dave that he records the meetings and that there are witnesses to his statements. Dave then changed his story and said he did talk with Jeremiah, but not about the Avalon Road project and told Jeremiah to mail the stuff. Hart reminded Dave that he was withholding information from the Board and that this was Township business which everyone has a right to know. Then Dave changed his story again and said he didn't talk to Jeremiah. Hart concluded that Dave needed to make his mind up, the story changes every time David speaks and quit telling untrue stories in order to hide information from other board members.*

Joel Denny reported that the Lancaster Eagle Gazette had a story on the land banks that the RPC has been discussing. Suggested the Trustees read the article and apply for any property that might be eligible.

Meeting Adjourned: 8:54pm

**SIGNATURES ON FILE**