

RECORD OF PROCEEDINGS

Minutes of _____

Meeting _____

BARRETT BROTHERS - DAYTON, OHIO

SPRINGFIELD TOWNSHIP TRUSTEES

Form 6101

PUBLIC HEARING

Held _____

AUGUST 11, 2015

The meeting was called to order by the President with a request for a Roll Call.

Mr. Foley -Present

Dr. Wells-Present

Mr. Scoby- Present

Public Hearing to determine if 429 Sassafra, Springfield Township, Springfield Ohio 45504 was a public nuisance.

Staff Report -None

The President opened the Hearing to the Public- There were no public comments.

The President closed the Public Hearing.

The President opened the floor to the Trustees for comments-The President requested an explanation of the invoice copy they had been provided for the abatement of the said property.

Ms. Fletcher- Stated she had a conversation with the owner of the property, and she had made arrangements to have the property mowed and provided the Township with a faxed copy of the contract. The company's owner was contacted and he stated his company would be at the property on Wednesday August 12, 2015 to cut the entire property, and to remove shrubs and other vegetation. He also stated that there is a maintenance agreement as part of the contract to cut the property as needed every seven (7) to ten (10) days.

There were no comments by the Trustees.

Motion Mr. Scoby, Second Mr. Foley that 429 Sassafra was not a public nuisance.
Mr. Scoby Yes, Mr. Foley Yes, Dr. Wells Yes.

Motion Mr. Scoby, Second, Mr. Foley to adjourn the August 11, 2015 Springfield Township Trustees Public Hearing Meeting.

Respectfully Submitted:




President



Trustee



Trustee



Fiscal Officer

SPRINGFIELD TOWNSHIP TRUSTEES

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The meeting was called to order by the President with the Pledge of Allegiance.

Those present were as follows:

R. Dean Wells	John Roeder
James Scoby	Alex Turner
Timothy Foley	Barbara Fletcher
Michael Hively	

Motion Mr. Scoby, Second Mr. Foley to approve the minutes of the July 14, 2015 Springfield Township Trustees Meeting.

Mr. Scoby Yes, Mr. Foley Yes, Dr. Wells Yes.

DEPARTMENTAL REPORTS

Alex Turner- Road Department

Updated the Trustees on the progress of the chip/seal program. Stated why he had a Resolution for the Trustees to increase the crack seal budget for the program by \$11,000.00.

The department has cut and removed thirteen (13) more trees.

Provided the Trustees with copies of three (3) bids for the Rockway Fire House, his recommendation is to accept the lowest bid from R & C Excavating.

Updated the Trustees on the current drainage situation on Hedgely Road and on the contractor's progress.

Motion Mr. Foley, Second Mr. Scoby to accept the bid from R & C Excavating & Aeration Systems LLC. To install new 2500 gallon compartment holding tank with water level alarm, per design, for \$5,700.00 at the Rockway Fire Station.

Mr. Foley Yes, Mr. Scoby Yes, Dr. Wells Yes.

John Roeder- Fire Department

Informed the Trustees that there was a Resolution to add two new members to the Department.

Stated the pump tests on three trucks did not pass, although they are still usable, and Chief Fairbanks is aware and addressing the repairs. Thanked Chief Fairbanks and the staff that provided their time and efforts during these test.

At the Clark County Fair there were very few issues, most were EMS runs.

Introduced Ms. Lisa D'Allessandris, Director of the Clark County Emergency Management Agency.

Ms. D'Allessandris- Provided the information to the Trustees about the upcoming hazardous materials training for the Springfield Fire Department. She reviewed the program, location for training, and the required waiver for all participating members, which was provided to Chief Roeder and the Trustees.

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Chief Roeder- Stated the second part of the rope rescue class will be the end of August and that with Chief Davis' assistance the classes to date have saved the Township approximately \$15,000.00

The year to date, as of July 1, 2015, report on fire and EMS runs for the Township was presented. (Statistics will be provided on the Website)

Informed the Trustees of the recent fire inspections in the Township to include the re-opening of The Farm Restaurant, and the replacement of the alarm system in Possum School, before the beginning of the current school year.

Mr. Foley- Provided an update on the issues of the Box 826 with the recommendations of Legal Counsel and a State Auditor. Background on previous meeting minutes states that the Auxiliary would have their own non-profit tax ID number and Chief Roeder would like the Auxiliary members to be employees of the Fire Department to be covered by liability insurance and Worker's Compensation. It is a confusing situation. He continued by reading portions of the email dated August 4, 2015 from the Township's Legal Counsel, Mr. Ryan Saunders.

The entire email is attached as Exhibit "A".

- Auditor Botkin states the Auxiliary should be separate
- Auxiliary Group should be an independent, outside organization
- Employees of the Township should not raise funds when receiving compensation from the Township
- Recommends the Officials of the Township separate themselves from the Auxiliary
- If Auxiliary is to use current Fire Department truck it must be sold to the Auxiliary at fair market value.

He referred to the Resolutions that concerned the Auxiliary Group, the same as presented in previous month. Since Legal Counsel stated the formation of this group is illegal, inquired why they were presented again?

Chief Roeder- Stated that since they thought this organization would be good for the Township that is why the Resolution had been re-submitted.

Dr. Wells- Requested that discussion be held until the presentation of the Resolutions.

EMS Department- Chief Roeder provided EMS information in his report

Zoning Department- No Report

Michael Hively- Fiscal Officer-

Audit for 2014-2015 to begin in 2016 will be contracted out due to State Auditor's offices personnel limitations. Mr. Hively requested that the audit not commence until April 2016.

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Updated the Trustees concerning the progress on the new computers. The server room will need upgrades to the electrical and A/C, and he has estimates for that work. The new computers are in and being prepared for installation. Inquired if there were any questions on the financial reports? There were no questions.

Motion Mr. Foley, Second Mr. Scoby that the Trustees were in receipt of the Appropriation Status, Revenue Summary, and Fund Status Report.

Mr. Foley Yes, Mr. Scoby Yes, Dr. Wells Yes.

OLD BUSINESS

Mr. Foley- Expressed that he had been contacted concerning the fund raiser for pictures, concerned that they were wearing official Fire Department attire when they were not members of the Fire Department, and that if the checks were payable to Springfield Township Fire Department they would be public funds and deposited to the Fire Department's General Fund and not the Association's account.

Mr. Hively- Stated that part of his job responsibility is not just being entrusted with the public money but also understanding and strictly adhering to the Policy's and Procedures of the Township. He stated that an email was sent to Matt Clum, Senior Auditor for the West District requesting his opinion on whether the money raised by the Fire Association was or was not public money. Matt responded stating his opinion was that it was not public money but advised to contact legal counsel. I forwarded Matt's email to Ryan Saunders, Legal Counsel and he agreed that the money collected by the Association was not public money. The office of the Fiscal Officer will not accept these funds based on the opinion of these two officials. Mr. Hively stated that he knew Mr. Foley disagreed because he sent Ryan Saunders an email stating that I only gave him half the facts. Mr. Hively stated that he felt that Mr. Foley's comment to Ryan Saunders was very unprofessional. Again both officials agreed that these monies are not public funds. The funds were solicited on behalf of the Association and not the Fire Department, so money goes to the Association and as Fiscal Officer I will not accept them for deposit to the Township's account.

Mr. Foley- Stated that we have a disagreement between Auditors because Mr. Botkin said they were public funds since the checks were payable to the Fire Department.

Mr. Hively- Requested a copy of Mr. Botkin's email to Mr. Foley. Restated that the funds are being solicited by an employee of the promotion company not by any member of the fire department; therefore, the funds belong to the Association. Until the matter is resolved I stand by the opinion of our Auditor and Legal Counsel concerning if the funds raised are or are not public funds, and my office will not accept those funds.

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Dr. Wells- Questioned if the checks are payable to the Fire Department or the Association.

Chief Roeder- Requested that he be able to address that question. He was unaware that there was an issue/or problem until receiving an email from Mr. Foley. He will request that Mr. Jim Mowen from the promotions company be allowed to address the Trustees concerning that problem. Before releasing the floor he provided information to the Trustees concerning the tools, equipment, gear, and trucks purchased for the department with Association funds. Also stated the thousands of dollars spent remodeling Fire Houses, which are Township property, by the Associations. All this done for the benefit of the Township and its residents. The years of fund raising by the Associations have never before had their intent questioned.

Mr. Mowen - Stated that it was his company's error that the letter that was distributed said the checks were to be payable to the Springfield Township Fire Department. The contract with the Department states that the named group was the Association, and that was to whom the checks should be made payable to. He re-stated it was his company's error and not the responsibility of the Fire Department. All monies are being held until the difficulties can be resolved. Anyone who would like to change their check to read Association, or have their check returned will be accommodated. He stated he does fund raising for numerous other Fire Departments and the issue of the payee has never been a problem.

Chief Roeder- Wanted to state that his Department has not done anything illegal or unethical in raising funds. No money will be deposited until the issue is settled. Requested the entire board please work together to decide what the Township is going to do.

Mr. Foley- The email from Michael Botkin of Thursday June 23, 2015 states that if the check is payable to the Springfield Township Fire Department then they are public funds. The entire email is attached as Exhibit "B".

Mr. Hively- All Auditors adhere to the final decision of the Township's Legal Counsel and Ryan Saunders states that these are not public funds.

Mr. Foley- Stated that the Fiscal Officer was not accountable for the funds, since they were not solicited by him.

Mr. Hively- Not going to accept funds for two reasons:

- 1) Opinion from Legal Counsel that they are not public funds
- 2) The Association is under contract with Mr. Mowen and I do not want to accept monies and violate the contract.

Dr. Wells- Stated that the payee on the check should determine where the monies are to go.

NEW BUSINESS

None

SPRINGFIELD TOWNSHIP TRUSTEES

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RESOLUTIONS

Motion Mr. Scoby, Second Mr. Foley to approve Resolution #2015-090. To approve Paycor Electronic Payments for Payroll Services, and Warrants #55234 through #55303 in the amount of \$194,381.76.

Discussion- Dr. Wells inquired about the \$20,680 check to the Clark County Treasurer. Mr. Hively stated it was for the dispatching contract semi-annual payment. The \$21,255 was to purchase the truck for the Road Department, and the \$14,268 was for health insurance. The total is higher than normal since there was no meeting at the end of July.

Mr. Scoby Yes, Mr. Foley Yes, Dr. Wells Yes.

Motion Mr. Foley, Second Mr. Scoby to approve Resolution #2015-091. To approve the hiring of the following individuals for the Springfield Township Fire Department. Leyenne A. Davis – Zachary F. Meyers

Mr. Foley Yes, Mr. Scoby Yes, Dr. Wells Yes.

Chief Roeder administered the Oath of Office to the two new members.

Motion Mr. Foley, Second Mr. Scoby to approve Resolution #2015-092. To amend Resolution #2015-073. To authorize Alex Turner to enter into an agreement with D.J.L. Material & Supply Company for crack sealing Township roads for an amount not to exceed \$26,000.00.

Mr. Foley Yes, Mr. Scoby Yes, Dr. Wells Yes.

Motion Mr. Scoby, Second Dr. Wells to approve Resolution # 2015-093. To approve the attached Springfield Township Fire Department Auxiliary Member job description. Maximum number of members to be hired will be set at Twenty-Five (25).

Discussion-The floor was opened to the Board, Fiscal Officer, and the Public.

Mr. Foley- Restated issues from the email he received from Mr. Botkin and Mr. Saunders. In an email dated June 10, 2015 he inquired of Chief Roeder if the job description had been approved by Legal Counsel and the Auditor. Stated he had not received a response from Chief Roeder. At the June 23, 2015 meeting Resolution 2015-086 was not passed for the job description for the new Auxiliary, and had a legal disclaimer from Paycor at the bottom. The Resolution died for a lack of a Second. Also, Resolution #2015-087 to hire members for the Auxiliary also failed for lack of Second. Made a request for Public Records to see if money has been spent on this issue, also made a request for more "due diligence" in the future.

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Dr. Wells-Requested that the Public limit comments to three (3) minutes and only one time to address the Board.

Mr. Hively-Stated verbally that no public money had been spent, and will follow up with a written statement. Also stated Mr. Foley approved last year all new job descriptions for the Road Department, all of which had the same legal disclaimer on them.

Chief Roeder- His responses to emails are to Dr. Wells, who is Supervisor over the Fire & EMS Departments. Inquired if that response had been shared with the other Trustees?

Mr. Hively- Added that if you check the minutes of that meeting, I did respond to the question that the Job Descriptions were prepared by Paycor HR to ensure they were compliant with Ohio Labor law. The State Auditor really has nothing to do with our job descriptions.

Tony Davis- Addressed the guidelines provided by legal counsels. If the interpretation that these associations are illegal then there are numerous groups in the County and the area that are operating illegally. Gave examples of other groups and their fund raising and donations for the benefit of their Departments. Encouraged the Trustees to look for a way to make this successful, not just find ways to stop a group that is only looking to benefit the Township and the Fire Department. Stated that Mr. Foley was being harsh and stated his disappointment.

Josh Marks- Thanked the Trustees for their consideration. Stated when the members of the Fire Department are out at 3:00 AM which one of the Trustees would like to come and assist them, as this Association wants to do.

Mr. Foley- The Auxiliary is not the issue, the issue is they are not to be Township employees.

Mr. Scoby- Stated that as a Trustee he is not told by anyone else on what to do or how to vote. Township Government is for the people. Feels that Box 826 is a good organization for the Township, and everyone should be looking for a way to get it done, not just ways to stop the formation. Encouraged everyone to move forward.

Paul Smith- As a resident, very happy with the Fire Department. If there are differences of opinion, then table the matter, come to an agreement, then move forward.

Mr. Foley- Restated that an Auditor and Legal Counsel say the organization is illegal.

Mr. Scoby- If these organizations are illegal then all associations are in violation of the Ohio Revised Code. It would be a benefit to have Mr. Saunders attend a meeting so all opinions, and options can be presented and decided on.

Chief Roeder- Trying to do something good for the Township. The men involved have spent time and effort to make this work. Asking the Trustees to find a way.

Dr. Wells- Requested the floor to clarify a point. He did share with the other members of the Board, Chief Roeder's response to Mr. Foley's 6/10/2015 email.

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Dave Noble-Stated he was part of the group trying to establish Box 826. Provided the Trustees with his background of experience. If the association could be part of the Fire Department, such as the ones already established, it would save a very large expense for worker's compensation. Requested that Mr. Foley stop shuffling papers when someone is addressing the Board and requested his attention when someone was speaking to him.

Dr. Wells-Called for a vote on Resolution 2015-093.

Mr. Scoby Yes, Dr. Wells No, Mr. Foley No.

Dr. Wells- Waived consideration of Resolution #2015-094 based on the vote on Resolution # 2015-093.

Motion Mr. Scoby, Second Mr. Foley to approve Resolution # 2015-095.

To approve the purchase of six GETAC V110 convertible laptop computers for the medic units and Maintenance Officer, from Mobiletek for a cost not to exceed \$19,023.00.

Mr. Scoby Yes, Mr. Foley Yes, Dr. Wells Yes.

RECOGNITION OF SPECIAL GUESTS

Mr. Doug Smith, Former Trustee of Springfield Township.

OPEN TO THE PUBLIC

Deborah Loewe- Presented the Trustees with pictures and information concerning the water drainage , and catch basins which seem to be part of the issue of capturing water on Hedgely Rd. Thanked Mr. Turner for his assistance in addressing the issue. Requested assistance of the Board to resolve the drainage issue. Offered any assistance required by the homeowners.

Mr. Turner- Stated that some of the drainage problem is due to a high water table and the issue includes the Township's requirement to stay within the right of way and not on private property.

Ms. Loewe- The neighbors are aware that these issues have developed over time.

Mr. Scoby- These situations have occurred in other parts of the Township, and the Township has only the right of way from the center of the road for 25'. Township cannot correct drainage on private property. Offered several options to try to correct the problem with Mr. Turner's assistance.

Ms. Loewe- Just asking for assistance on what the Township can do within their limitations, and restated the residents will be happy to do their part.

Debra Paul- Told the Trustees the pictures were of her yard, which is mostly unusable and will be happy to do what is needed.

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Amanda Kincaid- Stated her experience with water issues in Springfield Township over several decades. Stated that leadership is difficult and sometimes requires that tough decisions have to be made. Also encouraged the Trustees to use their due diligence in bringing to a conclusion the issue of the Association for the benefit of the community.

Ed Rader- Had several concerns about the Rockway Fire Station. The Trustees had approved the money to remodel the kitchen before the non-compliant issue of the oil separator was addressed. Also he inquired if the restroom at the Fire Station was ADA approved? He stated that Chief Roeder was running for Trustee, and if he won would he resign as Fire Chief? Concerned about a conflict of interest.

Wayne Morris- Expressed his concerns about brush pick up on N. Bird Rd. for the last three years at his property. Mr. Turner will address the problem after the meeting.

MaryAnn Schmidt- Would like her fund raiser check back so she can add the word "association" to it. Stated she misses the fund raisers provided by the Fire Department and expressed her support.

Judy Pierce- President of Clark Shawnee Board of Education- Expressed the Board's appreciation for the support provided by Springfield Township. Happy to hear that Possum School will get a new alarm system. Requested a meeting with Mr. Turner concerning some road issues for the schools.

CLOSING REMARKS BY TRUSTEES & FISCAL OFFICER

Mr. Foley- None

Mr. Scoby- None

Mr. Hively- None

Dr. Wells- Stated, for the record, that the Board is in favor of the Association, and not opposed to it.

NEXT MEETING

August 25, 2015 beginning at 6:30 PM

MOTION TO ADJOURN

Motion Mr. Scoby, Second Mr. Foley to adjourn the August 11, 2015 Springfield Township Board of Trustees Meeting.

RECORD OF PROCEEDINGS

Minutes of _____

Meeting _____

BARRETT BROTHERS - DAYTON, OHIO

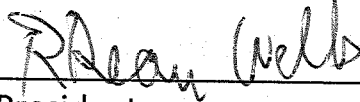
Form 6101

Held _____

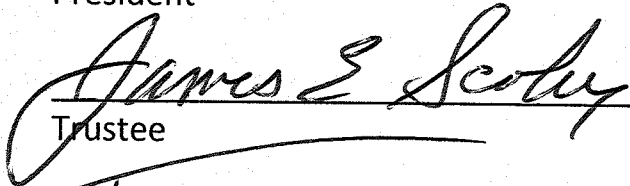
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Respectfully Submitted:



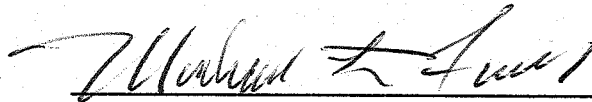
President



Trustee



Trustee



Fiscal Officer