

RECORD OF PROCEEDINGS
MUNSON TOWNSHIP TRUSTEES REGULAR MEETING

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held
Tuesday, March 28,
20
23

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

The Trustees signed warrants 19329 through 19353 dated 3/28/23, totaling \$250,449.25, and the 3/31/2023 bi-weekly payroll EFT vouchers 63 through 70, totaling \$10,771.03.

Cemetery Deeds

The Trustees signed cemetery deed #5-367 dated March 28, 2023 to Robert S. Merkle and Barbara R. Walsh for Fowlers Mill Cemetery, Section 2, Lot 345, Grave 1, and deed #5-368 dated 3/28/2023 to Paul and Karen Tautges for Maple Hill Cemetery, Section 3, lot 342, graves 13, 14, and 15

Minutes

Andy Bushman moved to approve the minutes of the Trustees Special Meeting held Friday, March 3, 2023 as presented. Irene McMullen seconded; by a 2-0 vote, the motion carried, with Trustee McCaskey abstaining.

Jim McCaskey moved to approve the minutes of the Trustees Regular Meeting held Tuesday, March 14, 2023 as presented. Andy Bushman seconded; with a unanimous 3-0 vote, the motion carried.

Chair McMullen announced that the meeting included a scheduled and advertised bid opening at 6:45pm, and noted that the meeting would pause to allow for the bid opening, then resume the Fire Department report.

FIRE DEPARTMENT

Irene McMullen made opening comments addressing her efforts to gather information to answer questions regarding Fire Department operations and finances. She stated that Munson Fire Department Inc. is an IRS designated nonprofit organization. She said she has learned from the Fire Department Trustee liaison Bushman that Fire Department governing board members propose and vote on their own raises, and some of the board members are employees of the Fire Department. This practice may be in conflict with the “duty of loyalty” commitment of board members to the nonprofit they serve. She noted that she understands that a Fire Department profit-sharing 401k plan exists that provides for discretionary payments to members as part of the retirement plan for employees. She has inquired about the sharing of profits practice. She noted that the Munson Trustee liaison is a non-voting member of the Fire Department Board. While she has received the information she has asked for through the Trustee liaison, she stated that she continues to ask to see the minutes of the Fire Department governing board meetings, and the request was also made through Trustee liaison Andy Bushman, but the Township is still waiting for a response to the request. She believes the minutes are a public record, and that the residents have a right to see the minutes as well. She encouraged the Fire Department to consider implementing best practices and discontinue the practice of having board members who are employees vote on their own raises.

Ms. McMullen went on to praise Munson Fire Department for numerous improvements and efficiencies that have been initiated within operations, and acknowledged the forward-thinking technical expertise demonstrated by Department leadership. She listed the several organizations, including Munson Fire Department, that routinely makes important contributions to the well-being of the community. She stated that the Township is fortunate that Munson Fire Department’s mission includes a commitment to core values of honesty, respect for every resident, and a spirit of cooperation. She believes that they have made a good argument for increasing funding, and the Trustees will continue to work on determining an appropriate amount for a levy increase.

Trustee Andy Bushman responded by saying that he did not say board members vote on their own raises, and that their raises are approved through a different channel. He suggested the Fire Department explain how raises for board members are set. Chief Vatty asked the Treasurer to explain.

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Fire Department Treasurer Rich Ferlin stated that Ms. McMullen’s assertion is wrong and questioned what bylaws she was reviewing. He also asked where Ms. McMullen got the profit-sharing 401k document she referenced. Ms. McMullen responded by stating it was a public record she requested and received from the US Treasury Department, noting that it was signed by the accountant Shawn Neece who was working for the Fire Department at the time. Mr. Ferlin disputed the origin of the document, and said it is old, and has not been in place for some time.

Treasurer Ferlin provided an explanation of how increases in compensation are prepared. He stated that the President, Vice President, and Treasurer present the recommended raises to the governing board, and then it is up to the President, Vice President, and officers board to vote on the recommendations. Ms. McMullen asked questions seeking clarification, because she understands that some of the board members are also employees of the Fire Department. Mr. Ferlin acknowledged that some of them are employees.

Ms. McMullen said she was simply trying to find out how the voting works, and her understanding is based on what the bylaws say. Mr. Ferlin questioned if she had the current bylaws, and believes she has old information that is not accurate. Ms. McMullen indicated that she has bylaws from 2021, and was told that those are not the current bylaws.

Mr. Bushman indicated that he has the most recent bylaws approved by the governing board. Ms. McMullen asked that he provide her with a copy of those bylaws.

Ms. McMullen said that she was trying to confirm that there was no conflict of interest when Fire Department salaries are approved by the board. Mr. Ferlin assured her there was no conflict of interest.

Mr. Ferlin stated that the Fire Department provides all current materials to the Trustee liaison, but McMullen was using old stuff. Ms. McMullen stated that this is why she wanted to see the minutes of the Fire Department board meetings, because minutes might indicate who voted on raises, and many of her questions might be answered.

Mr. Ferlin asked Mr. Charles Royer to address the Chair. Fire Chief Mike Vatty asked that Mr. Royer speak on behalf of the Fire Department. Mr. Charles Royer identified himself as a lawyer on retainer representing Munson Fire Department, and noted that the Township received correspondence from him today. Mr. Royer acknowledged that Ms. McMullen had been asking for the Fire Department board minutes for three years, and that he had responded to the Township’s legal counsel, Assistant Prosecutor Susan Wieland, by letter a week ago and informed her that Ms. McMullen would be allowed to come in and review the minutes, but they do not believe that they are public records. Ms. McMullen indicated that she had not seen the letter telling her she could review the minutes.

Mr. Bushman noted the time; at 6:45 the Chair paused the discussion to address the bid opening.

BID OPENING - SPRING BIDS

Jim McCaskey moved and Andy Bushman seconded to waive the reading of the legal notice published in the *Geauga Maple Leaf* on Thursday, March 2, 2023, for road materials, catch basins and headwalls, and virgin asphalt concrete; with a unanimous vote, the motion carried. The Township received one sealed envelope for Virgin Asphalt– Andy Bushman noted that the Township received one bid, properly sealed and labeled.

- 1) Cuyahoga Asphalt Materials, \$500 bid bond from Liberty Mutual Insurance Co.
Mr. Bushman read aloud the per/ton bid prices for three kinds of asphalt materials.
- Road Materials – The Township received two bids, properly sealed and labeled.

- 1) Arms Trucking, \$500 bid bond from the Old Republic Surety Company.
Mr. McCaskey indicated for the record that the packet contained an extensive schedule of road materials and corresponding bid prices. He elected not to read aloud the entire list, but noted that they are a public record and anyone is welcome to stop in and review them
- 2) Geauga Highway Co., \$500 bid bond from Employers Mutual Casualty Company.
Andy Bushman noted and read aloud the per/ton bid prices for three materials.

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Catch Basins and Headwalls – No bids submitted.

Jim McCaskey moved and Andy Bushman seconded to accept the bids and turn them over to Road Superintendent Kirk Walker for his review and recommendation as presented, with a unanimous vote. Motion carried.

Chair Irene McMullen returned the meeting to the regular agenda, and to Mr. Ferlin for additional comments.

Mr. Ferlin stated that the Department has always been more than willing to allow Ms. McMullen to stop over and read the board minutes, but because there is a dispute over whether the Munson Fire Department Inc. board minutes are a public record, the Department has been unwilling to send them to Trustee McMullen. Mr. Ferlin pointed out that once sent, the minutes do become a public record, and they do not want them to become a public record. Therefore, the Department is keeping an open invitation to allow Ms. McMullen to go over to the Department offices and review the minutes with a representative present, and he insisted that they will not be redacted.

Ms. McMullen thanked him.

Chair McMullen then invited Fire Chief Mike Vatty to address the Fire Department report.

Fire Chief Mike Vatty presented the Trustees with a document detailing various awards, grants and gifts that Munson Fire has secured over the past seven years. Through their efforts, Munson Fire has brought in over \$730,000 in total value in equipment while expending more than \$48,000 in matching funds from the Corporation’s resources, without coming to the Munson Trustees to replace those funds. He wished to highlight the fact that the Department has been doing a lot to get new equipment such as fire hoses, fire ponds, radios, extrication tools, and SCBA equipment for the benefit of the residents without asking the Township for more money. They actively seek cost savings through collaboration with other Fire Departments on grant applications. Chief Vatty had extraction equipment in the room that would have cost \$20,000 but was acquired through a grant for only \$1,800. He gave another example of thermal imaging equipment that the Department purchased and installed on each fire truck, at a cost of \$5,000 per unit, using Fire Department funds. Chief Vatty said this shows how the Department goes above and beyond to provide for the residents, in ways that are not required by the contract.

Chief Vatty then asked Battalion Chief Aric Anderson to report on the wind-storm response on Saturday March 25.

Battalion Chief Anderson reported that Munson Fire responded to 22 calls in a 24-hour period, with three calls for structure smoke and/or fire calls, and two EMS calls in the Township. Most of the calls were for downed powerlines and trees, and two calls for trees v. cars incidents. The four on-duty staff handled all calls, and Doug Riedel reported back to the station on call-back to man the station while on-duty crews were out on calls. Mr. Anderson reported that he assessed, prioritized and dispatched crews during this period.

Rich Ferlin shared an anecdote in which he took a call from a resident comparing a cable-TV bill to the cost of emergency protection provided by the Fire Department, and the caller agreed that emergency services are worth every penny.

ROAD DEPARTMENT
New Truck order/purchase

Chair McMullen opened a discussion about ordering another new truck for the Road Department because of the two-to-three-year lead time to have one built. She suggested that the Trustees approve gathering information on interest rates from lenders if the Trustees wanted to borrow to make the purchase.

Andy Bushman suggested that the Trustees plan to order two trucks.

Jim McCaskey moved to authorize Fiscal Officer Todd Ray to seek information from a couple of banks about borrowing for the purchase of trucks. Andy Bushman seconded; with a unanimous vote, the motion carried.

Automatic External Defibrillator

The Trustees revisited the request for AEDs for the Road Department and agreed that they would like to purchase one unit to be carried in the Road Superintendent’s truck. Andy

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Bushman recommended waiting to decide on a second unit for the Road Department maintenance building until after the renovation project is completed.
Jim McCaskey moved to approve the purchase of one AED unit. Andy Bushman seconded; with a unanimous vote, the motion carried.

Township Clean-up Day Trash Hauling

Road Superintendent Kirk Walker discussed three quotes for trash-hauling for Community Clean-up Day, and recommended Penn Ohio as the vendor of choice due to lowest rates and past performance. Jim McCaskey moved to approve Penn Ohio as the vendor for Community Clean-up Day, not-to-exceed \$6,000. Andy Bushman seconded; with a unanimous vote, the motion carried.

Andy Bushman moved to approve \$150 to be spent for lunches for the crew working Community Clean-up Day. Mr. McCaskey seconded. Motion carried with a unanimous vote.

Renovation Project

Mr. Walker reported that the renovation project was ready for cabinets and countertops and provided two quotes. He recommended the quote from Menards. After some discussion, Jim McCaskey moved to approve the purchase of cabinets, countertops, and hardware from Menards for \$3,535.88 . Andy Bushman seconded; with a unanimous vote, the motion carried. Road Superintendent Walker offered a comment that he recommends the Trustees provide trucks and resources for safety forces before acting to acquire any land that may be under consideration.

Resolution 2022-10/Authorizing Participation in ODOT 2022 Road Salt Contracts

A motion to approve Resolution 2023-10 was made by Jim McCaskey and seconded by Andy Bushman for Munson Township to participate in the ODOT road salt contracts for 2023, with a unanimous vote. Motion carried.

TOWNSHIP BUSINESS

Disposal of Old Fire Truck

Trustees discussed how they would sell the old, stripped-down firetruck that had been removed from service. Jim McCaskey agreed to explore the GovDeal.com online selling process.

Garbage Hauling Contract

At 7:20 pm Chair McMullen noted that Mr. McCaskey excused himself from the meeting. Mr. Bushman and Ms. McMullen addressed the garbage removal service. Andy Bushman moved to approve the garbage service agreement with Waste Management for Munson Township parks and buildings. Irene McMullen seconded; with a unanimous 2-0 vote, the motion carried. Jim McCaskey returned to the meeting at 7:25pm.

Park Board Project Priority List Recommendations

Ms. McMullen noted for the record that the Township Park Board members had provided the Trustees with a ranked list of projects they recommended to the Trustees.

FISCAL OFFICER

Resolution 2023-11: Fund Transfer

Jim McCaskey read aloud and moved to approve Resolution 2023-11, a within-fund transfer in the General Fund. Andy Bushman seconded. Motion carried with a unanimous vote. The resolution in its entirety is attached to the minutes.

Other Meetings

Jim McCaskey attended the Geauga Public Health Board meeting last Wednesday.
Andy Bushman attended the Geauga Safety Council meeting on Friday, March 3.

Public Comment

Resident Glenn Kinter asked Fire Chief Vatty if Munson Firefighter/EMTs’ rate of pay is comparable to other Townships. Chief Vatty responded that the rates are comparable, and he could provide detail at the next meeting.
Mr. Kinter asked about the retirement plan for Fire Department staff. Treasurer Rich Ferlin provided an answer including historical information as far back as 2006, the abolishment of the profit sharing/401K plan, noting that it was “written out” in 2018. He explained that the

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Department now contributes 15% of a salaried firefighter’s wages into a retirement account, after 6 months of employment. The employees contribute 12% of their wages.

Mr. Kinter offered a comment that he believes some residents oppose a Fire levy, but he thinks it should be up to the voters to decide. He would like to know what the levy collection period will be.

Mr. Kinter offered a statement of support for the Road Department to get new trucks and encourages the Trustees to put a Road levy on the ballot. He believes the Township got behind on replacing old trucks.

Mr. Kinter commented that he believes the Trustees should not purchase land as long as there are real needs for trucks and the Fire Department.

Resident Rich Ferlin asked if the Trustees could explain how documents are received into the Township office. Mr. Bushman explained how documents are received, stamped, and dated for Trustees to review. The process does not identify how the document arrived at the Town Hall.

Mr. Ferlin expressed concern and frustration that the source and method of receiving documents is not recorded when documents are received.

Fire Chief Vatty commented that he provides paper copies of the run report information he shares at the meetings, and noted that some of the information presented by Chair McMullen in her opening comments was inaccurate. He asked if her notes would be available as a public record so the inaccuracies could be addressed.

Mr. Ferlin followed up, asking how inaccuracies that are included in the minutes can be corrected.

Executive Session

At 7:43pm, 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 7:56 pm.

Jim McCaskey moved to approve compensation/raises as follows:

Effective April 1, Road Superintendent Kirk Walker, salary of \$72,816.

Effective March 27, Jason Vatty, \$26.75 per hour; Ross McKinstry, \$21.85 per hour; Steve Grzsik, \$21.70 per hour; Josh Helms, \$20.70 per hour; Paula Friebertshauser, \$32.55 per hour; Jim Herringshaw, \$21.72 per hour; Julie Johnston, \$18.00 per hour; Judy Toth, \$20.00 per hour. Andy Bushman seconded. Motion carried with a unanimous vote.

Encumbrances

Jim McCaskey moved to approve the encumbrances for Tuesday, March 28 as presented. Andy Bushman seconded. Mr. McCaskey, “yes,” Ms. McMullen, “yes,” Mr. Bushman, “no.” Motion carried.

Blanket	Operating supplies, parks	\$1,000.00
Blanket	Appraisal fee	\$1,400.00
R. J. Elias, Jr.	Cemetery plot buy-back	\$400.00
COSE / Medical Mutual	Medical/hospitalization insurance	\$147,000.00
Munson Fire Department	Contract payment, real estate taxes	\$218,667.29
	Contract payment, EMS collections	\$20,000.00
Waste Management	Parks garbage hauling	\$2,800.00

Motion to Adjourn

Mr. McCaskey moved to adjourn the meeting at 8:00pm. Mr. Bushman seconded; motion carried with a unanimous vote.

James H. McMullen Chairman Todd R. Ray Fiscal Officer

RESOLUTION 2023-10
AUTHORIZING PARTICIPATION
IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2023

WHEREAS, Munson Township in Geauga County (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and

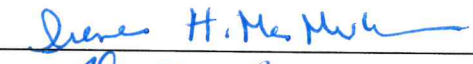
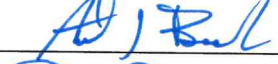
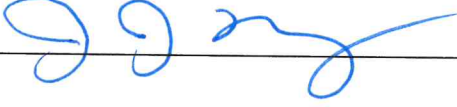
d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and

f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and

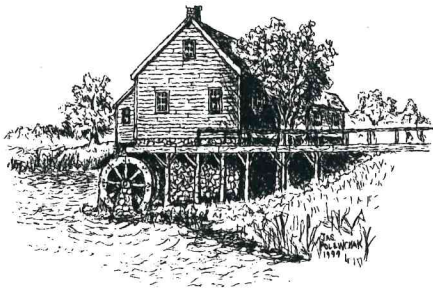
g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Monday, May 1st, **by 5:00 p.m.** The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, be it ordained by the following authorized person(s) that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

	(Authorized Signature)	<u>3/28/23</u>	Approval Date
	(Authorized Signature)	<u>3/28/23</u>	Approval Date
	(Authorized Signature)	<u>3/28/23</u>	Approval Date
_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date

THIS RESOLUTION MUST BE UPLOADED TO THE SALT PARTICIPATION WEBSITE BY NO LATER THAN MAY 1st, 2023.

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.



Munson Township

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

Resolution 2023-11

Be it resolved by the Trustees of Munson Township, in a regular session on the 28th day of March, 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:



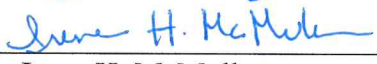
\$4,000.00 to 1000-760-740-0120 Machinery, equipment, and furniture {Township}

and

\$4,000.00 to 1000-760-740-0330 Machinery, equipment and furniture {Road and Bridge}

all from 1000-990-990-0000 Contingencies

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: , March 28, 2023
Todd Ray, Fiscal Officer