

RUSHCREEK TOWNSHIP TRUSTEES  
BOARD MEETING  
02/18/15

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; 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  
Brian Irwin & Jeff White

Work Session

A work session was held on February 14<sup>th</sup> at 9am, posted on the website and sent to the Eagle Gazette. Besides the Board of Trustees and Fiscal Officer, Chief Will Duvall, Captain Todd Beery, and Bremen-Rushcreek Fire Fighters Association Officers Jordan Irwin, and Alexander Vogel were present. The purpose of the meeting was for administrative planning and future events. Following the meeting with the Officers of the Association, Rushcreek Township Auditing Committee discussed Ricky Hoffman's recent emails. Documentation was reviewed and Rushcreek Township Auditing Committee confirmed that Ricky Hoffman's W-2 was correct. Since other subjects in the email was regarding legal matters, Hart agreed to respond to Mr. Hoffman's email and advise him the W-2 was correct and to seek his legal counsel.

Hart reported that on February 3, 2015, a letter was sent from Rushcreek Township to Debbie Molisee representing a group that called themselves the Ladies Auxiliary. The letter outlined the parameters required for any organization to be qualified as an entity of the township. Mrs. Molisee responded with a request for a meeting to review those requirements. Therefore, a work session was held on February 16<sup>th</sup> at 7pm, posted on the website and sent to the Eagle Gazette. Present besides the Board of Trustees and Fiscal Officer, Chief Will Duvall, Ruth Duvall, Debbie & Bill Molisee, and Anne Myers. The group defined themselves as the Ladies Auxiliary of the Bremen Rushcreek Fire Department, that currently holding funds by that name in at least one account with the Bremen Bank, making contractual agreements with craft exhibitors and purchasing items of their own discretion while appearing to represent that name. The group of individuals indicated that they had by-laws and an organizational structure to support their claim to this entity, but no documentation was provided. They have been operating a fundraising event each March with craft exhibitors in the BRFD fire station and currently promoting one for March 21, 2015. No documentation was provided at that time to indicate their commitments, the fire department's commitment, nor the Township's commitment. The individuals adamantly described their efforts to generate income, their intentions to control the funds collected and to disperse those funds at their own will. The Trustees advised them that they were not a recognized entity of Rushcreek Township, and therefore, they were misrepresenting the Township by using its name and that of its fire department. Any funds collected under those references become the Township's money and the township has the right to access the bank account(s) and any funds in them or the funds needed to be returned to the issuers. They were further advised that they would need a million dollar liability insurance policy to conduct the March event and that the Township could not cover them within the township insurance policy. Finally, they were advised to stop collecting money in the Township/BRFD name and they are liable for the funds as taxable income. Debbie Molisee indicated that they would not stop collecting funds under that name, they would not close or change their bank account, they had contracts that were already executed and that they planned to go ahead as they originally intended. The trustees suggested that they might ask the BRFA (a recognized to sponsor the event and in turn, provide the volunteer labor to run the event in March. In this manner the event would be insured. The trustees left them with the instructions that the township would need a copy of the contract used, and documentation (i.e. by-laws) by the Trustees regular session on February 18, 2015. *This matter will be discussed further under Hart Van Horn's Administration report.*

#### Bid Opening

The following ad was placed in the Eastern Edition of the Towne Crier and the website: Rushcreek Township Trustees is accepting sealed bids for various sizes and amounts of stone delivered to 213 Marietta St., Bremen. Stone & trucking priced separately. Bid opening will be held 2/18/15 @ 7pm. Inquires: 740-569-7181 Ext.#11. Rushcreek Township Trustees reserve the right to reject any or all bids. The mailbox and email were checked with the following bids being opened:

Shelly Materials – Trucking \$5.00	Sergeant Stone	Classic Transportation – Hauling \$7.50
#8 - \$14.40	#8 - \$14.75	
#57 - \$13.75	#57 - \$14.50	
#304 - \$12.00	#304 - \$12.75	
“D” - \$16.30		

After reviewing and discussing, Dave made a motion to approve Shelly as the stone contractor for the next year and Hart seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye. Normally, the contract runs for a year however there was no date. The Board authorized Bob to sign the contract on behalf of the Township after he contacts Shelly who will provide a dated document.

#### Minutes

The minutes of the February 4th 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, aye; Bill, aye; Hart, aye. Bill reminded everyone that the minutes are available upon request at the Fiscal Officer's office.

The minutes of the Emergency Meeting held on February 8<sup>th</sup> were presented to the Trustees for approval. Hart made a motion to dispense with the reading of the minutes as the Trustees had reviewed them prior to the meeting and approve the minutes. Dave seconded the motion. Roll Call: Dave, aye; Bill, aye; Hart, aye.

#### Treasurer's Report

EFT #65-2015 – 97-2015 and Warrants #39817 - 39825 in the amounts of \$25,546.85 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.

#### Old Business

*Bill – Avalon Road/Dam Inspection/Review/Report – 2/18/15* Bill reported that on February 12th he & Bob Suer met with Conservancy District Directors David Snider and Keith Rowe to discuss the Conservancy Dam V-A. Bill continued that water is over the road creating a public safety problem and suggested that silt may be part of the problem. Silt checks on the dams have been done and are still being done. V-A is one that has not been checked however silt reports done by United States Department of Agriculture is showing 40% lower than expected on the 50 year projections. Plans with all Rushcreek Township's resources are in the making to probably raise the road to secure public safety. Fairfield County Commissioners passed Resolution #2015-02.10.h allowing Rushcreek Township Board of Trustees to close a portion of Avalon Road. A copy of this resolution was filed with Resolution #2015-06. Bob asked the Board if he can now close Avalon Road with barriers and signs. The Board advised that both Fairfield & Perry County Engineers should be involved. Dave was to contact Fairfield County Engineer the following day to get the procedures in order to be compliant with State laws.

*All – Final Permanent Budget Approval – 2/18/15* Connie stated that due to inconsistencies with the EMS billing program she recommended to the board that the revenue be reduced from \$70,000 to \$40,000 in the fire fund under Contracts for Medical Services 2191-202-0000. She further stated that IF the billing system started working as was previously presented, the budget could be revisited and evaluated at that time. Bill Myers questioned Chief Duvall who responded that he concurred with Connie. Earlier in the day he had met with Connie and found that MBI had stopped billing runs on/about January 19 but picked back up on February 1st. Hart continued to question the veracity of projecting an amount over \$20,000 since

the program has not reached that point since its inception 8 months ago. Bill Myers then questioned Assistant Chief Brian Irwin who stated he wasn't worried about the income. After a lengthy discussion, Connie was instructed to prepare a Resolution for the 2015 Permanent Budget for approval at the next Board meeting. 2191-202-0000 Revenue reduced to \$40,000.00; 2191-220-420 Operating reduced to \$10,000.00; and 2191-760-740 Machinery, Equipment, & Furniture reduced to \$1,882.00.

*Hart – Blighted land for RPC – 2/18/15* - This has been turned over to Joel Denny who is Rushcreek Township representative on Regional Planning Commission. Joel will report to the Board when the information becomes available.

*Hart – Contractor driving on Durbin Run overweight* – The Manager of Hide-A-Way Hills was contacted and advised to notify any contractor using the Durbin Run gate.

*Dave – Report on Employee Safety Training Plan* – Rushcreek Township Safety policy was reviewed by the road crew. LTAP was contacted and a copy of their catalog on their video library was received. Future plans are to have a monthly safety meeting and include the village employees. Bob and the Village Administrator will review the catalog and schedule monthly meetings.

*Dave – State Electric return lights* – To exchange the lighting will cost an additional \$78.68 for the exterior lighting at the firehouse. The additional light for the township is \$66.40. After discussion, Dave made a motion to approve the lighting expenditures and Hart seconded the motion. Roll Call: Dave, aye; Bill, aye; Hart, aye. Dave will pick up the needed supplies from State Electric.

#### Business

Bill stated he wished to go into Executive Session to discuss an email. Connie advised that under the ORC there were only specific items that could be discussed in Executive Session. Since Bill had not contacted Connie ahead of time to determine which item this would fall under, the ORC was given to Bill to read and state which section this would fall under. Since he was not prepared, it was determined to continue with the meeting until such time that Bill could respond.

Road Superintendent Bob Suer reported the following:

- Roads were treated and plowed after light snowfalls.
- The new shop door was installed and the workmanship is very satisfactory.
- As weather permits brush is being removed and holes are being patched.
- Barb Gaskins from Fairfield Union Bus Barn called and advised that Carolyn McCandlish contacted the Superintendent advising that the Township and Barb is not doing their jobs. Also, Carolyn has contacted the County Engineer's office wanting the Township to complete the work on McCullough Road. Bob stated that at the work session it was his understanding that McCullough Road was not a priority and the work will be completed *as weather and work schedule permits*. The minutes from the work session with Carolyn McCandlish was reviewed and the Trustees concurred with Bob.

Bob presented the Trustees with a list of expenditures for the next period in the amount of \$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.

Connie reported the following:

- Richard Campbell was not present as he was attending a class at Fairfield Medical Center. No permits were issued since the last meeting.
- A thank you card was received from Village Council President Mike Henwood. He expressed his gratitude to the fire department for their help with setting up the ice skating rink, Bob Suer for meeting with the new village administrator and helping him with networking, and also to the Trustees for the cooperation between the entities.

- Final paperwork was received from FEMA that verifying that Grant # EMW-2012-FO-07027 is now closed. (SCBA grant)
- The Tax Incentive Review Council is set to meet in the Commissioner's Hearing Room on Wednesday, March 11<sup>th</sup> at 9:30AM. Both Trustees Dave Myers and Bill Myers will attend representing Rushcreek Township.
- Fairfield County OTA meeting will be held at Greenfield Township's fire department on March 21<sup>st</sup> at 6pm. It was agreed that those attending will get with Connie by Friday so she could RSVP.
- The Sunshine class that Rushcreek Township and the County Commissioners are sponsoring will be held on March 6<sup>th</sup>. Delegations of duties was discussed. Connie will make sure six dozen cookies are available; Bill will be in charge of napkins, table cloth, coffee cups, and condiments; Hart will be in charge of coffee; Dave will be in charge of a cooler with bottled water.
- Since we are still not in receipt of our 2014 culvert allocation reimbursement, another inquiry was sent to the County Engineer's office.

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

- After meeting with the group on February 3, 2015 that call themselves the Ladies Auxillary the group sent an email listing their officers which consists of Ruth Duvall, President; Anne Myers, Vice-President; Debbie Molisee, Treasurer; and Barb Hockman, Secretary. Hart addressed Dave Myers pointing out that his wife, Anne Myers holding an executive officer position in that organization, let alone operating as a "member", possess a direct conflict of interest. With a Trustee's wife soliciting funds on behalf of Rushcreek Township clearly is an ethical breach. Upon several occasions Dave had advised the Board that Anne had resigned from this group however the email that Debbie Molisee sent listed Anne as an executive officer. Hart pointed out that these actions placed Dave in a very difficult position. Dave stated he was aware of the conflict that existed. The craft show contract had been delivered and copies were distributed to all Trustees and Fire Chief. Hart stated he reviewed the contract which presented several concerns.
  - a. Lack of proper documentation declaring the legal existence of the group. IRS laws have been on the books since 2003.
  - b. Lack of "Hold Harmless" agreement on behalf of the Township
  - c. The group selling spaces at the firehouse that clearly is taxpayer property by collecting funds.
  - d. The group selling food and allowing vendors to sell food without proper permits from the Board of Health is a breach of the law

After a lengthy discussion the Trustees agreed that a letter should be sent to the group advising they could not proceed with the craft show as the group and event do not meet necessary criteria. Hart was advised to prepare the letter by Friday and the other Trustees would stop in and sign. As unfortunate as this situation is, the record must show that it was this group's responsibility to be compliant with Federal, State, and County laws.

Having nothing further to report, Bill continued he wished to go into Executive Session. Again, Connie stated that law and purpose must be part of the request in order to proceed. After a lengthy silence, Connie asked Bill to state exactly what the topic was as she was willing to review the ORC. Bill responded that it was in regards to Hart's email to Will questioning the the use of funds purchase non-essential items. Connie stated that she had reviewed the email and did not feel that there was justification under the ORC to go into Executive Session and Bill's intent did not meet ORC criteria and would appear to be a manipulation of the law. Therefore, the meeting continued in "Open Session".

Will explained that, in his opinion, there were some incorrect figures in the email that he wished to clarify. The dollar amount listed form miscellaneous spending was not \$2,000 the correct amount was \$500.00. Also, repairs to the computers totaled approximately \$200.00 and the email stated over \$300.00. Connie explained that the repairs were indeed around \$300.00 which included repairs to the zoning inspector's computer. Will continued that the amount spent on uniform jackets compared with similar items available at a retail store were not a fair comparison. The purchased jackets included bed bug and fluid borne pathogens protection, along with removable sleeves.

Hart stated the email was not personal. As the Trustee overseeing Administration, it is his responsibility to do just that. Under the old administration the Trustees had placed Ed in that position. Once Hart took office he was given that responsibility. As stated earlier in his tenure, the departments were not to spend funds without board approval and then his review. It was his opinion that the uniform jackets could've been purchased using far more economical means. Hart continued that he would not apologize for monitoring taxpayers investments into Rushcreek Township. He was extremely disappointed that the matter took on a personal attack including insubordination, which is documented in Capt. Beery's email. It also pointed out that Bill Myers attempt to discredit Hart through an illegal maneuver into Executive Session and that his use of potential staff resignations as leverage was unacceptable. This type of behavior will not be tolerated in the future. Will was instructed to see that his employees are respectful to the entire board and those who are not needed to be brought under control. Any resignation from anyone who does not agree these conditions would be gladly accepted.

One of the comments from Todd Beery's email was that Hart had failed to continue regular bi-weekly meetings with the fire department. Hart stated that he had turned that responsibility over to Bill after establishing the precedent. As the Trustee in charge of the fire department, Hart admonished Bill for neglecting his responsibilities while placing blame on others. Bill was reminded that he is to meet with the employees and then HE was responsible to bring the necessary sub-committee work to the Board.

Will requested that all future emails with regard to the fire department be sent to him and he will handle the personnel issues. Hart agreed, with the exception, that if Will is going to leave someone as his spokesperson, as in the Capt. Todd Beery situation, then that is where the responses will be made and it is up to the Chief to supervise the fire department employee's communications and actions. All board members concurred.

Chief Will Duvall reported the following:

- Chief and Bob Suer attended the Supervisor class on February 9<sup>th</sup> and found it to be beneficial.
- Medic-541 was taken to Horton's in Grove City as the electrical problems continue to persist.
- The 2015 Blue Coat Award representative from Bremen-Rushcreek Fire Department will be Ryan Gard. The ceremony is scheduled for March 9<sup>th</sup> at Knights of Columbus in Lancaster, Ohio.

Will presented the Trustees with a list of expenditures for the next period in the amount of \$3,550.00. 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: 10 squad which includes 8 transports and 5 fire.

Meeting Adjourned: 10:25pm

*SIGNATURES ON FILE*