

RECORD OF PROCEEDINGS

Minutes of

MUNSON TOWNSHIP TRUSTEES REGULAR

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held Tuesday, November 28, 2023

Chair Irene McMullen opened the Trustees Regular meeting at 6:30pm. Those in attendance joined in recitation of the Pledge of Allegiance.

The Trustees signed warrants 19826 through 19833 dated 11/28/2023 totaling \$877.37 after the last Special meeting on November 21. They signed warrants 19834 through 19844 dated 11/28/2023, totaling \$17,110.98, and monthly payroll EFT vouchers 438 through 440 totaling \$6,511.05. Between meetings the Trustees signed bi-weekly payroll EFT vouchers 426 through 433 dated 11/24/2023 totaling \$9,281.11.

Minutes

Jim McCaskey moved to approve the minutes of the Trustees Regular meeting November 14, 2023 as presented. Andy Bushman seconded. Motion carried with a unanimous vote. Jim McCaskey moved to approve the minutes of the Trustees Special meeting November 21, 2023 as presented. Andy Bushman seconded. Motion carried with a unanimous vote.

Elected Officials' Comments

Chair Irene McMullen invited the elected officials to offer comments before starting the regular agenda.

Fiscal Officer Todd Ray read from a prepared statement addressing several concerns regarding the relationship between the Munson Fire Department, Inc. administration and the Township Board of Trustees. He expressed concern about several issues that have developed between the Fire Department administration and the Board of Trustees. These included the Fire Department targeting Trustee Irene McMullen with a demand that she recuse herself from voting on Fire Department matters, the Fire Department administration's refusal to release requested public records and ongoing legal action to withhold records, Munson Fire Department's notice to the Board of their intention to terminate the fire contract as a threat to leverage placing a levy on the ballot, and Munson Fire Department Inc.'s refusal to title the newest fire truck to the Township as stated in the Trustee's motion that authorized the purchase of the truck. Mr. Ray noted that these actions have damaged trust between the Board of Trustees and the Fire Department administration. He urged the Trustees to consider this new adversarial dynamic when considering whether to amend the contract.

FIRE DEPARTMENT

Fire Chief Mike Vatty reported that the Department hosted a live structure-fire practice burn event on November 18 on the Covia property on Ravenna Rd., with several neighboring township fire departments sending trainees and equipment to participate. He felt the event went well, helps build rapport among other fire department staff, and he thanked Trustees Bushman and McCaskey and trustee-elect Nate McDonald for their attendance.

Chief Vatty also noted that some of the firehose equipment ordered as part of the BWC grant has started to arrive, and more is on the way.

Chief Vatty also reported that the tanker/pumper truck is currently out of service as the brakes are being replaced, under warranty. It appears that there is a mismatch between the braking equipment capacity and the weight of the loaded vehicle, resulting in premature wear on brake components. The manufacturer is researching the matter and will advise if alternative brake equipment is needed.

Fire Truck Title Dispute

Chair Irene McMullen asked for an update on getting the title to the tanker/pumper truck transferred to Munson Township. The Trustees' original motion to authorize the purchase of the truck included a specification that the truck would be titled to Munson Township. The truck has been titled to Munson Fire Department, Inc. since it was delivered to the Township in October of 2022. Ms. McMullen asked why the title has not been transferred yet. Chief Vatty indicated that they are negotiating details with Trustee liaison Andy Bushman to resolve a dispute regarding Township funds being paid to the Fire Department as part of the title transfer.

Trustee Jim McCaskey stated his belief that both parties should stick to the contract, and the truck would be paid for out of the EMS Fund just as the ladder truck, engine, and two ambulances have been paid for. Ms. McMullen pointed out that the contract between the

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Township and Munson Fire Department calls for arbitration to resolve any disputes, and she would contact the prosecutor’s office to assess if arbitration is called for at this time. Trustee Andy Bushman pointed out that, however the funding is resolved, the Fire Department budget will need additional revenue in the next fiscal year. The Fire Department maintains that they need the EMS generated funds to cover operating expenses since they added additional full-time staff this year. Fire Department treasurer Rich Ferlin said that the truck was originally paid for with Fire Department capital reserves generated from EMS billing, not tax dollars. Ms. McMullen responded that EMS funds are generated by the Fire Department using Munson Township equipment and Fire Department staff paid for by Munson Township tax dollars, and she rejects the idea that the emergency medical services are some kind of private undertaking by the Fire Department that the Township is not a party to. She expressed her continued frustration that she cannot get the Fire Department administration to schedule a time to sit down and review documents or provide copies of requested documents.

Fire Department Records Requests

Chair Irene McMullen turned attention to public records requests, beginning with the Munson Fire Department Inc. by-laws. She noted that the Board of Trustees is aware of three versions of amended by-laws, with the most recent version dated April, 2023. She wanted to verify that those are the current bylaws, so she could “get on the same page” with Munson Fire Inc. Chief Vatty stated that Munson Fire Liaison Andy Bushman has been provided the most recent by-laws, and most recent list of Board members, so the Trustees should all have them. Chief Vatty was not sure which bylaw version the Fire Department was using.

Ms. McMullen asked if Munson Fire Department has provided all of the requested board meeting minutes. Chief Vatty said that the Geauga County Prosecutor’s office has all the meeting minutes, but he added that he could not comment further on that because of pending litigation.

Ms. McMullen noted that the Munson Trustees do not have the meeting minutes. Chief Vatty indicated that the minutes were all provided to the Trustees by their attorney who deposited a stack of documents on the Trustees’ meeting table after a meeting he attended some weeks ago.

Trustee Andy Bushman affirmed that a stack of documents had been left on the table and he said they were meant to answer the request for documents. Ms. McMullen responded that she was unaware of any documents being provided at any meeting, she has not seen them, and wondered where the documents are now. She noted that this was not a typical way of responding to public records requests. She had sent the request to the Fire Department through liaison Andy Bushman. She went on to list the records she had requested, including a request for copies of invoices and documents evidencing charges for legal services or costs. She stated that she has not been provided dates that she could sit down and review documents, and her public records requests have not been responded to directly or through Fire Department liaison Bushman.

Chief Vatty stated again that all the documents are involved in the pending litigation. Ms. McMullen pointed out that neither the Township nor Ms. McMullen were parties to any litigation with the Fire Department. The Geauga Prosecutor is the party in the litigation. Chief Vatty stated that Munson Fire has met their contractual obligations through Trustee liaison Andy Bushman.

Mr. Bushman stated that he has seen records, but he does not have copies. Ms. McMullen insisted that she had made the request for the records through liaison Bushman, and Andy said he would ask for them.

Andy confirmed that he forwarded her request to Chief Vatty. Chief Vatty indicated that he had not had time to respond yet, he has been very busy, but he’s working on it.

Fire Inspections

Ms. McMullen inquired about her request for documentation evidencing work performed by Fire Inspector personnel, noting that she wanted to get a sense of the personnel time required to meet the fire inspection workload, and how the hours are logged. She noted that the work is distributed across a team of part-time inspectors. Fire Inspector Doug Riedel was in attendance. He said that Chief Vatty delegates the responsibility to Mr. Riedel. Mr. Riedel monitors and logs the hours of the staff members who perform the inspections.

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Ms. McMullen stated that no one is disputing the quality of the fire inspection service being provided, but she had a question about the administration of the service. She indicated that she is concerned about the question of whether the Fire Department is not a special contractor, not like other contractors.

ROAD DEPARTMENT

Letter to cancel International Truck Order

Mr. Bushman reported that he has been unable to resolve the question of whether the vendor for the International truck on order and delayed in delivery since 2020 can be required to deliver the truck at the contracted price. He believes there was a working contract that the vendor accepted and referenced in updated communications with the Township, but now claim there is no contract because they never signed it. If there is no contract, there is nothing to cancel.

Jim McCaskey said he felt the Board should sign and send a letter to each of the two vendors (one was providing a package of equipment, including snow plow, hydraulics, and dump body) to confirm the cancellation of the order so that the fiscal officer could close the purchase orders and restore the funds to the budget. He wanted this matter to be resolved.

Mr. McCaskey made a motion to have the Board send a letter to Cerni Motors cancelling the order for the International truck cab and chassis. Andy Bushman seconded the motion; Mr. McCaskey and Ms. McMullen voting "yes," Mr. Bushman voting "no," the motion carried.

Mr. McCaskey made a motion to have the Board send a letter to Henderson, Inc. cancelling the order for the snow plow, hydraulics and dump body package. Andy Bushman seconded the motion; Mr. McCaskey and Ms. McMullen voting "yes," Mr. Bushman voting "no," the motion carried.

The Trustees discussed the process for scrapping the old truck, a requirement for the EPA diesel mitigation grant. Road Superintendent Kirk Walker confirmed that a vendor was ready to complete the required procedure to scrap the truck at a quoted price. Mr. McCaskey made a motion to have the old truck #104 picked up and scrapped. Andy Bushman seconded the motion; the motion carried with a unanimous vote.

TOWNSHIP BUSINESS

Cleaning Contract

Jim McCaskey made a motion to approve the cleaning contract with Custodial Services for 2024 in the amount of \$10,400. Andy Bushman seconded, and the motion carried with a unanimous vote. The contract covers cleaning of the Town Hall and park restrooms.

Baseball Field Lease Agreement

Andy Bushman reported that he had sent a final version of the contract to the assistant prosecutor and was awaiting comments.

Email Accounts

Jim McCaskey moved to approve the establishment of email accounts for Trustee-elect Nate McDonald and a general email account for the Road Department. Andy Bushman seconded, and the motion carried with a unanimous vote.

Fiscal Officer

Resolution 2023-42 / Amounts and Rates

A motion to approve Resolution 2023-42 was made by Andy Bushman and seconded by Jim McCaskey to accept the amended amounts and rates as determined by the budget commission and to authorize the necessary tax levies and certify them to the county auditor; with a unanimous vote, the motion carried. The amended amounts and rates reflect the Trustees' decision to reduce collections on the Fire levy at the last meeting. [The resolution is included on a separate page as part of the minutes.]

Resolution 2023-43: Fund Transfer

Jim McCaskey moved to approve Resolution 2023-43, a transfer of funds within the General Fund in the amount of \$6,415.56. Andy Bushman seconded. Motion carried with a unanimous vote. [The resolution is included on a separate page as part of the minutes.]

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Temporary Appropriations

Fiscal Officer Todd Ray informed the Trustees that he had prepared a draft worksheet of the 2024 temporary appropriations and it would be emailed to them to review and offer feedback. A full set of temporary appropriations would be ready for board approval at the December 12 meeting.

Executive Session

At 8:02pm, 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. Andy Bushman seconded. Roll call vote: Mr. McCaskey, "Yes." Ms. McMullen, "Yes." Mr. Bushman, "Yes". Motion carried.

The Trustees resumed the regular session at 8:13pm.

Jim McCaskey moved to approve a \$500 bonus for township employees, payable with the next payroll. Mr. Bushman seconded, and the motion passed with a unanimous vote. The bonuses are not payable to any elected officials.

Encumbrances

Jim McCaskey moved and Andy Bushman seconded to approve the encumbrance sheet as presented:

Ohio Bureau of Workers Comp	2024 premium	\$12,895.00
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The motion carried, with a unanimous vote.

Motion to Adjourn

Jim McCaskey moved to adjourn the meeting at 8:15pm. Andy Bushman seconded, and the motion carried with a unanimous vote.

	Chairman		Fiscal Officer
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RESOLUTION 2023-42

Amended
Original or Amended

Tax Year 2023 (2024 Collection Year)

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY AUDITOR**

(BOARD OF TOWNSHIP TRUSTEES)
Taxing District Authority

Revised Code, Secs 5705.34, 5705.35

The Board of Trustees of Munson Township, of Geauga County, Ohio met in regular session on the
28 day of November, 2023 at the office of Munson Township
Regular or Special
with the following members present:

Andrew J. Bushman

James J. McCaskey

Irene H. McMullen

M Andrew J. Bushman moved the adoption of the following Resolution:

RESOLVED, By the Board of Trustees of Munson Township Geauga County, Ohio in accordance
with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year
commencing on January 1st, 2024; and

WHEREAS, The Budget Commission of Geauga County, Ohio has certified its action thereon to this
Board together with an estimate by the County Auditor for the rate of each tax necessary to be levied by
this Board, and what part thereof is without, and what part within the ten mill tax limitation; therefore, be it

RESOLVED, By the Board of Trustees of Munson Township, of Geauga County, Ohio that the amounts
and rates, as determined by the Budget Commission in its certification, be and the same are hereby
accepted and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Township the rate of each tax
necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITORS ESTIMATED TAX RATES				
FUND	Amount to Be Derived from Levies Inside 10 Mill Limitaion	Amount Approved by Budget Commission Outside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
	Column I	Column II	III	IV
General Fund	\$816,898.00		3.00	
Road and Bridge Fund		\$651,324.00		4.85
Fire OP & APP Fund		\$1,337,792.00		5.63
TOTAL	\$816,898.00	\$1,989,116.00	3.00	10.48

SCHEDULE B LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES				
FUND			Maximum Rate Authorized to be Levied	County Auditor's Estimate of Yield of Levy (Carry to Schedule A, Column II)
Road and Bridge Levy	1976	levy authorized by voters on: November 5, 2019	2.10	\$137,048.00
	not to exceed	5 years		
Road and Bridge Levy	1994	levy authorized by voters on: November 6, 2018	2.00	\$333,778.00
	not to exceed	5 years		
Fire Levy Fund	1994	levy authorized by voters on: November 6, 2018	5.00	\$108,478.00
	not to exceed	5 years		
Fire Levy Fund	2005	levy authorized by voters on: November 5, 2019	1.75	\$413,245.00
	not to exceed	5 years		
Road and Bridge Levy	2007	levy authorized by voters on: November 2, 2021	0.75	\$180,498.00
	not to exceed	5 years		
Fire Levy Fund	2008	levy authorized by voters on: November 6, 2018	1.00	\$240,665.00
	not to exceed	5 years		
Fire Levy Fund	2012	levy authorized by voters on: November 6, 2012	1.00	\$240,665.00
	not to exceed	Continuing years		
Fire Levy Fund	2021	levy authorized by voters on: 11/3/2020 Reduced	1.23	\$334,739.00
	not to exceed	Continuing years		
		levy authorized by voters on: _____		
	not to exceed	years		
		levy authorized by voters on: _____		
	not to exceed	years		
		levy authorized by voters on: _____		
	not to exceed	years		
		levy authorized by voters on: _____		
	not to exceed	years		
		levy authorized by voters on: _____		
	not to exceed	years		

and be it further

RESOLVED, That the Clerk of this Board be and is hereby directed to certify a copy of the Resolution to the County Auditor of said County.

M James J. McCaskey seconded the Resolution and the roll being called upon its adoption
the vote resulted as follows:

M r. Bushman yes
M r. McCaskey yes
M rs. McMullen yes

Adopted the 28 day of November, 2023

Attest:

David R. Ray
Fiscal Officer of the Board of Township Trustees of

Munson Township

Geauga County, Ohio

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio Geauga County, ss.

I, Todd R. Ray, Fiscal Officer of the Board of Township Trustees of
Munson Township in said County, and in whose custody the Files and Records of said Council are required
by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the
original now on file with said Board, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this 28 day of November, 2023

Todd R. Ray
Fiscal Officer of the Board of Township Trustees of
Munson Township

Gauga County, Ohio

1 A copy of this Resolution must be certified to the County Auditor before the first day of October, or at such a later date as may be approved by the Department of Taxation of Ohio.

No. 2023-42

BOARD OF TOWNSHIP TRUSTEES,
MUNSON TOWNSHIP

Gauga County, Ohio

RESOLUTION ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE
NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE COUNTY
AUDITOR.

(Board of Township Trustees)

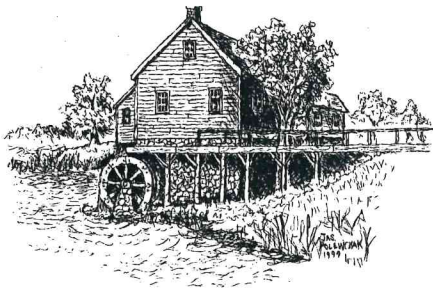
Adopted November 28, 2023

Todd R. Ray
Township Fiscal Officer

Filed

County Auditor

By Deputy Auditor



Munson Township

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

Resolution 2023-43

Be it resolved by the Trustees of Munson Township, in a regular session on the 28th day of November, with the following members present, Irene H. McMullen, James J. McCaskey, and Andrew J. Bushman, that

James McCaskey moved the adoption of the following resolution:

That the 2023 Permanent Appropriation be amended, as follows:


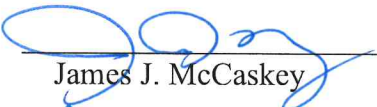
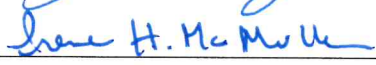
Transfers Within Funds

In the General Fund, a within fund transfer, as follows:

\$6,415.56 to 1000-110-230-0000 Workers' Compensation

from 1000-110-315-0000 Election Expenses.

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

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

Attest: , November 28, 2023
Todd Ray, Fiscal Officer