

RUSHCREEK TOWNSHIP TRUSTEES  
BOARD MEETING  
10/15/2014

Bill Myers, Chairman called the Rushcreek Township Trustees Board meeting to order at 7:00pm 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; Richard Campbell, Zoning Inspector; 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's radio.

Visitor

Brian Irwin, Chad Ashbaugh, Joe Westenbarger, Tracy Shahan

Bid Opening

The following ad was placed in the Eastern Edition of the Towne Crier on October 3<sup>rd</sup> (Corrected to read September 19h) Rushcreek Township is opening bids for hauling 1,000 tons of crushed asphalt from CRC, 399 Haul Road, Columbus to the office at 213 Marietta Street, Bremen. Bids will be opened on October 15, 2014 at 7pm. Material and billing must be completed by November 26<sup>th</sup> @ 4pm. Contact Bob Suer, 740-569-7181 Extension #11.

Mailbox and email was checked for bids with nothing in either. At 7:06PM, Hart made a motion to go into Executive Session under ORC 121.22(G)(2) to clarify premature disclosure of information in respect to competitive bidding and requested Bob Suer attend. Bill seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye. Executive Session Ended: 7:36PM with the meeting reconvening at 7:37PM.

Bill read the Bid Specs, since Chad Ashbaugh was the only one present and no other bids were turned in, Bill asked if he had met the bid requirements. Chad stated he had not and did what he did last year. Chad expressed his discontent with the process. Hart replied that the Board of Trustees have rules and those rules will not change because of relationships with vendors. Every contract will be treated in a professional manner. The unopened bid was returned to Chad Ashbaugh.

Chad Ashbaugh exited the meeting room slamming the door.

It was agreed that the contract will be posted again in the Towne Crier with bid opening on November 5 @ 7PM. Materials and billing must be delivered by 12/12/14 @ 4PM with payment made at the December 17th board meeting. Proof of Liability Insurance (1 Million) and Workers Compensation Certificate must be included in the bid. Hart asked Bob to follow through with a phone call to possible haulers.

Minutes

The minutes of the October 1st meeting 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.

Treasurer's Report

As a reminder, payroll ends at midnight therefore there are not any EFT #'s for this meeting but there will be two payrolls for the November 5<sup>th</sup> meeting. Warrants #39589-39684 in the amounts of \$18,016.74 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.

Payment on Loan #701575237 for the squad was discussed.

Appropriation change: \$1,173.86 from 2191-830-830 Interest to 2191-820-820 Principal

Bill made a motion to pay an extra \$804.02 towards the principal loan #701575237 and Hart seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye.

Bob discussed the need to purchase additional supplies for patchwork. \$1,000.00 from 2192-760-740 to 2192-330-400.

Appropriation Changes: \$600.00 from 1000-110-380 to 1000-120-323, \$150.00 from 1000-110-230 to 1000-110-213 and \$4,000.00 from 2191-760-740 to 2191-220-323-2000  
The following purchase orders were approved: #17-2014, #46-2014, #47-2014, #48-2014, #49-2014

#### Business

Chief Will Duvall reported the following:

- A tour of seventy-five students from Bremen Elementary first grade was done on October 1<sup>st</sup> with fire safety being the topic.
- The safety meeting at the Eagles was attended by Chief and Trustee Dave Myers on October 7<sup>th</sup> with topic being Sudden Cardiac Attack and AED in the workplace.
- Lightning update: Repair instead of replacing damaged base radio, Copier repairs completed at a cost of approximately \$420.00, computers were evaluated for damage and repaired. Outstanding lightning damage items are the telephone bill and the mini-engine repairs. Connie advised that a telephone call was made to Imperial Telephone and Hart stated that the estimate on the mini was not itemized and he will handle before the next meeting.
- Preparing for Pumpkin Walk which is a community event. The fire department will have a vehicle on site during the event.
- Denise & Todd Beery completed the course in Logan that was approved at the last meeting. Both stated it was an informational class and thanked the Trustees for the financing.
- Chief recommended permission and presented paperwork for Denise Beery to attend a class at Ohio Fire Academy for pump operations at a cost of \$65.00. Discussion was held on utilizing the Station Car. Bill made a motion to grant permission for Denise Beery to use the station car for this class and Hart seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye.
- At the July 2<sup>nd</sup> Board Meeting the Trustees approved four individuals to attend a seminar presented by the Ohio Oil & Gas Energy Education Program. Chief Duvall & Assistant Chief Irwin have attended. On November 1<sup>st</sup> & 2<sup>nd</sup>, Dan Kunkler & Richard Campbell will be attending. The pre-approved cost is \$50.00 each which is reimbursed once the course has been completed. Permission was granted that the individuals would ride together in one vehicle with fuel arrangements as was done with the prior class. Since Richard Campbell has purchasing authority, the VISA card will be given to him for the one night hotel cost.

Will presented the Trustees with a list of expenditures for the next period in the amount of \$5,600.00. 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: 17 squad and 3 fire.

Road Superintendent Robert Suer reported the following:

- Fall mowing is approximately 75% complete.
- During the last pay period there have been four citizen complaints with regards to pot holes consisting of both gravel and chip/seal roads. While the crew will be finishing up the mowing, the road grader will be working on the gravel roads. The chip/seal roads will also receive attention however, the Trustees were asked to help.
- The finances were reviewed and the extra employee will be kept pending finances and work load.
- Last year the County requested permission to store some of their salt at our facility in order to save their drivers mileage and fuel. During the annual meeting with the County Engineer Rushcreek requested a contract be negotiated for this agreement. An agreement was approved by the County Prosecutor and presented to the Trustees and Road Superintendent. Bob stated his concern was the contract had a begin date of November 1, 2014 however there was no end date. After discussion, Hart made a motion to accept the contract with an addendum added at the end of paragraph 2.1. *Otherwise, this agreement will terminate on April 1, 2015.* Bill seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye.
- A chip/seal work session was scheduled at 5:30PM on November 5<sup>th</sup>.

Bob presented the Trustees with a list of expenditures for the next period in the amount of \$2,600.00. Dave made a motion to approve the list of expenses and Hart seconded the motion. Roll Call: Dave, aye; Bill, aye; Hart, aye.

Bill reported that Sean Daubenmire, a Marion Township Trustee, contacted him requesting the use of our bucket truck. Several years ago, Rushcreek Township Trustees established a policy that equipment would not go to other entities without our operator. Therefore, if Marion Township was interested in utilizing our bucket truck it would be necessary to establish rental rates for both equipment and operator. Currently Rushcreek Township has an equipment rental rate that was adopted and revised in 2007 which is used in conjunction with the County's rates for "Force Account" paperwork. Bob was instructed to contact the County to make sure our rates are still in line with the County and add any additional equipment that Rushcreek owns to the list. Hart made a motion to update the rental rates for equipment and manpower based on current county rates. Dave seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye. Bill was advised to have Marion Township contact Bob to work out the details.

Richard reported two permits for accessory buildings were issued since the last meeting: Allen Robey, 6750 Pleasantview Road, and John Seifert, 225 Logan Thornville Road.

Connie reported the following:

- With regards to the Hoffman hearing, our counsel has been notified that there are reasons for further delays with the other parties with which we have no control. Rushcreek Township has been asked to extend the hearing again to our next regular meeting. Hart made a motion to adopt Resolution #2014-19 which extends the Hoffman hearing until the next regularly scheduled meeting on November 5, 2014 and Dave seconded the adoption. Roll Call: Dave, aye; Bill, aye; Hart, aye.
- The State of the Township address will be given at 6PM on November 11<sup>th</sup> at Historical Society.
- The Village of Bremen has started working on the bricks on Mulberry Street.
- The Trustees were presented at the last board meeting with an updated solid waste management plan from the CFLP Solid Waste District and told the plan was 425 pages and was available on a CD in Bob's office. Each Trustee was instructed to review prior to this meeting so that the requested Resolution could be passed. Connie questioned each Trustee if they had done so. Hart was the only Trustee who had reviewed the document. Due to the lack of preparation for this meeting by the Myers brothers, it was impossible to address the item at hand. Therefore, it was necessary to schedule a "Special Meeting" to cover this item which is additional costs to the taxpayers. Connie was instructed to place an ad in the Eagle Gazette for the meeting to be held on Thursday, October 30<sup>th</sup> at 4PM here at the Township office.
- Ed Pool sent the Trustees and road crew a note stating the Locust Grove improvement looks great. Stated it was a fantastic job using the township equipment and personnel. Kudos to all.
- Bremen-Rushcreek Fire Fighters Association submitted the 3<sup>rd</sup> Qtr. Financial report which is attached to these minutes and was distributed to the Trustees.
- Notification was received from FEMA with reference to the 2013 Assistance to Firefighters Grant that was submitted in December of 2013. We were declined with an explanation on how to improve our submissions in the future.
- MBI Solutions sent a Confidentiality Agreement to be signed by Rushcreek Township. The agreement was given to the Trustees before the board meeting for their review and approval. All Trustees advised they had reviewed the agreement. Hart made a motion to enter into the Confidentiality Agreement effective October 15, 2014 by and between Anthem Insurance Companies, Inc. dba Anthem Blue Cross and Blue Shield ("Anthem"), Rushcreek Township, and MBI Solutions. Dave seconded the motion. Roll Call: Dave, aye; Bill, aye; Hart, aye.
- In 2013 payment were made to Medical Mutual totaling \$21,107.87. This year payments to Med Mutual totaled \$21,710.30 which paid us until December 1, 2014 with an additional month to finish out the year of \$2,006.09. This would total the 2014 year at \$23,716.39. Recently a bill was received from Ohio Insurance Services Agency in the amount of \$8,360.28 for coverage from October 2014 – January 2015. Connie contacted the agency and advised that we had issued payment to Medical Mutual until December 1<sup>st</sup>. The agency contacted Medical Mutual who issued a credit in the amount of \$4,012.18. Therefore for 2014 the total cost will be \$26,058.40 instead of the \$23,716.39 an increase of \$2,342.01. During the August 20<sup>th</sup> Board Meeting, Dave Myers had reported that he received the paperwork from Ohio Insurance Agency which is changing groups for the Township's full-time workers. Dave stated the policy will remain with Medical Mutual at a monthly premium reduced by \$40.00 per month. He continued to report that

he had not had the opportunity to read the paperwork but was advised by the agency that everything would remain unchanged but the group, therefore Dave recommended accepting the policy. Connie stated that to summarize this situation up...there is not a \$40.00 per month reduction in payments and in fact we are actually paying more in 2014. After speaking with the agency the cost for 2015 will be \$25,080.84.

- Joel Denny, Rushcreek Township RPC Representative wrote and advised he would be unable to attend this meeting and stated he will give the October and November report at the next meeting.

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

While attending a Farm Bureau meeting, Richland Township Fire Department presented information that they are having an Open House on October 25<sup>th</sup> at 2pm. The purpose of the Open House is to celebrate the appointment of Ken Rookard as the new fire chief. On display will be a newly purchased Grain Rescue Tube available for mutual aid in the area.

The Township has been presented with a basic question as to what "this investigation" has cost the taxpayers. The question posed did not identify what "this investigation" is. However, it has been stated that certain actions that been taken since the first of this year have been "Hart's investigation. Hart stated that he will outline what he can and specify what he knows to answer this comment from the citizens as presented by Tracy Shahan.

Hart continued, "In recent weeks and months there have been attacks and derisive comments against me in social media and other circles. Whereas, the total grouping of individuals appears to be no greater than 11 individuals or so, resistance to my efforts to identify problems and seek resolutions has also been apparent. Normally, I will not respond to such nonsense and small thinking, until it distracts or disrupts business."

"In some cases, it also doesn't seem to matter that my efforts are have been to advance the township into what is right and proper, something I promised to do if elected as a Rushcreek Township Trustee. Any critique on my part has been with good intention and already shown success in several areas. "

"Again, I point out that these critics are very small in number and are very likely to be of the small groupings of people who have either perpetrated waste in this township or looked the other way for too many years. A year ago, I promised to check through everything and take action to stop the waste and stop any cronyism that I find, so that's what I am doing.

Also, I would not be ashamed of taking ownership of any investigation or actions in that regard. I can confidently say right now that the trustees have not been doing enough in any of these areas and taking ownership is just a first step."

So, the following is a summary of investigation results and my summary of costs and recovered resources.

On January 6, 2014 Hart was contacted by the Sheriff's office to help with an investigation of possible theft in office by a trustee. There was a complaint directed at Dave Myers that township resources had been used on his private property. This took about two weeks where findings did not present reason for criminal charges. However, and as a consequence, Dave did agree to be more precise and transparent in activities so he would not be suspicious. This cost the sheriff's department time and resources of their own, plus my time and that of the fiscal officer and the other two trustees.

After noting inconsistencies in federal grant applications, questionable expenses from the fire department and uncontrolled use of computers and network resources in fire department, it was determined that the

township was not well equipped to investigate these matters without help. Therefore a forensic computer analyst was contracted at a fee, \$4500.00.

The results of this analysis revealed many potential areas of waste and misuse of township resources and inadequate oversight by the trustees. Plus, it may have caused some personnel to terminate their employment with the township. The review of this analysis has had many positive results, including new leadership in the fire department and is ongoing. Foremost in the results are;

\$13k of waste was avoided by revamping a federal grant application.

\$80k was saved and granted to the township to provide new protective gear to the township's fire personnel. Poor oversight and improper procedures were corrected just in time to receive this money.

\$8700+ was additional money spent to the contrary. The investigation here revealed gross miscalculation on preparing the grant and important equipment was left out of the application.

38K federal grant was identified as being lost for the same reason as above; lack of trustee oversight and gross errors.

12k was lost through the phone system in the past 10 years by the past management and trustee assigned to the fire department. This same amount is saved going forward. 4 mobile phones with separate numbers were purchased with numbers maintained and there is little or no record of their use other than personal use by fire personnel and that has been corrected.

1,800 lost for failure to apply for an EMS grant - This was left with Brian Irwin to do with Trustees Dave and Bill Myers to oversee. Lack of trustee over-site caused us to anticipate and pay out these monies when in reality; we will not have the grant to reimburse the township.

The personal use of township resources for internet use of pornographic sites, personal spending and other illicit activities was stopped.

A precedent of misuse and personal use of fire department equipment has been stopped. We have billed those who are responsible for these illicit uses and there is likely to be more. Outstanding receivables stand at over \$1300 of the taxpayer's money that we intend to collect.

Chip and Seal - prior planning by the trustees not complete, not using the network resources of the OTA to save money. We managed to resurface roads this year, but due to lack of trustee oversight, we are about 11 road miles behind schedule.

The Township office has received complaints about the roads which are taking Trustees two to three weeks to respond if indeed they do respond.

Mr. George Shreyer contacted Bill Myers regarding his concerns on Fairview Road. He stated that Bill had given him a "Politian Answer" with no guidance or closure. On October 9<sup>th</sup> a visit was made by Hart to Mr. Shreyer's residence. He questioned what the future plans on Fairview were, dust control issues, and the salary/expenses of the Trustees. Hart advised Mr. Shreyer that the Trustees are responsible for all of the roads, the roads are divided into thirds with each Trustee having assignments to monitor and report back to the Road Supervisor. Hart showed Mr. Shreyer Dave Myers road assignment sheet which clearly showed his road was "good" and make no indication of any problems. Upon investigating Dave's road sheets it was found that every single road has been marked "good" in a course of several years. There is no possible way that for several years there has been no issues on those roads. This is falsifying documents and the Trustees cannot lie to the public. These actions MUST STOP. Hart

presented the original falsified documents for all present to see and invited them to request those under the public records request.

Another recent incident: Mr. John Graham left a telephone message with Trustee Bill Myers on October 8<sup>th</sup> with no response. He then came to the office on October 14<sup>th</sup> and reported that a large amount of trash was dumped on his land easement. Trustee Dave Myers was at the office and heard the complaint with a response that he had seen something there but just had not had the time to take a look. The day that our Road Superintendent was informed of the situation it was taken care of. This is inexcusable actions on behalf of the Trustees.

The situation earlier this evening with the contractor was just another example. We had a bid request in the newspaper. Trustee Dave Myers doing clerical work for a vendor to aid in gaining a contract with the Township is just repulsive. There will be NO MORE BACK ROOM DEALS and NO MORE APPEARANCE OF BACK ROOM DEALS.

**NOTE: the indiscretions and poor behavior as demonstrated by Mr. Ashbaugh during this meeting will not be tolerated from anyone at anytime while on the Township premises – poor behavior will be cause to dismiss person(s) from the property.**

The Trustees are not keeping commitments on attending meetings which costs the taxpayers discounts on fees. Trustee Bill Myers is the Trustee overseeing the fire department and this year the association has had seven meetings of which only three were attended. Hart explained that he has had two major surgeries this year and has not missed one single meeting. If Bill or any other representative of this Board is unable to attend they MUST have someone else attend in their absence however, this is not a "pass" ticket.

The barn lighting has been going on for three years under Trustee Dave Myers direction. Enough is enough, finish the job! (NOTE: D. MYERS FOR RECORD, 1 HR AFTER TAKEN FROM ED. FORD)

Each Trustee chose to run for the position. You have sworn to do your duty and abide by the law. There are responsibilities to this office and showing up for a picture is not the job. There are job tasks to these positions.

Per Hart - In order to remedy these issues from now on there will be notations made on the dry erase board and each person must account on the deadline date. The Trustees were reminded that we expect this from our managers and employees and we cannot ask of them what we won't do ourselves.

1. BILL – Next Association Meeting 10/30/14
2. BILL – Make contact with John Graham and apologize
3. BILL – EMS grant close-out paperwork completed by 11/5/14
4. HART – Mini-engine insurance estimate by 10/17/14
5. HART – Email addresses for entire township by 11/5/14
6. CONNIE – Website by 11/5/14
7. BOB – Traffic counter on Fairview Road by 11/5/14
8. DAVE – Approval for expenses on lighting by 12/5/2014 but prefer 11/19/14
9. ALL TRUSTEES – Help with road patching. Schedule with Bob by 10/23/14

Meeting Adjourned: 10:01PM

*Handwritten signatures:*  
Bill Myers  
Dave Myers