

RECORD OF PROCEEDINGS

Minutes of

Meeting

REGULAR MEETING

DAYTON LEGAL BLANK, INC. FORM NO. 0103

Held

February 4, 2008

20

The Atwater Township Trustees held their regular meeting on February 4, 2008 at 7:00pm at the Atwater Town Hall at 1219 St Rte 183 Atwater, Ohio.

ATTENDING

Those attending the meeting were: Danny Derreberry, James Conley, Cindy Werab, Rebecca Bennett, Chris McDuri, Deb Guziak, Peg Baine, Walt Baine, Christine Lantz, John Kovacich, Jean Derreberry, Martha Bevard, Maggie Kane, Don DeCrane, Tara DeCrane, Paula Baughman, Michael Lang, Gordon Weber, Phyllis Weber, Bob Korning, Maxine Knapp, Naomi Wise, Mel Russell, Norma Rossow, Jackie Kovacich, Tom Nellis, Chuck Alderson, Clinton Corpering, Scott Whittlesey, Dianne Whittlesey, Macie Whittlesey, Dave Neal, Gail Neal, Kelly Neal, Shirley McAlicher, Beckie Whittlesey, Ron Dubinsky and Jeff Lantz.

CALL TO ORDER

Chairman Derreberry called the meeting to order at 7:00pm. Roll call: Cindy yes, Jim yes, Danny yes.

The chairman asked everyone to rise for the Pledge of Allegiance.

RESIGNATION

Motion to accept the resignation of Lynn Whittlesey as Atwater Fire Chief and a volunteer firefighter, made by Danny Derreberry. Second by James Conley. Roll call: Cindy no, Jim yes, Danny yes. Motion carried.

FIRE DEPARTMENT

Mike Lang stated that for the record he responded to a request from the Atwater Trustees to be an Interim Chief of the Atwater Fire Department. I would like to reiterate some of what has been in the newspaper. Randolph has no intentions of taking over the department; this is a part time, short-lived need to be addressed. It is of my feeling that there are very competent people to run the department, and as we help them go through this change of administration. We are happy to assist. I, myself am receiving absolutely no compensation for this. I am an elected official of the neighboring township and the chief of that fire department. Those of you that know me personally, no that I have very little time for this. I am helping the town of Atwater from the request of the trustees. I have roots in Atwater, half of my family lives here. I was mentored by the former Chief, Fred Martz, to obtain my own position that I hold now. And we all have a common interest in the school it belongs to both communities. I think we have to put something's aside to look out for the safety of our people. And again while I address this Interim period. Which I do for the public, I state again that it is an Interim period for me. With me, I am bringing my assistant chief Dianne Bunker, and Captain Michael Lang Jr. to help assist with the administrative duties. I want to elaborate on the administrative, I do not believe that these people need to have their hand held, they are very functional, we are to act purely as an administrative role until the trustees can appoint a new chief to take their

RECORD OF PROCEEDINGS

Minutes of

Meeting

REGULAR MEETING

DEPTON LEGAL BLANK NO. 1000110.12146

February 4, 2008

Held

20

place, at that time Mike Lang Jr., Dianne Bunker, and myself will head back home.

ZONING

Bob Bane requested to meet in executive session for litigation.

EXECUTIVE SESSION

Motion to go into executive session to discuss zoning litigations made by James Conley, second by Cindy Werab. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried. (7:05pm)

Motion to back into regular session made by James Conley, second by Cindy Werab. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried. (7:30pm)

Chairman Derreberry stated that we also discussed personnel while in executive session. Cindy Werab said we were being updated on our new road crew employee, and would like to add that to the record.

MINUTES

Chairman Derreberry stated that he has gave copies of the minutes from the last regular session and the special meeting to all the trustees, and asked if they had an opportunity to read these minutes.

Motion by James Conley to approve the minutes as written, second by Danny Derreberry. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

OLD BUSINESS

Motion to accept the bid from Alan King Construction for repairs on the town house, replace broken basement window and clean out all gutters on the building, for \$115.00 made by Danny Derreberry, second by Cindy Werab. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

PUBLIC COMMENT

The board was asked if the minutes would be read. The chairman answered there are copies minutes here for anyone to read.

Jim Conley stated to Tim Whittlesey that Mike would be out on Wednesday to put the heater in.

The board was asked by a member of the audience if it was true that the deal with the driver's license and social security numbers was not needed to and that the township had already paid for the insurance. Cindy Werab stated that she verified that information last Monday that is correct. She then asked if it was made up and you let all these lies go into the paper. James Conley stated that is was asked for. She then asked who asked for it. James Conley stated he talked to Wendy in Columbus. Cindy Werab stated that she spoke with Wendy French and Kim Arnold and that they both stated that our insurance had been renewed and that the policies had been in effect, and that the information was not needed to renew, it was suggested to the township. And that if the township wished to have a MVR (motor vehicle record) to

REGULAR MEETING

DAYTON LEGAL BLANK, INC., FORM NO. 1014E

Held February 4, 2008 20

make sure that any of our employees and volunteers would pose a liability to us. There are forms and waivers to sign to do just that.

Dorothy Clites spoke up to express her views and general unhappiness with the situation and that she hoped that the paper would print the story correct with where it had began.

Chairman Derreberry stated that auditors had already completed that audit and that this issue is closed.

BILL PAY

Motion to pay bills made by Chairman Derreberry, second by James Conley. 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.

1-31-2008	BURNHAM & FLOWERS	\$645.00
1-31-2008	EDINBURG TOWNSHIP	350.00
1-31-2008	OHIO DEPT OF JOBS & FAMILY	51.77
1-31-2008	TIME WARNER CABLE	173.83
1-31-2008	LIFEGAS	27.60
1-31-2008	MORTON SALT	1849.26
1-31-2008	REBECCA BENNETT- reimburse ins, cable, sound system	1384.11
1-31-2008	Treasurer state of ohio	150.00
1-31-2008	James Conley	229.10
1-31-2008	DEXTER COMPANY	397.90
1-31-2008	DANNY DERREBERRY- Reimburse ins, travel	1626.70
1-31-2008	DOMINION EAST OHIO	775.25
1-31-2008	CINDY WERAB – reimburse ins, shortage on prev ins reimburse	30.08
1-31-2008	OHIO EDISON	442.58
1-31-2008	RAVENNA TOWNSHIP TRUSTEES	1390.50
1-31-2008	CHASE EQUIP LEASING	29,634.29
1-31-2008	STAPLES	266.40
1-31-2008	HEASTAND AUTO PARTS	472.13
1-31-2008	RAVENNA OIL	1201.41
1-31-2008	MEDICAL MUTUAL	2794.38
1-31-2008	JAMES CONLEY – PAYROLL	733.96
1-31-2008	CINDY WERAB – PAYROLL	687.72
1-31-2008	DANNY DERREBERRY – PAYROLL	690.81
1-31-2008	MATHEW DAILEY – PAYROLL	731.13
1-31-2008	RICHARD MYERS – PAYROLL	416.04
1-31-2008	REBECCA BENNETT – PAYROLL	578.05
2-4-2008	ROBERT BANE- PAYROLL	528.50
2-4-2008	LYNN WHITTLESEY- PAYROLL	417.33
2-4-2008	LAUREL FISHER – PAYROLL	196.06
2-4-2008	CHASE BANK	828.66
2-4-2008	TREASURER STATE OF OHIO	156.49
2-4-2008	LYNN WHITTLESEY – PAYROLL	67.40

Statement by Lynn Whittlesey to Atwater Township Officials
February 4, 2008

Now that I am no longer a member of the Atwater Fire Department, I am free to speak to the Township Officials in a public forum. I will expose years of Township Official activities that have culminated in my resignation as Fire Chief and as a member of the Atwater Fire Department.

On January 28, 2008, a majority of the Board asked me to resign. I gave no answer. That led to the start of the dismissal hearing procedure. On January 31, 2008, I opted to voluntarily resign instead of presenting evidence at a dismissal hearing to remain as Fire Chief. I truly believe whatever evidence I would have presented; a majority of the Board would ignore it. For some Officials, they have wanted to see me dismissed for years.

It must be understood that I have some opinions in this statement; however, this statement is based on facts as well as my observations. Also, I anticipate a different future course in Township management by Township Officials. I do not know if it will be better or worse, but I am certain it will be different.

The public is for whom the Board works. Government in the United States is a representative republic. When things go askew, the public can vote out the responsible officials. In the shorter term, intense public scrutiny is needed to bring faster correction to the elected officials' undesired actions. However, public officials must discount desires of a loud, vocal minority, sometimes done only for the sake of creating havoc. I believe if you do what is "right" for the public's interest that is the best guidance an official can heed.

The Beginning

In 2004, fire department personnel saw the need to provide a better service to the public. There was no plan in place. The Clerk provided financial information. It was used to develop a ten-year plan. The Board placed a 2.9 mill EMS Levy on the ballot for the November 2004 election, which subsequently failed.

The failure did not end the need for financial information. Fire department personnel wanted to see some paperwork with more detailed information. After repeated requests, finally, information was provided about 1 ½ hours after the last meeting of 2004. The Clerk was at my back door, virtually throwing them at me and acting and talking in an obvious irritated manner. These are public records available to anyone following request procedures.

Fire department personnel asked for assistance from the Clerk to help in clarifying how to read and understand the financial information. We were continually rebuffed, often documented in the Record of Proceedings and printed in the *Record-Courier*.

Regular Meeting
February 4, 2008
Page 0019
Exhibit A

Upon further examination, there were many questions. There appeared to be numerous errors. Many of the expenses were not legitimate Fire Department expenses, yet they were paid from the Fire Fund. The Fire Fund is voted revenue for that purpose only.

Knowing that the regularly scheduled audit for 2003 and 2004 was to start later in 2005, we emphasized those years and requested invoices for the questionable accounting entries. There are irregularities from earlier years, also. I had to go to Ravenna to get the invoice copies at the Assistant Prosecutor's office so he could witness my retrieval of the documents. I had to do this because the Clerk possibly thought I might claim that I did not get them unless witnessed.

Upon examination of the invoices, numerous errors were discovered. All of the information was compiled. I hand delivered the documents to the Senior Audit Manager at his Youngstown Office on May 2, 2005.

Examples of invoices paid by the Fire and/or EMS Funds that are not legitimate expenses include:

1. Snow plow parts
2. Dump truck repairs
3. Radio equipment for Road Department vehicles
4. Supplies
5. Power tools
6. A township hall fire suppression system

Other issues became apparent:

1. Could not find entries for some EMS Grants
2. Inability to determine what fund should be paying a mixture of utility invoices
3. Real Estate Taxes were being paid on what should be tax-exempt property
4. In 2003, the Fire Fund paid for all invoices from Ravenna Oil Company, that would include heating oil for the Township garage

Two other items that are of note: In February 2004 the Clerk asked me what an invoice from a company named Avaya was for. Upon researching it, I discovered it was for rental telephone equipment for the Fire and Road departments. That equipment was gone and/or not used for years. Based on what I saw and based on the break-up of AT&T in 1985, I am assuming the Fire Fund paid thousands of dollars for nothing over the years. She did ask me to keep it quiet, which I did until all these errors were exposed. The second item of note is the lost vehicle title dilemma. I do not remember when, but the Clerk asked me to get the VINs for all the Fire Department vehicles so duplicate titles could be obtained. Of course, it was the fault of a previous Township Trustee.

The exposure of all the errors caused the retaliation and punishment to escalate.

Regular Meeting
February 4, 2008
Page 0019
Exhibit A.

The Hassles

In February of 2005, the Fire Department decided we needed to do a Community Breakfast to deflect the rap we were taking. An anonymous mailing was sent to various township residents prior to the event. It was a modified document the Fire Department provided to the Township Officials. It had two additional entries; a clipping from the *Record-Courier* announcing the event and the typewritten statement "LET US CELEBRATE THE LAST DAY OF A VOLUNTEER FIRE DEPARTMENT." The curious thing on the paper was that the typewriter font and use of capital letters for emphasis were the same used by the Clerk in the writing of the Record of Proceedings. In addition, the imperfections on the photostat are the same as a different document copy provided to the Fire Department by the Clerk.

Making Fire Department purchases has been a continual change in procedures. It has been as varied as going to a retailer, getting a list of items and prices, bringing it to the Board for approval then returning to make the purchase, all the way to the use of two different requisition forms, the last of which was provided by and then ignored by the current Fiscal Officer. I never received a Purchase Order number from her. Earlier there were exceptions indicated to me that approval was not needed from some vendors because "We need that." An understandable and coherent purchasing procedure to this day has never been documented. The latest version was for me to stand in front of a microphone and ask the Board for approval while they pass a resolution for each item. I was completely humiliated by that. I indicated to the current Chairman that I disliked doing that, but he said I needed to continue to do so because "Appearance is everything." Yeah, a fake appearance to hide the real agenda. There's more. In 2006 and again this year the Board passed a resolution that the Fiscal Officer could purchase all supplies needed for the entire year, no questions asked. There's more. The Road and Cemetery crew seldom, if ever, ask for purchasing approval. They would just go get what they needed. It was so obvious we would joke about it at the Fire Department. The goal was to make things miserable for me.

More issues were used to prod me. A few are:

1. I was asked, starting in late 2006, to show on cell phone bills any calls that were for personal use on the five cell phones used by the Fire Department. There never were any. Of course after I was dismissed in December 2006, that stopped. I was not there to be whipped on.
2. The infamous P. O. Box 9 was used often. Anytime any correspondence or invoice came to the Fire Station's street address and it was feasible to make a fuss, watch out. But on the flip side, I never had forwarded to me two letters from the Auditor of State related to the finding against me. I have no clue why they were sent to the P. O. Box 9 address. Those are two that I know about. Are there others?
3. The never-ending bedlam caused by the ambulance delivery. It was a normal business procedure. Nothing ever came of it because nothing was there. Of course, the willing accomplices kept it in the forefront for over a year.
4. The blow-up about the delay of submitting a bill for payment. The Assistant Prosecutor was going to be consulted. Again, nothing became of it because

Regular Meeting
February 4, 2008
Page 0019
Exhibit A.

nothing was there. But it was okay to hold my check to clear the finding against me for over seven months. Maybe the Officials were not done flogging me over the finding. Cashing it means acceptance.

5. Errors and omissions were regularly in the Record of Proceedings. If it was possible to bend it, consider it done. There was one glaring error that was so obvious I tried to get it noted. I got it done, but every possible hoop imaginable was thrown-up.
6. One Board member made sure he reprimanded me in open session for touching him so it would be screaming in the Record of Proceedings.
7. Also, a lashing for meeting with one Trustee, a perfectly legal activity
8. The delay in payment of equipment for the new ambulance by the Fiscal Officer "to teach the Fire Chief a lesson."
9. Ending payment of a monthly service fee to the Atwater Firefighters' Association
10. At the Township Board meeting on October 30, 2006, the Fiscal Officer made faces at me--twice.

All of the aggravations were perpetuated to wear Fire Department personnel down.

The Results

All of the turmoil weighed on the Fire Department. We joked about the problem of the month. Morale was down. Time was wasted venting about the situation, but I believe there is therapeutic value in that. Before, we brought in our own tools, parts, etc. to get a job done; now nobody cares. I often thought, if we used all that wasted time to clean, repair, and maintain the building, tools, equipment, and vehicles, everything would glitter like gold and be in perfect condition.

Proposals to enhance services were delayed or ignored. Occasionally, our pertinent information on decisions made was ignored and worse, some were not even allowed to be offered. Twice, Atwater's participation in looking at Fire District proposals was shot down. The people on the Fire Department do know something about what we do.

It was bad enough struggling with Township Officials. In addition outside forces were used to beat us down. Some that I have reason to believe have happened include:

1. Propagation of lies, half-truths, and rumors
2. Running to the *Record-Courier* to promote the Township Officials' cause
3. The local breakfast gatherings. This one I find especially disgusting.
4. Holding a pre-meeting and a post-meeting of the real Township meeting
5. The apparent pre-planning of meetings evidenced by "dropping the bomb"
6. The alleged spreading of a rumor that I had arranged for the thief of my farm hand tools for financial gain in 2005
7. Conniving by a local service organization of which three of the four current Township Officials are members. Do not ask me to buy a calendar again

The focus of the whole mess was the regularly scheduled audit for 2003 and 2004.

Regular Meeting
February 4, 2008
Page 0019
Exhibit A.

The 2003/2004 Audit

The financial irregularities that were submitted for audit are the basis of all the fighting for over three years. I truly believe the Township Officials did not and do not like inquiries into their activities. Proof of this is that when documents were provided the point was always made that the submission was complete and timely.

One item of note is recorded in the Record of Proceedings from February 21, 2005:

Whittlesey stated: Seems like we (Trustees/Clerk) are dancing around about making corrections.

Clerk stated: I told you I will make the correction when the Auditor comes here.

Chairman Conley stated: She's told you that before.

Whittlesey ask how the Auditor will know the problem.

Clerk Baine stated he will know because I will tell him. I haven't hid anything from him, have you?

Classic turn-around, now I am the bad guy. I highly doubt the errors were ever conveyed to the Auditor. If they were, nothing was done that I can find.

My contacts with the Senior Audit Manager were similar to working with Township Officials---smoke and mirrors. Some points include:

1. When the errors were submitted in May 2005, he seemed very professional and understood what was documented. I felt that he was trying to educate me. He even made notes on the invoices.
2. When additional information was requested, I provided it in a professional manner to the best of my ability.
3. I was told making the corrections among the Funds was at the Township's discretion. The Auditor of State makes no adjustments.
4. I was told the corrections were discussed at the audit pre-release meeting on November 8, 2006. He said I was there, a blatant lie.
5. I was told the adjustments were made in another accounting procedure beyond what can be seen. Gee---I wonder where it is.
6. I was told the errors were addressed in a document called Management Letter. He said this for use only by Township Officials, it is not public, but if I insisted on seeing it, he would get it for me. Gee---I was able to get it online without leaving the house. I do not completely understand what it says, but I cannot find anything in it that addresses the errors.

What is the point of an audit? Why were the errors ignored? I believe that all the Auditor of State cares about is whether the numbers match-up in the whole pot of money. What happens with-in the different accounts does not matter.

The final trap set for me was the insurance matter.

Regular Meeting
February 4, 2008
Page 0019
Exhibit A.

The Insurance Issue

Township Officials requested information needed for insurance purposes. A Fire Department officer handled it for me. He provided what he had. Virtually all, if not all, members did not want to provide their Social Security Number; they felt the Driver's License Number would be adequate to run a driving record check. Also, I was told that if the insurance company did not have the SSNs by January 31, 2008, those members that did not comply would not be allowed to drive.

Why I was not comfortable with providing SSNs includes:

1. A Driver's License Number should provide ability to run a driving record.
2. Members are volunteers, there are no W-2s or 1099s generated
3. Show something from the insurance company saying this information is needed, to this day I do not believe it has been provided, if it even exists
4. There is no waiver/release that the SSNs would be not used for any other purpose
5. I was not going to provide SSNs without the members approval
6. Why is this an issue now? The premium was paid in December 2007, the policy was already renewed. The premium was paid out of the Fire Fund; I assume that is for all Township coverages. I never saw an entry like that all the way back to 2003.. The errors continue, like the Fire Fund paid the sewer bill for the township hall in October 2007
7. There is no trust of Township Officials by the membership

I suggested to the Chairman: get the form, you and I will fill it out, seal it in an envelope, and take it to the Post Office. That way the insurance company has the SSNs and the Township does not. That was not good enough. I suggested I would keep the SSNs on file at the Fire Station. That was okay, but the Chairman said the Township must have the numbers on file.

On January 25, 2008 I called the insurance company to try to sort this out. I called the Chairman before I did to let him know that I intended to call the insurance company, but there was no answer. What I discovered was contrary to what Township Officials told me. Some are:

1. The insurance company does not want the SSNs.
2. The insurance company suggests that the Township acquire a driving record of members, it is not a requirement
3. The reason for the SSNs is it and the Driver's License number are matched up to obtain the driving record. That way the State is certain the check is for the correct person

As a sidebar, in my conversation with the insurance company, the current Fiscal Officer claims I called her a "bitch." That is a confirmed deliberate lie.

By now, the Township Officials were likely elated---we "gotcha."

Regular Meeting
February 4, 2008
Page 0019
Exhibit A

The End

The ambush worked. I am no longer a member of the Atwater Fire Department. I sincerely believe if the Township Officials had not shoved me out with the insurance scam, it would have been something else until their mission was accomplished.

The Chairman is quoted in the January 29, 2008 *Record-Courier* that he was moving the township forward. This is moving forward? I wonder what is next. There is much distrust between the Fire Department and the Township Officials. Can it be repaired? I do not know, but based on history, it will be a monumental task to complete, if ever. The difficulty is the Township Officials are liars perpetuating lies.

I expect the bashing of me to continue. It is the American way---blame someone else, especially when they are gone.

I considered purchasing an advertisement in the *Record-Courier* to distribute my statement to more residents, but I decided against it. I do not care to financially reward a source of many problems in the Township. I am providing a copy of my statement to the *Record-Courier* staff writer, a willing accomplice. Perhaps she will report this statement accurately if it is in front of her; however, I cannot control what she leaves out.

I am providing a copy of this statement to the Fiscal Officer. I expect it to be re-written in the Record of Proceedings book word for word, on the numbered, legal size pages. Do not come up with some lame excuse it cannot be done. There are many entries written word for word. I have read numerous "novels" in the Record of Proceedings. Precedent has been set for years. Also, I expect the complete text to be read at the next Atwater Township Board of Trustees meeting word for word. There are lots of precedents for that also.

I feel like the Atwater Township Officials have ripped my heart out of my chest. Death of ones spouse or ones child are the most traumatic things that can happen to someone. I have experienced neither. But this event in my life is the most traumatic thing that has happened to me so far.

You have trashed me, you have trashed my family, and you have trashed my Fire Department brothers and sisters.

Appropriately, you will find the Township property I was issued in the dumpster.

Regular Meeting
February 4, 2008
Page 0019
Exhibit A.

RECORD OF PROCEEDINGS

Minutes of

Meeting

REGULAR MEETING

DAYTON LEGAL BANK, INC. FORM NO. 1014e

February 4, 2008

Held

20

LYNN WHITTLESEY

A statement by Lynn Whittlesey was both read and submitted to the Board of Trustees. A full written statement has been attached as "a public statement exhibit A, which is incorporated by reference herein."

RESCHEDULING OF NEXT REGULAR MEETING

Motion made by Cindy Werab to reschedule the next township meeting from February 18, 2008 to Wednesday February 20, 2008 at 7:00pm at the Atwater Town hall. Seconded by James Conley. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.


PUBLIC RECORDS REQUEST

John Kovacich asked the Fiscal Officer for copies of all correspondences between the township insurance companies and the township, for the past six months.

ADJOURNMENT

Motion made by Danny Derreberry to adjourn, second by James Conley. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried. (8:23pm)


 CHAIRMAN


 TRUSTEE


 FISCAL OFFICER


 TRUSTEE