

Regular Meeting of Bethesda Village Council

February 27, 2020

Mayor Samantha Burkhead called the meeting to order, Samantha led the Pledge of Allegiance.

Roll Call

Present: Mayor Samantha Burkhead, Administrator Dirk Davis, Solicitor Jeffrey Menoski, Fiscal Officer Ricky Burkhead, Ruth Saffell, Jay Van Horn, Jordan Castello, Rod Miller, Cindy Foose, Carol Merritt

Absent:

Guest(s)

Stephanie Castello, Pete Busack, Phil Castello, Fred Thompson, Billie Moats, Larry Taylor, Chris Emory, Neil Hunt, Teresa Schafer, JR Whiteley, Shaun Thompson, PC Clark, Curtis Hallstrum

Reports

The Fiscal Officer E-Mailed Fund Status, Cash Summary by Fund, Fund Ledger, Payroll, Receipt Register & YTD Appropriation status reports to Council Members, Administrator, Fire Chief & Mayor. Rod Miller made a motion to approve the January 2020 Meeting Minutes and January 2020 Special Meeting Minutes, seconded by Jordan Castello, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello – Yes, Rod Miller – Yes, Cindy Foose – Yes, Carol Merritt – Yes.

Regular Council Meeting Minutes

Theresa Schafer and JR Whiteley asked to have last month's minutes read. Rick read the meeting minutes to the public.

Mayor Samantha Burkhead informed council that Union Local is seeking donations for the after prom party. Rick stated that he looked and we had not donated in the past and he thought that everyone in the administrator made a donation. Samantha stated that we have been working to get information to the web page developer to get the village webpage up and running.

Administrator Dirk Davis stated that Larry Taylor is here this evening to answer any questions with the village's gas aggregation plan. Larry presented a check in the amount of \$784.73 for this year's community reinvestment program. Dirk stated that the Ohio EPA Water and Sewer rate survey has been filed for Bethesda. Dirk stated that there has been no update on the park lake spillway grant that he filed. Dirk stated that Gordon Price informed him that Morristown will not be needing Bethesda for snow removal as they fixed their equipment. Dirk stated that he and Dave met with Hull Engineering and he intends to use Hull from now on for village projects. Dirk stated that it is time to renew the village's insurance package. The renewal with PEP is \$21,622. Dirk stated that we have added several pieces of equipment and our insurance coverage has been increased. Dirk stated that we have almost \$4 million more in coverage than when we had the Ohio Plan. Rod Miller made a motion to renew the PEP plan for 2020-2021, seconded by Cindy Foose, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello – Yes, Rod Miller – Yes, Cindy Foose – Yes, Carol Merritt – Yes. Dirk stated that we have a sewer main being infiltrated by storm water on a sewer main that runs down by the town bridge by Spruce Street. Dave and Dirk are going to walk the area and try to locate it. Dick Quinlin suggested that we have an INI survey done before spending a bunch of money. Dirk asked if Dick would help him look around for the leak also. Dirk stated that we will be doing backflow testing in April and he will post notices for when this will happen.

Fiscal Officer Rick Burkhead presented council with the updated water and sewer rate ordinance 2020-1 which adds the \$1.50 surcharge for the meter reading upgrade. Cindy Foose made a motion to suspend the rules, seconded by Ruth Saffell, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello – Yes, Rod Miller – Yes, Cindy Foose – Yes, Carol Merritt – Yes. Jordan Castello made a motion to approve Ordinance 2020-1, seconded by Carol Merritt, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello – Yes, Rod Miller – Yes, Cindy Foose – Yes, Carol Merritt – Yes. Rick then presented Ordinance 2020-2 which is the public records request policy ordinance for approval. Jordan Castello made a motion to suspend the rules, seconded by Ruth Saffell, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello – Yes, Rod Miller – Yes, Cindy Foose – Yes, Carol Merritt – Yes. Jordan Castello made a motion to approve Ordinance 2020-2, seconded by Cindy Foose, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello – Yes, Rod Miller – Yes, Cindy Foose – Yes, Carol Merritt – Yes. Rick discussed holding fireworks at the end of Chautauqua on Sunday July 12th. Rick stated that we could hold a gun raffle to help pay for half of the show. Ruth Saffell made a motion to proceed with the fireworks and organizing a gun raffle, seconded by Cindy Foose, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello – Yes, Rod Miller – Yes, Cindy Foose – Yes, Carol Merritt – Yes. Council and the audience discussed what guns might be good to raffle. JR Whiteley suggested a .350 Legend. Rick stated that Dirk spoke with Mr. Braido and he will let the village have fireworks at the Shepherd Barn again this year.

Mayor Samantha Burkhead stated that the police committee discussed and sent over a revised police contract. Samantha stated that Morristown responded saying that they appreciate our work and Pete's work and that they are terminating the contract effective April 1st. Jay Van Horn made a motion to accept the termination letter, seconded by Cindy Foose, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello – Yes, Rod Miller – Yes, Cindy Foose – Yes, Carol Merritt – Yes. Samantha stated that we have a shelf being made for the books for the Bethesda Little Readers Program. Samantha stated that we will have the forms at the city building and posted online.

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Committee Updates:

- The personnel committee met and went over more of the employee handbook.
- The police committee met and went over guidelines and what they would like to see from the police chief which includes:
 - o Asked Pete to attend an ethics class
 - o Asked Pete to do hand written tickets, Pete is working on funding for computers.
 - o Asked Pete to attend all mayor's court proceedings.
 - o Asked Pete for more discretion when it comes to town police cases.
 - o Asked for cooperation with village officials.
 - o Asked to work on fund raisers to help raise funds for the police department.
- Finance committee met and discussed police funding and cruiser computer prices.
- Ordinance committee met and discussed property maintenance and a checklist for approaching a property which would be used for every case that is dealt with.

Samantha stated that we need to set up a time to work on organizing Easter Egg Hunt. The meeting will be on March 10th at 5:30pm. Samantha invited anyone who wishes to help with that to come help.

Police Chief Pete Busack informed council that there were 27 citation with 18 in Bethesda and 9 in Morristown. Pete stated that there were 10 complains responded to and seven warnings issued. Pete stated that he turn a list of computers over to the prosecutor's office. Pete thanked Dirk Davis for purchasing a collapsible butt stock for the vehicle shotgun.

Fire Chief Neil Hunt presented the yearend report for council. Neil stated that there were 948 calls ran and that was about 50 more than 2018. The report details all of the different fund raisers that were held last year and the profits from each. The report listed all of the grants awarded and pictures of the items purchased. Neil stated that we had three people (Jay Vanhorn, Nicole McCollum, and Matt Bashline) pass the EMT Basic course so there are three new EMT's on the force now. Neil stated that it took a lot of work for them to get that. Neil stated that the old ladder truck has been sold for \$28,000 to a department in West Virginia. Neil stated that Sutphen plans to take our new ladder truck to FDIC in Indianapolis to show the truck off.

Jay Van Horn presented an application for Hunter Terry from Nelsonville to be a fireman and EMT pending a background check. Cindy Foose made a motion to approve the application, seconded by Carol Merritt, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Solicitor Jeff Menoski stated that he went to a court hearing for a junk vehicle and the defendant failed to appear. Jeff stated that there was a good discussion on the property maintenance ordinances and we will be working to make some changed to them. Jeff stated that currently the issue is people being fined and going to court and then never paying the fines. Jeff stated that he is looking at measures to where the village can move the junk vehicles or clean up the property and then assess the cost to the property taxes.

Carol Merritt stated that there is a person on Lake Street wanting information to look into reopening an old alley. Dirk stated that he will look into the issue.

Mayor Samantha presented council with her \$200 donation check to the village. Council discussed and will be donating money to the after prom.

Dave Green stated that a float switch was fixed at the sewer plant and it is now functioning again. Dave stated that he is getting an estimate to have the electrical system at the sewer plant looked at and fixed as we keep blowing fuses. Dave stated that we need to look at getting a generator down at the plant to be in compliance with an EPA mandate. Dave is going to get some pricing for generators that would run the lift station. Dave stated that for years we have had nearly no lights at the sewer plant. Dave stated that Diperna has taken out all of the mercury lights and they installed new LED lights and now the sewer plant is lit like a baseball stadium. Dirk stated that next we need to look at fence repairs.

JR addressed council about a Facebook post that was made and discussion about the Bethesda police department and Goshen Township. Rick read that posts that were made. JR stated that he felt that the posts made it look like Goshen was using Bethesda and benefiting at the cost of Bethesda. Rick stated that the purpose of the post was to state that Bethesda police was providing a service that Goshen did not ask for. JR asked what the findings with the auditor were. Rick stated that the county auditor emailed him that the fine money from the tickets written in Goshen Twp is split between the county management fund and the county law library. Pete asked if the management fund is the sheriff's department. Fred stated that it was. Rick stated that he didn't mean to offend the township and that he was just trying to explain what happened at the meeting. JR stated that the police contract went into place 10/15/12 after a meeting with Dirk Davis, Dick Quinlin, and Jeremy Campbell came to a township meeting and asked for a contract as the village is the backup to the sheriff's department when responding to calls. JR stated that at the meeting the trustees informed them that the township did not have the funds to pay for a contract. JR stated that the Bethesda officials stated that they understood that. Teresa stated that the township pays \$600-\$700 a year for insurance to have this contract. JR stated that in April of 2016 Eric Smith came and asked for \$12 an hour for 10 hours of dedicated coverage, which the trustees turned down as Bethesda is only supplemental coverage. JR stated that on February 3, 2019 Ruth, Dirk, Pete, and Jay attended a meeting and Pete presented a report which showed what calls were responded to by the village and what calls were responded to by the county. JR stated that the group informed the trustees that Morristown pays Bethesda \$5000 a year and Union pays \$50 per month and Goshen only pays \$1 per year. JR stated that this is no secret as Bethesda is the ones who initiated the contract for this price.

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JR stated that the group asked the trustees to put on a half mil levy for police coverage that would generate \$50,000 per year for the Bethesda police department. The trustees were informed that the levy would allow for three full time officers, weekend coverage, and increased response time. JR stated that Pete informed him that a policy could be set up with Western Division Court which would allow 50% citation money to come back to the township. JR stated that this has not been done nor will it be done. JR stated that the trustees were told that currently 50% goes to the village and 50% goes to the law library. JR stated that the trustees stated that the primary coverage is done by the sheriff and that they did not currently need a contract for more coverage. JR stated that the trustees informed the Bethesda representatives that the township was currently trying to pass a road and bridges levy and that there has been no discussion or contact from township residents that they request a police levy. JR stated that if there is a petition from the township residents, they would consider it. JR stated that on 03/04/19 the sheriff came to the township meeting and stated that there was not an increase in call logs and he assured the trustees that he has full and primary jurisdiction in the township. JR stated that the trustees came to the determination that Bethesda representatives coming to the township, requesting jurisdiction, requesting a levy to fund the villages police department, all of which was not at the request of Goshen township's residents, was surely going to lead to issues. JR stated that at the March 4th, 2019 meeting the trustees made a unanimous motion to cancel the Bethesda-Goshen police contract and it was personally delivered to Marty Lucas. JR stated that on April 1st Dirk Davis, and Pete Busack came to the township meeting and asked them to reconsider the police contract. JR stated that Pete asked to have continued jurisdictional privileges in the township. Pete explained to the trustees that it would help Bethesda they respond to incidents that start in the village and end in the township. JR stated that the trustees asked the village representatives to rip up the cancelation letter at that time and allow the previous contract.

Dirk stated that at the meeting where the bridge levy was discussed, the trustees told Bethesda that they would look at a police levy after the bridge and road levy passed. Rick apologized for the way the comments on Facebook were taken and that it was definitely not his intent to cause issues more make anyone look bad. Rick stated that he was trying to say that it was the village's fault that the village was actively patrolling the township and writing tickets that benefited no one but the county.

JR asked if the contract is cancelled can the police patrol the baseball fields. Fred Thompson stated that if the village owns the property, they would be able to patrol their own property. Jeff stated that he believes there is an exception that allows for patrol of the village owned property. JR stated that the township has always has good cooperation between Bethesda and the Township. JR stated that the township allowed a gate being put up on the ballfield road. JR stated that the township has never asked for a police contact nor has it ever generated any money for the township ever. JR stated that the contract has always been in place to benefit the village. JR asked where all of the ticket fine money went. Rick stated that the money goes to the county management fund and the law library as per the County Auditor. JR asked why Rick didn't look into this when the contract was made. Rick stated that when the contract was made it was only for emergency responses and not actively patrolling. Rick stated that until recently he was completely unaware that the police department was actively patrolling and writing tickets in the township. Rick stated that he didn't realize we were sitting in the township and writing tickets. Dirk asked if 2012 was the first written contract. JR stated that

JR presented a formal letter cancelling the police contract effective 30 days from today. Jay Van Horn made a motion to accept the cancellation letter, seconded by Cindy Foose, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Pete stated that still if 911 requests that Bethesda Police respond to a call in the township he will have to respond. Pete stated that tickets have been written in the township all the way back to when Eric was here. Jay and Rick asked Pete for documentation of when and how many tickets have been written in the township. JR stated that at the meeting there was a police district and a few district discussed because it is hard for small communities to pay for these services alone. JR stated that this was only table talk. Samantha stated that it was presented to her from Pete that this levy was happening and that the joint district was being done. JR stated that it wasn't fair for Bethesda to come to the township to help bail them out of a police department mess. PC Clark stated that the Fire Department benefits everyone in the area as they are the only fire protection service. JR stated that with police, there is a county sheriff. Samantha apologized to the trustees and stated that nothing said was meant to attack or offend the township. Samantha stated that this was the village's fault for interpreting the contract that we were to be out patrolling the township. Jay stated that it came out completely wrong and that the information that was given to the new mayor made it look like the police levy and the joint district was already being done, and then after she went and asked questions she found that this was not what was being done. Jay stated that after reviewing the contract and seeing it was canceled in March 2019, the administration didn't realize there was a gentleman's agreement to void the cancellation letter and that we still had a contract. Jay stated that it was brought to council and that we had a canceled contract. Jay stated that the intent was not to throw shade at the township and also agreed that this was completely handled inappropriately. Jay stated that he would absolutely not support not responding to mutual aid in the township if it is needed. Jay stated that we need to help in the event of emergencies. Jay apologized for the trustees even having to come have this discussion.

Fred Thompson stated that he was taking pictures of property maintenance issues. Samantha stated that the ordinance committee is reviewing this property.

Motion to pay bills by Rod Miller, 2nd by Carol Merritt, with a unanimous vote.

Motion to adjourn by Jordan Castello, 2nd by Cindy Foose, with a unanimous vote.

The next meeting will be Thursday March 26th, 2020 at 6:30 P.M.

Mayor Samantha Burkhead

Fiscal Officer Ricky W. Burkhead Jr.