

RUSHCREEK TOWNSHIP TRUSTEES
BOARD MEETING
08/19/15

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; 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

Deputy Temper, Tracy Shahan, Jordan Irwin, Joel Denny, Ed Pool, Mary Hoffman, and Ebony Reynolds. Ebony Reynolds is a Court Recorder from Fraley Cooper, 222 E. Town Street, 2nd Floor, Columbus, Ohio 43215-4620. Telephone #1-614-228-0018

Minutes

The minutes of the August 5th Regular Meeting and the August 12th Special Meeting and August 17th Emergency Meeting were presented to the Trustees for approval. Hart 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. Dave 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.rushcreektwp.org.

Treasurer's Report

EFT #461-2015 – #490-2015 and Warrants #39993-40006 in the amounts of \$23,107.72 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.

Appropriation Change:

\$300.00 from 1000-110-228 to 1000-110-345

Investigation

Hart addressed the public that pursuant to Ohio Revised Code 505.38 and 733.35 the Board of Trustees designated, under Resolution #2015-11, to conduct an investigation of claims of improper conduct and misconduct in office against Tanner Kline, an employee of Rushcreek Township in the Bremen-Rushcreek Fire Department and to prepare the necessary, if any, charges against Tanner Kline. He instructed all present, that the hearing will follow a format similar to a Court Room proceeding with Court Recorder Ebony Reynolds of Fraley Cooper providing the respective services. Each person who testified were required to be sworn in by oath to present the truth. Prior to beginning of the hearing, Hart asked if there was anyone present who Tanner Kline had requested to speak on his behalf. There being none, the floor was turned over to Investigator Ed Pool appointed under Resolution #2015-11. Mr. Pool provided copies of a summary report (Exhibit A) and copies of evidence to the Trustees, then described each piece of evidence and how it was ascertained. After Mr. Pool completed his report, Hart explained that he would break normal protocol in fairness to Kline and asked, again, if anyone present would like to speak on Kline's behalf. Tracy Shahan, Jordan Irwin, and Chief Duvall each took the floor and spoke to Kline's character. Jordan Irwin also spoke as President of the Bremen-Rushcreek Fire Fighters Association outlining his participation in the CPR program, including a course he taught and accepted a donation in lieu of compensation. Under oath to provide testimony the following persons also spoke: Connie Moyer, Rushcreek Township Fiscal Officer, gave an account of what took place the day that Tanner contacted the office with regards to the check issued to Bremen-Rushcreek Fire Department. Fire Chief Will Duvall provided testimony giving an account of the day that Tanner contacted him with regards to the check issued to Bremen-Rushcreek Fire Department. Trustee Dave Myers testified that he and his wife attended one of the original classes after the Trustees ruling in 2011 where he and his wife paid the instructor [Brian Irwin] for the card only and he thought it was around \$5.00 each. The hearing was then recessed for the Trustees to reach a verdict. At 8:25pm, Hart Van Horn made a motion to enter into Executive Session in accordance to ORC 121.22(G)(1) to reach a verdict and Dave Myers seconded the motion. Roll Call: Dave, aye; Bill, aye; Hart, aye.

Executive Session Ended at 9:51pm with Open Session beginning.

Bill Myers made a motion to adopt Resolution #2015-14 which demoted Tanner Kline from the position of Lieutenant to Firefighter/Paramedic not eligible for promotion for one year from August 19, 2015, plus a 90 probation period, during which three performance reviews would be conducted. Bill proceeded to read Resolution #2015-14 in its entirety. Dave Myers seconded the adoption. Roll Call: Hart, aye; Bill, aye; Dave, aye.

Hart released the Court Recorder and advised the hearing transcripts would be available by contacting the agency discussed at the beginning of the hearing.

Business

Chief Will Duvall reported the following:

- Fairfield County EMA checked the signal on the tornado siren at the fire department and then contacted a private contractor to check the electrical supply. The findings are a high cost of repairs due to the age of the unit. Will and Connie suggested that should the Trustees wish to replace the unit, since the replacement would be in the Village, we contact the Village for a cost/share agreement. Buckeye Lake recently purchased a siren at a cost of \$16,000.00 however this did not include the installation. Hart added that he was at the Franklin County Homeland Security office and they have agreed to give us information on resources of purchasing a possible used unit. The vendors provide certified units, but also service the units they sell.
- Regarding Medicount's suggestion on the new coding that is coming into effect with the EMS runs, they suggested a course that costs \$299.00 to download. Chief Duvall advised that it is included in his expenditure request under training.
- Breathing Air Systems check the air compressor which resulted in a positive test.
- Four individuals were presented to the Trustees for recommended employment: Anthony Kerr, Kristopher Rennee, Christopher Gookin, and Jeremi Hedges. Hart stated that the Trustees do not have a policy on tattoos and body piercings and policy reviews are done at year end. After discussing Hart made a motion that as a "condition of employment" for these individuals, tattoos or body piercings must be covered while on duty at the Bremen-Rushcreek Fire Department and Dave Myers seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye. Hart informed Chief Duvall that both he and Assistant Chief Brian Irwin were to notify new hires and current personnel. Hart made a motion to accept Chief Duvall's recommendation of employment to Anthony Kerr, Kristopher Rennee, Christopher Gookin, and Jeremi Hedges with the stipulation that they must complete the pre-employment requirements and the respective employment conditions. Dave seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye.

Will presented the Trustees with a list of expenditures for the next period in the amount of \$3,800.00. Dave made a motion to approve the list of expenses and Hart seconded the motion. Roll Call: Dave, aye; Bill, aye; Hart, aye. Runs reported during the pay period: 20 squad which includes 11 transports and 6 fire.

Road Superintendent Bob Suer reported the following:

- Chip/Seal prep work was completed on 75% of the scheduled roads. The crew is using cold mix for leveling road surfaces and the Durapatcher for smaller areas.
- Stone and holding tank have been delivered to the Township yard in preparation of chip/seal.
- The muffler was replaced on the front-end loader at a cost of \$358.32 installed in-house.
- Two flat tires were replaced on the rubber tire rollers installed in-house.
- Trustee Van Horn delivered the certified stamped F.C.C. license in a frame.
- Fairfield County Sheriff is making a daily inspection at 810 Thomas Road establishing the \$500.00 per day penalty for the concrete driveway in the Township Right-of-Way. This matter is being corrected with details reported under Trustee Van Horn's report later in the minutes.

Bob presented the Trustees with a list of expenditures for the next period in the amount of \$1,000.00 for equipment repairs. 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 has been issued since the last meeting to Dave Gross, 2132 Mt. Zwingli – accessory building.
- An Amended Certificate was received from the County Auditor on August 10th as requested at the August 5th as a result of the Declaration of State of Emergency. Purchase Order #39-2015 was made out on August 10th with each Trustee stopping in to sign.
- Medicount (ems billing company) sent a memorandum concerning write-off and uncollectable accounts along with a financial hardship policy for patients in financial distress. Copies were distributed to Trustees and Fire Chief. The Trustees decided to table discussion until the next board meeting so they had an opportunity to review the packet.
- ORC 5705.34 requires that the Board pass and file a Resolution Accepting The Rates & Amounts as set by the County Budget Commission, with the County Auditor no later than October 1, 2015. Resolution #2015-13 was presented to the Trustees for signature. Dave moved to adopt Resolution #2015-13 which authorizes the Fairfield County Auditor to apply and collect the levies listed in the resolution on page 2 and Hart seconded the adoption. Roll Call: Dave, aye; Bill, aye; Hart, aye.
- PERSO sent the insurance reimbursement for the electric damage to the 2013 Medic. Therefore, warrant #39982 was reduced by \$1,164.89 which released the finances back to the vehicle repair appropriation line item.
- Jon Kochis, Fairfield County EMA Director sent an email advising that the Houck Road tornado siren has an issue with the battery charger. A spare unit was installed to keep the siren operational until the original battery charger is returned from the manufacturer. Cost will be forthcoming once the manufacturer advises.
- Ohio Township Association provided our membership insurance package for 2015-2016 insurance which covers auto, property, and liability coverage. The Trustees decided to review the package prior to the next board meeting and then be prepared to provide their recommendations.

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

- Confirmation has been established from the staffing service, Westaff that two qualified individuals will be provided for the chip/seal project beginning August 24th. Both individuals have past road work experience.
- In reference to the Declaration of the State of Emergency for the gas line leak at the fire department: Gilbert Plumbing has corrected the situation however in order to continue, Columbia Gas must be contacted to inspect the work prior to the plumber finishing the project. To date, a partial invoice has been approved to Gilbert Plumbing in the amount of \$6,942.68. Items needed to be brought up to code in order to make the fire department a safe place for our employees. While working in the attic several individuals have fallen through the ceiling. Hart made a motion to hire a contractor to build a "catwalk" across the attic to provide safe lanes of travel and also repair the ceiling. Bill seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye. Chief Duvall was advised to act on this as quickly as possible.
- Road Superintendent Bob Suer contacted Hart and advised that a resident at 810 Thomas Road poured a concrete driveway that entered into the Right-of-Way Road Hazard policy. An emergency meeting was held on August 17th with the matter being turned over to the Prosecuting Attorney. With the Prosecuting Attorney's guidance, fines were placed at \$500.00 per day by a Sheriff Deputy and within hours the portion of concrete in violation was removed. The fines are still in place with a court date set. Additional inspections will be needed to be done by the Township in order to proceed with the fines and court date before the matter can be settled.

Meeting Adjourned: 10:55pm

SIGNATURES ON FILE

From the desk of Ed Pool

August 16, 2015

Re: Tanner Kline

Be it established that the Township and Fire Department are considered one entity with the Fire Department under the care and governance of the Trustees.

Review of Township minutes shows:

September 5, 2011— A request is heard from Fire Department employee Rusty Conrad for expenses to be paid for his certification as a CPR instructor. Discussion on CPR classes clearly illustrates intent of Trustees to have this service provided at no cost to local individuals and businesses.

September 19, 2011—October 3, 2011—Reminder heard from Westenbarger concerning outstanding request for training Rusty Conrad as CPR instructor.

October 3, 2011—A detailed list of stipulations concerning the CPR request is quite apparent concerning the Trustees' directives for Rusty Conrad (Heidi Joiner is also listed as an instructor) to offer a class quarterly at no charge to Township/Village residents or businesses. Location, pay for instructor and other costs are clearly listed.

October 17, 2011—David Myers reports that Rusty Conrad will no longer offer classes for fire department under the presented stipulations.

November 7, 2011—Discussion concerning CPR training continues. Bill Myers states that no decision will be made until after he has talked with Conrad.

December 5, 2011—Purchase of CPR equipment is approved with the amended stipulation that "residents or workers in Rushcreek Township would not be charged a fee..."

Those living or working in Rushcreek Township and the Village of Bremen are not to be charged for CPR training. Also, businesses operating in these areas are not to be charged.

Review of check from Cyril-Scott:

The check is marked for CPR training in the amount of \$960.00. The check is addressed to Bremen-Rushcreek Fire Dept. with the mailing address of 201 Marietta St., Bremen, OH 43107-1123. A standard receipt issued by Fiscal Officer Connie S. Moyer shows that the check was duly deposited into a Fire Department line item, 2191-892-0000.

Comments: Established policy of Rushcreek Township clearly states that all mail must be delivered to the Township P. O. Box and not to either the Township Office or Fire Department.

The Invoice for CPR class presented by Cyril-Scott includes a photocopy of an invoice issued on what would appear to be Fire Department letterhead. It is obvious that such letterhead was never officially approved by the Trustees as it includes the incorrect business address for all Township/Fire Department business. The

inclusion of emails for Will Duvall and Brian Irwin in the heading *should* indicate their approval of this instrument. Attached to this copy is a detailed account for the billing amount for 16 employees at \$60.00 each supplied by Cyril-Scott. As a further confirmation, an unused letterhead was provided. It appears to be produced on a copier and includes an obvious scan of a Fire Department patch as the watermark.

Invoice was signed by Tanner Kline with noted credentials and job tile, First Aid Instructor.

Records of class rosters and trainers warrant further investigation to determine full extent of this operation within the Fire Department.

Notice of Review for Violations of Employee Policies and BRFD Standard Orders:

Proper notification was sent on July 23, 2015 concerning the violations against Lt. Tanner Kline as understood at that time. This should not be accepted as an exact or extensive list of violations as other may be made apparent.

Disciplinary Review follow-up:

Assuming that Lt. Kline did not attend the established review, the act of not attending and/or failing to make communication indicates a choice to be defiant and hence insubordinate.

Additional:

An email from Tanner Kline and directed to Terry Morris, Secretary and Treasurer of the Fairfield County Fire Association was reviewed. Some observations: Kline's email address indicates a Greenfield Township Fire Department Association connection; Morris' address is that of Chief for Greenfield Township; content is stated as fact but offers no supporting information as that could not have been known by Kline except as given by Hoffman or others at an unofficial level.

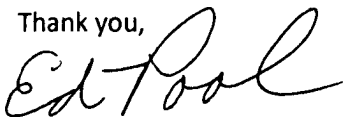
With the forwarding of this letter by Morris to the email recipients for the Fairfield County Firefighters' Association, it became an official document of Greenfield Township. It was mailed with Morris' full list of certifications, his job title as Fire Chief of Greenfield Township and further lists the web site of Greenfield Township.

While this email is not directly connected with the matter at hand, it does illustrate Kline's pattern of ignoring the rules as established for his position.

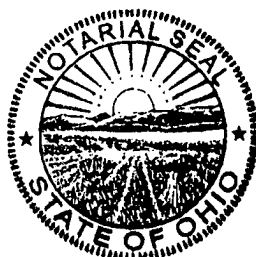
Conclusion:

Evidence submitted clearly shows intent by Kline to operate with others a planned CPR training program as a way of direct personal gain using Township equipment under the auspices of the Township. Due process and notice have been observed by Township officials. A continuation of charges and disciplinary action is clearly indicated.

Thank you,



Ed Pool



NORA L. PAUL
Notary Public, State of Ohio
My Commission Expires July 21, 2020