

RECORD OF PROCEEDINGS

Minutes of

Meeting

REGULAR MEETING

DAYTON LEGAL, BLANK, INC. FORM NO. 10148

FEBRUARY 20, 2008

Held

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The Atwater Township Trustees held their regular meeting February 20, 2008 at the Atwater Town Hall located at 1219 St Rt. 183 Atwater Ohio 44201 at 7:00pm.

ATTENDING

Those attending the meeting were: Danny Derreberry, James Conley, Cindy Werab, Rebecca Bennett, Chris McDuri, Pete Royer, Christine Lantz, Peggy Baine, Walter Baine, Martha Bevard, John Kovacich, Nina Kovacich, Beckie Whittlesey, Kevin Bittner, Maggie Bittner, Chuck Bittner, Lloyd Myers, Don DeCrane, Tara DeCrane, Caleb Kane, Maggie Kane, Norma Rossow, Barry Rossow, Tara Bolanz, Tom Nellis, Maxine Knapp, Lynn Whittlesey, Linda Whittlesey, Jean Oreskovick, Naomi Wise, Hobby Horn and Chuck Darrah.

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Derreberry. Roll call: Cindy Werab yes, James Conley yes, Danny Derreberry yes.

MINUTES

Chairman Derreberry stated that we would waive the reading of the minutes for the previous regular meeting and the special meeting due to the current audit. We are currently in an audit for the fiscal years of 2005, 2006 and 2007.

Motion by James Conley to approve the minutes for the February 4, 2008 regular meeting as written. Seconded by Danny Derreberry. Roll call: Cindy abstain, Jim yes, Danny yes. Motion carried.

Motion to approve the minutes from the special meeting held on February 114, 2008 made by James Conley. Seconded by Danny Derreberry. Roll call: Cindy abstain, Jim yes, Danny yes. Motion carried.

FIRE DEPARTMENT

Mike Lang, Interim Fire Chief, gave the Board a flow chart was designed to show the structure of the Atwater Fire Department. He proposed placing Don DeCrane as assistant Chief of operations, Tim Whittlesey as a general operations manager, Tom Nellis to oversee reporting, and Mel Russell voice of the general opinion.

Motion to accept the structured outline presented to the Board by Mike Lang made by Danny Derreberry, seconded by Cindy Werab. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Diane Bunker stated that she reviewed the EMS training for the Fire Department. There is only one that is due in 2008. She stated that in April they would require a TB test.

Motion to have working partners perform TB testing on the Fire Department staff in April made by James Conley, Seconded by Danny Derreberry. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Mile Lang stated the equipment at the station seems to be in good condition except for the old chevy pumper truck, it has a spring problem on the left rear. He recommends taking it to have the spring situation resolved. It is not broken but is sagging and can cause a handling problem when it is being operated. He is guessing the cost to be \$2000.00 or less.

Motion by James Conley to take the truck to Stouver to have the springs repaired. Seconded by Danny Derreberry. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

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Mr. Lang handed the chairman a list of volunteers that are no longer active at this time. He stated that everything seems to be running smooth at the department.

TATA BOLANZ

Tara Bolanz, a member of the Waterloo school board was given the floor to speak about the upcoming election that has a levy they hope to will pass voter approval. She also talked about the homestead act, and that senior citizens can apply for a reduction on their taxes.

Chairman Derreberry stated that they were signing a paper that pertained to the non-duplicable keys that are currently being installed at the Fire department.

ROAD DEPARTMENT

Jim Conley stated the Road Department is currently working on cleaning up the cemetery and that they are waiting on grit to come in to mix with road salt.

Cindy Werab stated that the youth group at the church is wanting to assist in anyway that they can with the township and that she thought that helping with cleaning up the cemetery would be good project for them.

Danny Derreberry stated that there is a situation on Grate St with the drainage. This has been an ongoing thing for about 2 years. The Road department has looked at and decided to redo the ditch and put in perforated pipe. Cindy stated concern about the sewer line and the gas line that may be there. Danny stated there is a main drain there and that they would tie into this. Jim stated that last years estimate was around \$400.00.

ZONING

Bob Bane stated he would like to speak to the Board in executive session pending litigations.

Motion to go into executive session for litigation made by Danny Derreberry, seconded by James Conley. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried. 7:29 pm

Motion to back into regular session made be James Conley. Seconded by Cindy Werab. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried 7:41pm

Motion to have a title search performed on the property located 5608 Wilkes Rd parcel #01-065-00-00-005 made by Cindy Werab. Seconded by James Conley. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Motion to accept the resignation of Cindy Sziets from the Zoning Board made by James Conley. Seconded by Cindy Werab. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Motion to appoint Norma Rossow to the Zoning Board made by James Conley. Seconded by Cindy Werab. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

CEMETERY DEEDS

The Board signed cemetery deeds for individuals that purchased cemetery lots from the township.

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BILLPAY

Motion to pay the bills made by James Conley. Seconded by Danny Derreberry. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

I, Rebecca Bennett, Fiscal Officer do hereby certify that there are ample funds to pay the bills as written.

02-20-2008	CLIA LABORATORY	\$150.00
02-20-2008	AT&T	117.72
02-20-2008	OHIO EDISON	37.17
02-20-2008	OHIO EDISON	1124.68
02-20-2008	WISE CHEVROLET	2125.43
02-20-2008	MORTON SALT	1834.65
02-20-2008	RECORD PUBLISHING COMPANY	143.90
02-20-2008	AMERICAN MESSAGING	187.93
02-20-2008	TIME WARNER CABLE	79.95
02-20-2008	ROBINSON MED. CENTER ONE	307.61
02-20-2008	PORTAGE COUNTY TREASURER	18.00
02-20-2008	OHIO LABOR LAE POSTER SERVICE	5.25
02-20-2008	LOWES BUSINESS ACCOUNT	97.14
02-20-2008	NFPA	150.00
02-20-2008	MARLBORO SUPPLY	92.00
02-20-2008	METRO DISPOSAL	151.39
02-20-2008	GOODYEAR STREET & HIGHWAY	483.00
02-20-2008	AT&T	104.15
02-20-2008	AT&T	242.67
02-20-2008	VIKING PLUMBING	2264.68
02-20-2008	WHITES FARM SUPPLY	5.99
02-20-2008	DANNY DERREBERRY	366.97
02-20-2008	MATHEW DAILEY	931.34
02-20-2008	REBECCA BENNETT	578.05
02-20-2008	TIMOTHY WHITTLESEY	1038.86
02-20-2008	OPERS	729.13
02-20-2008	CHASE BANK	607.67
02-20-2008	TREASURER OF THE STATE	95.09
	TOTAL	14,070.42

CINDY WERAB

Cindy Werab stated that she signed two checks at the previous meeting that she did not mean to sign. One was for reimbursement for the Columbus trip and the other was for the locks being changed.

PUBLIC COMMENT

John Kovacich said that after the Special meeting on February 14, he asked the Fiscal Officer for minutes from previous meetings, she stated she did not have them. Rebecca Bennett stated that the minutes from the year 2005 that you had requested have been turned over to the auditor. I do not have them. He then asked if there is only one set. Rebecca Bennett and yes there is only one set, they are in a records book of proceedings and that book is with the auditor. He then asked if there is another copy, and was answered no. He then asked what if something was to happen to that book, then those copies are gone forever and that's that. Rebecca Bennett answered that is correct. Cindy

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Werab stated that she hap copies of 2005 and 2006. John stated that he would like to have a copy of those so that he could read them.

He then stated that if the board would have communicated with somebody they wouldn't be changing the locks for a second time. He stated that the keys that was down there. (fire department) where non-duplicable. James Conley stated that the keys that where at there was not non-duplicable. The original keys where reproducible, and it was suggested by Diane Bunker to have them redone.

BECKIE WHITTLESEY

Beckie Whittlesey wanted to know why the board went to Chief Lang in the first place and why did you go without involving all three trustees. Danny stated that there was a time factor involved and he was unsure if we would have a fire department. And because of that reason I had to act prudently to make sure that the Atwater Township had a fire Department in place and in operation. We do have an agreement with them (Randolph) it states that they are a back up for us. Also Edinburg and Deerfield is as well. Beckie said that the board had fired Lynn before and none of the members walked out then, what made you think they would this time. Danny stated because Lynn told me over the phone that we may not have a fire department based on the non compliance issue. She then stated that we had already discussed that social security numbers was not required is that correct. Danny stated that at that time it was highly suggested and as it turns out it is required on more than one document anyway so this is sort of a moot point. She then asked if he had made any plans to hire personnel or a fire chief. Danny answered that we turned that over to Chief Mike Lang to make those decisions. She you our trustees Mike Lang is not. Danny responded no but he is our acting Fire chief at this time, he is going decide what we do as far as putting appointments in place, which he has already done as you saw tonight, we are moving forward with that. Chief Lang is under my directions. This is already over with, we are not looking back and Lynn has resigned.

An audience member asked why was Cindy excluded. Jim stated that she was not excluded. She asked if it was convenient to have a special meeting the other day because she was not here. Jim stated she had the opportunity to be there, she just couldn't do it because of her work. Cindy stated that she asked them if we had anymore special meeting from here on out if we could schedule them early in the morning, possibly at 7:00am

TOM NELLIS

Tom Nellis stated that for the record only one person walked out during the meeting. That was Rick Bane. The rest of was here until the end of the meeting. The meeting adjourned then we left.

Danny stated that we have beat this enough.

DOROTHY CLITES

Dorothy Clites asked if we appointed Don Decrane as assistant Fire Chief. Danny stated according to this. Do we have our Fire Department back? Danny stated you have always had your fire department. She then argued (could not understand recording) Danny asked her if she was here when Mike Lang gave his report. She said yes. He then asked if she understood what he said. She stated she heard what he said. Danny asked When I asked if anyone had any questions. She stated I'm asking you. Danny stated but I asked you to ask him because he already gave you the answer. She asked who do you pay if Randolph takes somebody to the hospital, do they charge. They are going to charge the same rate that we charge. Is Randolph being paid is the question. Rebecca Bennett answered no. You said that they will not charge other than the first few weeks, but they will continue

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coming to our calls to oversee the conduct and the performance of our fire department until such a time that we have a chief. They are not being paid to come to Atwater Calls. Cindy stated that this sheet here still has Mike Lang as the assistant chief with Don DeCrane as assistant chief of operations.

Lloyd Myers stated every time there is a levy for the fire department I vote for it. My question is to Jim Conley since he is the senior trustee on the board. Has any money ever been spent on something other than the fire department? Jim answered No and we have the audit to prove it the 2003-2004 audits when they got done, everything that was claimed to be gone is back where the money belongs. Lloyd stated he wanted to ask him directly for himself. Jim stated that if we happen to pay the wrong bill. The auditor looks at it and states this doesn't go to this account then he puts the money back where it belongs, and that was done. Someone else asked, how does the auditor know that? Jim answered because he looked at when he was doing the audit.

HOBY HORN

Hoby Horn asked the board about the insurance renewal, he asked if the board was mislead in believing that was necessary or did I misunderstand what you was saying. Danny stated that he was requested to get this information by the Fiscal Officer, she told me it was related to insurance and the renewal of insurance. It is all based on information that she needs. Hobby asked, You were giving the impression that in order to get insurance that social security and other information was needed. Danny stated, yes there was about 5 or 6 pieces of information needed. Cindy said she would like Becky to speak or elaborate. Becky stated they did say it was highly recommended. When a firefighter gets hurt, What is the first thing they are asked for when they go to the hospital, they ask for your name, address, social security number. When that claim goes to the insurance company, they call the employer, the employer has to verify this information. Hobby then asked if we now have those social security numbers. Danny answered yes, I do. And that is the way I feel, I read the paperwork that came through. Another person asked even though they told Cindy that they didn't need them. Danny said actually require more than that. They are asking for back ground checks. Hobby asked the last time I was at a meeting Cindy stated they didn't need it are you now saying they do. Danny said, I still that they are needed, We talked to the president of the fire chief association while we were at the Winter Conference, he said the exact same thing I am telling you, yes you do need that information. That is one the particular items that everybody has to have, whether it is for the insurance or not, you still need that information, but in this case when the flyer came down and I saw the flyer it said that it was highly recommended that we have this information and the reasons why, and the reasons where due to an elevated risk factor that has occurred in the last 2 or 3 years. What has happened is somewhere in southern Ohio Firefighters have been out on as call or coming back from a call and have had accidents. The accidents resulted in deaths. When they were doing background checks, they found that some of the people that were driving these vehicles was driving under suspended licenses, or had points on their license. When they learned this, they raised the bar as far their requirements are concerned. That is why we are where we are at now. I don't want to do this anymore than anyone else, but at the same time I don't want anybody that is irresponsible driving the vehicles.

Danny stated that we are done with this discussion we have gone over this enough. It was stated that, this is open forum. Danny stated it is open forum but you are continually talking about the same thing.

John Kovacich stated he had something new then he wanted to bring up. When this all came out, you guys went to Columbus, how far in advance did you know about this conference? Danny answered just a couple of days, Chris McDuri called me and recommended that I go down there just because of the information that was available while there. Cindy stated that flyers were sent out over the summer, as defense to Danny

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these were sent out to township trustees in November – December, Danny may have been informed then. Danny stated that the only way he knew about it was by an email sent from Chris McDuri with information on it. Then I talked to Cindy about it and she said she had wanted to go for the past couple of years and was unable to because of her work. I asked her if she thought it would be good for us to go and she said yes. John stated that Jim has been there for a couple of years he should have known about it. Danny said we wouldn't have gone if all three of us did not agree on it.

PAULA RUSSELL

Paula Russell requested a financial report the last 6 months. Danny said yes if it is available. Rebecca Bennett stated that we are under audit. Danny said we are in audit and I don't know if we can give you anything. She then asked when the audit will be over. Jim stated we have no idea, we're hoping for two or three months. Becky stated that we are in audit for 2005, 2006, and 2007. These reports would fall under that time. Let me ask the auditor first. Chris McDuri added that it would be best to ask the auditor. Becky stated that since we are in audit I am not sure. She then stated that the records should be available. Cindy stated that it was her opinion that they should be available, what if I have it. Becky said if you have a copy of then go ahead, but we do need to ask the auditor. She then asked if this was a routine audit and the board answered yes. Chris McDuri added that every few years the state does a routine audit, this year they are three year audit because Peggy Baine retired, so this will make things even. The audience then asked if there was an audit at the time the former fiscal officer left and a new one took over. The board answered no. she then asked why not. Becky Bennett stated it is not a standard procedure; I am the third Fiscal Officer this year. Chris McDuri stated that this a standard routine audit and the auditor may request one at anytime they have that authority Through out the state these audits are real thorough and the 2003 – 2004 audit is public record if someone wanted to see that they could, you can get that on-line. Danny stated that the auditor reviewed the 03-04 audit because Lynn had made some requests and I believe he will send him a copy of that.

The Board was asked about the minutes. The board replied that the minutes are made available to public they are right here if you want a copy. If there is something that needs adjusted how do you handle that. Rebecca Bennett stated that if this an amendment that is made be made she would note the correction at the next meetings minutes.

Motion to adjourn by James Conley. Seconded by Cindy Werab. Roll call; Cindy yes, Jim yes, Danny yes. Motion carried. (8:30pm)

Danny Conley
Chairman

James Conley
Trustee

Rebecca Bennett
Fiscal Officer

With correction on my statement error
C. M. Jones
Trustee