

RECORD OF PROCEEDINGS

Minutes of

MUNSON TOWNSHIP TRUSTEES REGULAR MEETING

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held Tuesday, April 25, 2023

The meeting was called to order at 6:30pm by Chair Irene McMullen, with Trustees James McCaskey and Andy Bushman and Fiscal Officer Todd Ray present. Ms. McMullen led the Pledge of Allegiance.

The Trustees signed warrants 19383 through 19405 dated 4/25/23, totaling \$31,556.33. Between meetings the trustees signed warrants 19381 and 19382 totaling \$1,770.00, and the 4/14/2023 bi-weekly payroll EFT vouchers 77 through 84, totaling \$9,602.67 and the 3/31/2023 monthly payroll EFT vouchers 74 through 76, totaling \$6,549.31.

Cemetery Deeds

The Trustees signed cemetery deed #5-370 dated April25, 2023 to Robert J. and Margaret L. Straight for Maple Hill Cemetery, Section 3, lot 340, grave 13.

Minutes

Fiscal Officer Todd Ray made a request to the Board that, if for any reason a Trustee did not feel they could vote “yes” to approve the minutes, that they ask the Chair not to ask for a vote to approve minutes. He said there is no urgency or time requirement to approve the minutes, and he would like the Trustee to have enough time to get edits or corrections into the draft before voting. He said he would like to have all minutes approved unanimously.

Jim McCaskey moved to approve the minutes of the Trustees Regular Meeting held Tuesday, April 11, 2023 as presented. Andy Bushman seconded; Mr. McCaskey, “yes,” Ms. McMullen, “yes,” Mr. Bushman, “yes.” The motion carried.

Metzenbaum Center Presentation

Geauga County Board of Developmental Disabilities Superintendent Don Rice attended the meeting and made a brief presentation on the support services and employment opportunities available to county residents through the Metzenbaum Center of Geauga Board of Developmental Disabilities. He received comments of gratitude and support from residents in the audience for the high-quality services his agency provides. Mr. Rice thanked all the taxpayers who support the operations by voting for levies.

FIRE DEPARTMENT

Trustee and Fire Department liaison Andy Bushman read from a report submitted by Munson Fire Department. The Fire Department has responded to 391 calls so far this year-to-date. This includes a structure fire on Wye Road last week resulting in \$100,000 in damage, mostly attributed to smoke. Munson has also provided five mutual-aid responses to Chardon because they have had a squad out of service for two weeks.

Fire Chief Mike Vatty is attending advanced officer training through the University of Akron, and Fire Inspector Captain Doug Riedel is attending the Fire Structure Conference this week.

Munson Fire will also be participating in the Career-on-Wheels event at Munson Elementary again this year, on May 9th.

ROAD DEPARTMENT

Irene McMullen thanked the Road Superintendent Kirk Walker on behalf of the entire community for the good work performed by the Road Department at Munson Township’s Community Clean-up Trash Day on Saturday. The weather conditions for the day were cold and rainy but the crew did a fine job. Ms. McMullen noted that the Trustees have received many calls from residents expressing their appreciation.

Cemetery Flowers

Jim McCaskey moved to approve the purchase of annual flowers from Burton Floral in the amount of \$1,087.50. Andy Bushman seconded. With a unanimous vote the motion carried.

GovDeals.com Account

Mr. Walker reported that an account with the online sales vendor GovDeals.com has been set up and a few items will be posted on the site this week to dispose of old equipment. Mr. Walker will provide a list of items to be sold. The list will include the old pumper/tanker fire truck, the retired generator for the Town Hall, and an old berm-mower and tractor unit.

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TOWNSHIP BUSINESS

Public Records

Chair Irene McMullen made a statement noting that the Township has been responding to many Sunshine Law requests for public records of late, many in regard to Munson Fire Department, Inc., the non-profit organization that the Township contracts with to provide safety services for the community using the Township’s facility, vehicles and equipment. Munson Fire has issued a demand that the Trustees change the contract from MFD Inc. receiving the fire levy collections to an increase to \$150,000 in monthly contract payments starting in July. She noted that Munson Fire Inc also demanded that Ms. McMullen not participate in any decisions/discussion related to fire services work until the end of the year. Ms. McMullen stated that she had received an opinion from the Geauga County Prosecutor’s office that addresses their demand. The Prosecutor’s opinion makes clear that there is no reason for Ms. McMullen to accede to this demand, and she should not leave decision making on these matters to the other two Trustees. She went on to state that she swore to uphold the duties of her office on behalf of the residents, and she intends to fulfill the obligations of her oath. She waived attorney-client privilege for the document, and indicated that it is available to any resident as a public record if they request it.

Ms. McMullen referenced Mr. Charles Royer, attorney for Munson Fire Department Inc., and his demand that the Township increase payment to the Fire Department to \$150,000 per month. Fire and ambulance services are vital to public safety. If the Trustees are forced to negotiate with threatening individuals in order to ensure public safety, she will side with public safety. She said that the Trustees are obligated to put public safety first, while also assuring that funds are spent responsibly.

Ms. McMullen stated that the Township is fortunate to have Chief Mike Vatty at the helm of Munson Fire Inc. She believes that he makes sound decisions and puts public safety first. Therefore, she believes it is in the best interest of the residents for the Trustees to agree to the demand for an increase in the cost of services. She said that at this time there is no alternative for the manpower MFD Inc. provides for needed emergency services.

Ms. McMullen acknowledged that Munson Fire may decide, as Bainbridge Fire recently did, that they do not wish to continue to operate under the requirements and the scrutiny that the law requires. They may choose to turn the operation over to the Township. She said she hopes they do not choose this course. She believes the Department adds to the vitality of the community. She asserted that every resident, any person, has a right to obtain records from the Fire Department in accordance with the Sunshine law. Munson Fire Department is required to comply and provide copies of records requested.

Ms. McMullen reported that the Fire Department has agreed to allow her to review their meeting minutes on Tuesday, May 2nd, at 9:00am. She pointed out that, although copies of the minutes should be made available to anyone who requests them, she is waiting to accommodate their schedule.

Ms. McMullen then read a paragraph from the opinion of the County Prosecutor. (the opinion, in its entirety, is attached to these minutes.)

Ms. McMullen noted, in light of all the concerns raised, she would make a motion to negotiate. Ms. McMullen moved that the Fire Department liaison for Munson Township, in accord with the demands of Munson Fire Department, Inc., be authorized to enter into good faith negotiations with Munson Fire Department Inc. to revise the contract and increase the amount of the contract. Andy Bushman seconded. Mr. McCaskey asked for discussion.

Mr. McCaskey questioned why the Trustees would negotiate, now, under this threat. He stated that the Fire Department came to the Board and said that, looking forward, they were going to need more money, and they would like a levy on the ballot in November. The Trustees understand that Trustee liaison Bushman has been meeting with the Fire Department, that they are crunching numbers and are preparing to present a levy amount for the Trustees to consider and discuss that would satisfy the needs of the Fire Department. Then they would take it to the people to approve or not approve. Mr. McCaskey said he was extremely uncomfortable negotiating under threat. He said he did not understand why we would change the rules of the game in the middle of the game.

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Ms. McMullen pointed out that the letter from MFD Inc. legal counsel gives the Trustees until 10:00 pm today.

Mr. McCaskey said the Township is already working in good faith with the Fire Department to get to a levy number we can agree on. He said he is not willing to change the rules and negotiate under these new conditions.

Mr. Bushman said he agreed with Mr. McCaskey. He confirmed that he has been working with the Fire Department to reach agreement on a levy amount.

Mr. McCaskey said he sees no reason to answer the threat. The Trustees can proceed as they have been. If the Fire Department wishes to, it is their decision to terminate the contract.

Ms. McMullen reminded the Board that the letter from Mr. Royer gives the Trustees until 10:00pm to pass a resolution agreeing to negotiate and sign a new contract by May 31st that increases funding as demanded, and that Munson Fire Inc. will under no circumstances grant an extension. They will not hesitate to exercise their right to give notice to terminate the contract in 90 days if its conditions have not been met.

Mr. McCaskey noted that the letter identifies two demands: McMullen recuse, and the Trustees agree to move to a new contract under a 24-hour threat. He stated, "I don't do business this way." He said, "And I don't think you should recuse yourself."

Ms. McMullen stated that she would not recuse herself. She would not be fulfilling her obligations to the residents or her oath of office if she recuses.

Mr. McCaskey called for a vote on the motion. Mr. McCaskey, "No." Mr. Bushman, "No". Ms. McMullen, "Yes." Motion failed.

The Trustees discussed making an older laptop available to Office Manager Paula Friebertshauser under the security service agreement so she can use it to complete some work remotely from home on evenings or weekends. Mr. McCaskey moved to approve adding the laptop to the security service agreement with Streamline. Andy Bushman seconded. With a unanimous vote the motion carried.

Go Green Grant purchase

Mr. McCaskey moved to approve the purchase of recycled plastic trash receptacles from U-line for \$3,836.54. Andy Bushman seconded. With a unanimous vote the motion carried.

FISCAL OFFICER

Resolution 2023-13: Trustee Compensation Withholding

Jim McCaskey made a statement explaining a procedural error in the vote to set trustee compensation at the December 27, 2022 meeting. The motion for monthly salary payments for trustee compensation must be unanimous, but it passed with a 2 – 1 vote. The Trustees were paid a monthly salary in January and February, then the problem was identified. The Trustees did not receive compensation in March. At the last meeting the Trustees approved Resolution 2023-12, establishing trustee compensation using the default, per-diem method, per Ohio Revised Code 505.24. Resolution 2023-13 authorizes the Fiscal Officer to withhold from each Trustees' pay the amount paid in January and February using the incorrect, monthly salary method.

Jim McCaskey moved to approve Resolution 2023-13. Andy Bushman seconded. Motion carried with a unanimous vote. The resolution in its entirety is attached to the minutes.

Other Business

No other business was presented.

Other Meetings

No outside meetings were reported.

Public Comment

Resident Joe Bastulli made a comment expressing support for the Trustees receiving the compensation they get and noted the difficulty of paying back and unwinding the various withholdings that are involved.

Resident Glenn Kinter commented that he agreed with Mr. Bastulli, and asked how far back the repayment process would go, and would the repayment include interest.

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Resident John McCaulley made a statement expressing agreement that the Trustees deserve the compensation, and he doesn't understand what would call for a change in the method from what worked previously.

Mr. McCaulley also commented on the Fire Department letter, saying he was flabbergasted by what was in it and that it sounded like extortion. He noted that we strive for teamwork, but this sounded like bullying. He doesn't think the Trustees should yield to it, and asked what the alternative would be.

Ms. Moe McCaulley expressed concern about the demands that were made, and asked what would prevent them from bringing other demands if this works.

Mr. McCaulley commented that if the process was already going forward for putting a levy on the ballot, what's the need for this curveball being thrown in.

Resident Joe Otto expressed his feeling that he does not like the threat, and he would probably respond by digging his heels in. He assumes the current contract has a 90-day escape clause to terminate. He would not negotiate under threat, it's no way to do business.

Resident Glenn Kinter stated his complete agreement with Jim McCaskey. He believes they should get the attorneys out of the process, and the Township should say they will not be held hostage. He would like to hear the specifics of the contract.

Resident Carol Maver commented that a future contract should have verbiage to prevent this kind of thing from happening.

Resident Joan Otto stated that the Fire Department has provided excellent service to the community for a very long time, and for a long time the Trustees and the Fire Department have had a very harmonious relationship. She feels something went very wrong, and she would like to know what it was.

Resident Carmen Canzona commented that he is not here to bash the Fire Department, he understands that the fire business is expensive, but he doesn't think this is good business practice to deal with getting an increase.

Executive Session

At 7:15pm, Jim McCaskey moved to have the Trustees go into Executive Session to address personnel compensation, and to invite Fiscal Officer Todd Ray to join the session; Mr. Bushman seconded.

Roll call vote: Mr. McCaskey, "Yes." Ms. McMullen, "Yes." Mr. Bushman, "Yes". Motion carried.

The Trustees resumed the regular session at 7:29 pm.

Jim McCaskey moved to pay Road Department employees a \$100 bonus for work performed in the cold rain on Saturday, 4/22/23 (Community Clean-up Trash Day). Andy Bushman seconded. Motion carried with a unanimous vote.

Encumbrances

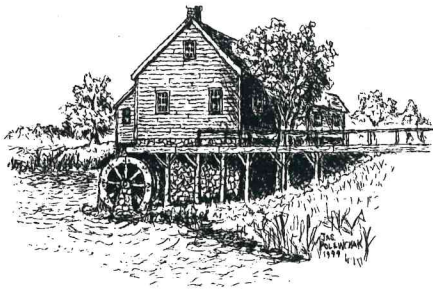
Jim McCaskey moved to approve the encumbrances for Tuesday, April 25 as presented. Andy Bushman seconded. Mr. McCaskey, "yes," Ms. McMullen, "yes," Mr. Bushman, "yes." Motion carried.

CitiCards.	U-Line trash receptacles	\$3,836.54
Burton Floral	Cemetery flowers	\$1,087.50

Motion to Adjourn

Mr. McCaskey moved to adjourn the meeting at 7:30pm. Mr. Bushman seconded; motion carried with a unanimous vote.

James H. McMullen Chairman Todd R. Ray Fiscal Officer



Munson Township

12210 Auburn Road, Chardon OH 44024-9454
Phone: (440) 286-9255 Fax: (440) 286-1180

Resolution 2023-13

The Trustees of Munson Township met in a regular session on the 25th day of April at the Munson Town hall with the following members present, Irene H. McMullen, James J. McCaskey, and Andrew J. Bushman

Whereas,

Munson Township Trustees have received compensation for work performed as Trustees for over 20 years using the monthly salary method provided for by Ohio Revised Code section 505.24 and approved by the Trustees each year; and

Whereas,

Trustees approved the monthly salary compensation method again on December 27, 2022, for the fiscal year 2023, by a 2 – 1 vote; and

Whereas,

Trustees received monthly salary compensation payments in January and February of 2023, in the total amount of \$2,474, and

Whereas,

in March the Trustees learned that the vote for approval to receive compensation by the monthly salary method must be unanimous;

Now therefore, be
it resolved, that:

The Munson Township Trustees shall receive compensation for service to the community in the role as Trustee, using the per-diem method prescribed by ORC section 505.24, and approved by the Trustees in regular session April 11, 2023, Resolution 2023-12; and

The Trustees will restore the full amount of the January and February compensation to the Township treasury, \$2,474 per Trustee.

That the Trustees authorize the Fiscal Officer to deduct \$353.42 from each Trustee pay over six consecutive pay periods beginning with the April monthly payroll, and, with the seventh payroll, for October 2023, \$353.48 will be deducted from the pay;

The total amount to be withheld from these seven payrolls will equal \$2,474.00 per Trustee, and will be deducted from each Trustee's compensation with the completion of the October 2023 pay period.

James McCaskey moved the adoption of the resolution:

Andrew Bushman seconded the motion and the roll being called, resulted as follows:

<u>Andrew J. Bushman</u>	Voting <u>yes</u>
<u>James J. McCaskey</u>	<u>yes</u>
<u>Irene H. McMullen</u>	<u>yes</u>

Attest: Todd R. Ray, April 25, 2023
Todd Ray, Fiscal Officer