

ADDITIONS TO MINUTES OF TOWNSHIP TRUSTEES SPECIAL MEETING
OF JANUARY 5, 1984

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Page 5, paragraph 7: Mr. Broderick wanted to be sure that the Bauza proposal is clarified that all national park monies be divided equally between the township and village.

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Page 1, paragraph 5: Mr. Broderick asked that a copy of the letter from Mrs. Berry be returned to him.

Page 1, paragraph 6: Mr. Broderick wanted further clarification as follows: Mr. Broderick asked Mr. Fisher why a complete statement was not entered into the prior minutes concerning Mr. Broderick's objection to the fire department using the xerox machine. Mr. Fisher had indicated that it was his opinion that Anderson would have to make a cabinet for the copier, and only the clerk would have a key because the prosecutor indicated that the fire department could not use the copier machine.

Page 1, paragraph 7: Relative to the DiNardi matter, Mr. Broderick stated that the matter could not be resolved in the executive session and must be done in a meeting. He wanted his objection duly noted.

Page 1, paragraph 8: Regarding the Prosecutor's opinion, Mr. Broderick wanted to stress that Mr. Fisher objected to the opinion.

Page 2, between paragraphs 1 and 2: Mr. Broderick read the minutes of the fire board meeting of November 27, 1983, regarding a letter from Mr. Jablonski criticizing Chief Morgan and requesting a hearing. Mr. Broderick asked whether witnesses were called. The fire board indicated that Mr. Morgan was correct relative to the matter. The question was whether Mr. Jablonski had resigned or was terminated. Mr. Broderick questioned whether witnesses were called and testimony was given under oath. Mr. Fisher stated that it was a fire board matter. Legal counsel, Edward C. Pullekens, asked Mr. Jablonski whether he was given the opportunity of a hearing. Mr. Jablonski said 'yes' and that he had waived any rights to a hearing. The hearing was to be scheduled irrespective of the question of whether Mr. Jablonski resigned or was terminated. Mr. Jablonski stated that he had discussed his complaints with the Fire Board.

Mr. Broderick read the minutes of the fire board meeting of November 7, 1983, regarding disciplinary action pursuant to the unsigned letter received by the fire department. The disciplinary action was taken pursuant to section 505.38 of the Ohio Revised Code. Disciplinary action was as follows:

- (a) Fire Chief Morgan was suspended for a period of one week commencing November 14, 1983, and ending November 21, 1983;
- (b) Probation for one year;
- (c) Apology to all fire persons present at the next fire meeting.

Mr. Broderick asked Mr. Fisher the reason for the disciplinary action. Mr. Fisher stated that Mr. Broderick is free to come to a fire board meeting to get the information. He further indicated that Morgan had requested a private hearing pursuant to the procedures outlined by the Summit County Prosecutor's office in a letter previously requested. Mr. Broderick noted that the minutes did not give a reason for the suspension or probationary period.

Page 3, paragraph 8: Mr. Broderick indicated that the objectionable potential double payments relative to fire personnel resulted in his review of information in the fire district's books. He noted that the assistant fire chief is paid the sum of \$1,200.00 plus he is paid for calls and meetings, whether or not he attends the same. The Captain and the two lieutenants authorized by the fire department are paid \$1,000.00 each, plus calls and meetings, whether or not they attend the same.

further indicated that based upon property evaluations, the township residents would pay approximately \$80,000.00 of the tax levy amount, and the Village residents would pay approximately \$40,000.00 of the tax levy amount. Further, Mr. Broderick stated that from the figures he received, a property owner whose property is worth \$100,000.00 would pay approximately \$150.00 per year toward the operation of the joint fire district. Mr. Broderick indicated that the tax levy could not go into effect immediately and would have to be looked at as a long range concept. However, he asked that the matter be reviewed with the joint fire district as well as the village council.

Mr. Broderick's second proposal was that the fire contract be shared equally by the village and the township. That is, each political subdivision would pay 50% of the contract price. Therefore, for 1984, each subdivision would pay approximately \$54,000.00 toward the fire contract. Finally, Mr. Broderick indicated that the contract could be paid on a 60-40 basis. That is, the Township could pay 60% of the fire contract, and the village would pay 40%. Based on said figure for 1984, the township would pay \$64,800.00 and the village would pay \$43,200.00.

After each of the proposals was again reviewed with the Trustees and the citizens present, the matter was opened up for discussion. Mr. Schneider said that he felt that the percentage formula proposal introduced by Kenneth Bauza was the most equitable was to apportion the contract amount. He instructed the legal counsel to proceed on said basis. Mr. Broderick said that he felt that the tax levy would be the best route to go. He instructed the legal counsel to review with the fire board and the village council the concept of the tax levy proposal. Recognizing that the tax levy could not go into effect immediately, Mr. Broderick indicated that for the purpose of further negotiations with the Village and the fire board, his position was that the contract price be paid equally by the village and the township. He instructed the legal counsel to proceed accordingly. Thereafter, the citizens present expressed their views relative to the various formulas.

Mr. Pullakins then indicated to the trustees that inasmuch as their positions were not the same, he would need further advice and authorization in the negotiating of the contract. He suggested that the trustees go into executive session to discuss the authority that their legal adviser and negotiator would have relative to the negotiations. It was thereafter decided that both trustees would review all the formulas and get back with the legal adviser for further review. A future meeting will be held to discuss the matter before further negotiations are conducted with the township and/or the fire district.

Finally, Mr. Broderick reviewed the history of the joint fire district and also reviewed what items were purchased by the village and what items were purchased by the township. Further, it was the consensus of the trustees that the fire chief's salary should be included in any budgetary proposal to be shared by both the village and township. Prior practice of the township assuming the full cost of the fire chief was judged not to be equitable.

A motion was then made by Trustee Dan Schneider to adjourn the meeting. Seconded by Joe Broderick and unanimously passed. Meeting duly adjourned.

upon as being proper and within the prior budgetary prediction. For the sake of the next discussion as to how the proposed budget would be appropriated between the Village and the Township, it was agreed by both Mr. Schneider and Mr. Broderick, that the sum of \$117,752.47 be considered as the Valley Fire District budget for the year 1984.

At this point, Mr. Broderick made a motion that the 1983 contract with the Joint Fire District and the Village of Peninsula be continued until such time as the new contract for 1984 was approved by both the Board and the Village. The old contract would be continued on a month to month basis until a new contract is entered into. The motion was seconded by Daniel Schneider and passed unanimously by Mr. Schneider and Mr. Broderick.

The meeting then proceeded into a discussion relative to how the contract sum of \$117,752.47 would be apportioned between the contracting parties.

Mr. Pullekens indicated that the 1984 budgetary amount to be paid by the United States government for the national park land within the Township has been set at \$9,260.00. Said sum is basically a firm amount. This amount is based on the number of structures owned by the national park within the fire district.

Thus, based upon a budget of \$117,752.47 (total budget) and based upon a payment made by the national park of \$9,260.00, the budgetary amount to be apportioned between the Township and the Village would be approximately \$108,492.00 (rounded off).

Mr. Pullekens then indicated to the Trustees that he would like their thoughts as to the proper allocation of the contract amount. He indicated that, at this point, it was incumbent upon the Trustees to determine what would be the fair share to be paid by the Township for fire service to be provided by the Valley Fire District.

The floor was then opened for the purposes of obtaining ideas as to how the payments should be made. Four different proposal formulas were introduced at the meeting.

The first proposal was introduced by township resident, Kenneth Bauza. Mr. Bauza indicated that he felt that the contract amount should be divided by and between the township and the village based upon the number of calls made by the joint fire district in the village and township. Each year, the percentage would be determined based upon the amount of calls made in the immediate prior year. The monies paid by the United States government for the national park would be split equally by and between the village and township. Based upon last year's figures, the joint fire district had approximately 70% of their calls in the township and 30% of their calls in the village. Thus, the village would be required to pay \$31,204.00 for the 1984 contract, and the township would pay \$76,896.00 for the 1984 contract. Mr. Bauza specifically indicated that, in the future, the exact location of the calls must be delineated. That is, an accurate accounting of actual calls in the village, actual calls in the township, and actual calls in areas in the national park must be kept. In this way, one political subdivision would not be given credit, or be charged for any calls made in the national park.

Next, Mr. Broderick proposed three different formulas for review by the Trustees. Basically, the three different proposals were as follows:

- 1) Having a tax levy of 6.65 mills levied on the lands in the township and the village. According to information Mr. Broderick received from the Summit County Treasurer's Office, a tax levy of 6.65 mills would produce an annual amount of \$120,000.00. Mr. Broderick

Mr. Broderick and Mr. Schneider agreed that \$33,000.00 was a fair amount for the salaries for the volunteer firemen, and both stated that they want the fire board to review how the firemen were paid and whether or not certain members of the fire department were being overpaid. This request will be made directly to the fire board through a separate letter. However, for the purposes of the budgetary proceedings, the salary account is budgeted for \$33,000.00 and the same was approved.

The next item reviewed was the Clerk and board members expense of \$1,500.00. Both Mr. Schneider and Mr. Broderick agreed with said amount.

The next item reviewed was the medical expense budgeted for \$3,000.00. Questions were posed to the Fire Chief, Thomas Morgan, relative to what that item encompassed. He indicated that the medical expenses were supplies needed for present use by the Department. It did not include any drugs or any items or equipment that were not authorized to be used by the fire department by the medical adviser for the Township. Items to be included would be for such things as oxygen, bandages and other medical supply equipment. He indicated that the figure was based upon last year's budgetary expenditures. After review of the matter, Mr. Broderick and Mr. Schneider both agreed with the \$3,000.00 amount.

The final items of the basic budget reviewed were the schooling expense at \$2,500.00, insurance expense at \$8,000.00, workmen's compensation expense at \$1,500.00 and the dispatch contract at \$3,000.00. Mr. Broderick and Mr. Schneider, upon reviewing each item individually, agreed with the budgeted amounts.

The next item to be discussed was the Chief's salary. After review of the situation, and after receiving comments from the citizens present, it was agreed that the basic Chief's salary of \$20,000.00 was a reasonable figure. It was explained to the Board of Trustees that the \$22,000.00 budgeted for the Fire Chief's salary was subdivided as follows:

\$20,000.00	basic salary
\$ 2,000.00	runs made outside normal working hours.

This \$2,000.00 also encompasses time spent at fire department meetings.

There was a lengthy review as to the payment to the Chief of monies for making the runs outside of his normal working hours. There was also discussion as to whether he should be paid for the time spent at fire department meetings. The basic consensus of the Trustees was that the Chief should be compensated for runs made outside of his normal working hours. There was a discrepancy as to whether he should be paid for fire meetings. However, the budget amount of \$2,000.00 for the fire chief's extra pay was approved. The matter would be further reviewed with the joint fire district board of trustees.

The insurance and PERS payments for the Chief were approved at the sum of \$2,252.47 for the insurance and \$3,500.00 for the PERS contribution. Both Mr. Schneider and Mr. Broderick approved the same.

The discussions of the Trustees as well as the citizens present at the meeting were then reviewed by Attorney Edward Pullekens, legal counsel. The consensus was that the budget outlined and drawn by the Joint Fire District was reasonable, except for the points outlined. The main item requiring further review was the new equipment expenditure budgeted at \$15,000.00. All other items were basically agreed

11) Schooling	\$2,500.00
12) Insurance	\$8,000.00
13) Workmen's Compensation	\$1,500.00
14) Dispatch contract	\$3,000.00
SUBTOTAL	\$90,000.00
15) Chief's salary	\$22,000.00
16) Insurance for Chief	\$ 2,252.47
17) PERS for Chief	\$ 3,500.00
SUBTOTAL-CHIEF'S COMPENSATION	\$27,752.47

Mr. Pullekens then proceeded to go over each item in the budget individually with the Trustees and comments from the citizens present at the meeting were requested.

In regard to the electric and gas each budgeted at \$2,000.00, Mr. Broderick indicated that in reviewing last year's budget, the utilities were increased by approximately \$800.00. He indicated that he questioned said amounts. Edward Pullekens, legal counsel, indicated that the electric and gas were basically fixed expenses and we could verify the amounts that were actually to be expended in the upcoming year. Mr. Broderick and Mr. Schneider both agreed with the proposed amounts budgeted, with the understanding that any monies not actually expended would not be paid.

The next item reviewed was the telephone expense budget at \$3,000.00. After discussion and review, both Mr. Schneider and Mr. Broderick agreed with said amount.

The next item reviewed was the vehicle fuel of \$3,000.00. Chief Morgan indicated that the \$3,000.00 estimate was based upon the usage for 1983. After discussion, Mr. Broderick and Mr. Schneider both agreed with said amount.

The next item reviewed was the labor maintenance cost budgeted at \$11,000.00. Mr. Broderick asked Chief Morgan what that expense encompassed. Chief Morgan indicated that the monies budgeted were for the upkeep of the present equipment owned by the Valley Fire District. Said amount did not include any new expenditures for equipment. It was only to maintain the present equipment in top condition. The figure was based upon the 1983 actual expenses. After review, Mr. Schneider and Mr. Broderick both agreed with said amount.

The next item reviewed was the budgeted item for new equipment for \$15,000.00. Both Mr. Schneider and Mr. Broderick indicated that they would like to have a clarification from the fire board as to exactly what was to be purchased with the \$15,000.00 figure. Both indicated that if, in fact, new equipment was needed, they would like to have an itemization as to what was to be purchased.

The next item reviewed was the budgeted item for postage and supplies. The budgeted sum was \$1,500.00. Mr. Broderick indicated that he had gone through some of the cancelled checks for last year and said amount appears to be in line with the prior expenses. Mr. Broderick and Mr. Schneider both agreed with the budgeted sum of \$1,500.00.

The next item reviewed was the salaries for the fire department personnel, not including the Chief. The budgeted amount was \$33,000.00. This was an increase of \$3,500.00 from last year's budget. There was a lengthy discussion relative to how the volunteer firemen were paid. There is also a question as to whether or not the officers were being paid for services not rendered. Though both

that although the opinion so stated, that in the prior twenty seven years that he has been associated with the Township, to the best of his knowledge, the Village residents were not allowed to vote on Township tax levies and Township issues. He asked that Mr. Broderick go to the Board of Elections to determine whether his statements are correct. There was miscellaneous discussion relative to the issues involved in the Prosecutor's Opinion 82-255. The meeting was then turned over to Daniel Schneider, Co-Chairman of the Board of Trustees. At this point, the proposed fire contract with the Valley Fire District and the Village of Peninsula was introduced for review. Mr. Fisher stepped aside and indicated that he would not participate in the discussions pursuant to the Attorney General's Opinion No. 81-027. Said Opinion states that no person who is a member of both the joint fire district board of trustees and the legislative body of that person's respective subdivision, may sign or take part in the formation of any contract by and between the individual subdivisions.

Mr. Schneider turned the floor over to Edward C. Pullekens, legal adviser. At that point, Mr. Pullekens reviewed the situation as it relates to the fire contract. He indicated that at the meeting on January 2, 1984, the Trustees had reviewed the language of the contract and approved the same subject to certain clarifications for which opinions had been requested from the Prosecutor's Office. The purpose of the discussion tonight was to review in detail the proposed budget for the fire district as well as the manner in which the total budget would be allocated by and between the Village and Township.

Mr. Pullekens indicated to the Trustees and the citizens present, that he would act only as the negotiator's spokesman for the Trustees. All decisions relative to the finalization of the contract as well as the monies to be expended would be the ultimate decision, by a vote, of the Trustees.

Mr. Pullekens then indicated that the discussion would be conducted in two phases. The first phase would be to go through the proposed 1984 budget for the Valley Fire Department to review each delineated item and to get a consensus from the Trustees relative to the proposed amounts budgeted. After the entire budget is reviewed, the next point of discussion would be the proper allocation of the contract amount. Specifically, a decision hopefully would be reached relative to how much of the contract amount would be the responsibility of the Township. Once that amount has been determined, and the proposed budget accepted, the matter would then be submitted to the joint fire district as well as the Peninsula Council for their review. Mr. Pullekens then announced the proposed budget which has been submitted by the fire board. The budget consisted of the following items:

1) Electric	\$2,000.00
2) Gas	\$2,000.00
3) Telephone	\$3,000.00
4) Vehicle fuel	\$3,000.00
5) Labor maintenance	\$11,000.00
6) New equipment	\$15,000.00
7) Postage and supplies	\$1,500.00
8) Salaries	\$33,000.00
9) Clerk and board members	\$1,500.00
10) Medical supplies	\$3,000.00

TOWNSHIP TRUSTEES SPECIAL MEETING
MINUTES

This meeting was called to order on Thursday, January 5, 1984, by George Fisher. In attendance were George Fisher, Chairman, Board of Trustees, Daniel Schneider, Jr., Vice Chairman of the Board of Trustees, and Joe Broderick, Trustee, and Edward C. Pullekina, legal counsel. Pam Schneider was appointed as interim clerk for the purposes of taking the minutes for the meeting.

Mr. Fisher opened the meeting by announcing that the special meeting was called for the purpose of reviewing and discussing the fire contract submitted by the Valley Fire Department Board of Trustees. At the meeting of the Board of Trustees on January 2, 1984, a motion was passed appointing Edward C. Pullekina, legal adviser, as the representative of the Township to negotiate the contract with the Village and the Fire District.

Prior to the discussion relative to the fire contract, Trustee, Joe Broderick, reviewed various items of unfinished business.

First of all, Mr. Broderick read a letter dated November 18, 1983, which he received from Mrs. Andrew C. Berry relative to injuries that her husband suffered on December 28, 1982. Mr. Broderick had previously read the letter at a prior Trustee's meeting. He indicated that it was his understanding that the matter would be referred to the Village inasmuch as the accident took place in the Village. Mr. Broderick stated that Mrs. Berry indicated that she had not been contacted by anyone relative to the injuries and damages suffered by Mr. Berry. She further indicated to Mr. Broderick that her legal counsel was preparing a lawsuit to file against the Township and/or Village, or both.

Legal counsel, Edward Pullekina, suggested that the matter be immediately turned over to the insurance company and that the Village be notified. A motion was then made by George Fisher, seconded by Daniel Schneider to have Attorney Edward Pullekina send the letter from Mrs. Berry to the Township insurance carrier and the Village. Said Motion was then approved unanimously by Trustees, George Fisher, Dan Schneider, Jr., and Joseph Broderick.

Next, Mr. Broderick asked that the minutes of the Trustee's meetings be corrected relative to certain comments made as to the use of the photocopy machine. Mr. Broderick indicated that he wanted the copier used for Township purposes in accordance with law. His only objection to having anyone else use the copier, for example, the fire department, was that said use would not be in accordance with law. Mainly, the fire department is a separate entity which should have its own equipment and/or some system of charges should be set up if, in fact, the Township equipment is used.

Finally, Mr. Broderick re-read the letter dated November 9, 1983, submitted by Assistant Zoning Inspector Nicholas DiNardi, relative to his resignation as Assistant Zoning Inspector. Mr. Broderick made a motion to accept the resignation of Nicholas A. DiNardi. There was no second to said motion. Trustee, Daniel Schneider, stated that this matter was reviewed in executive session during the first meeting in December and that the matter had been reviewed with Mr. DiNardi and the issue was now classified as a dead issue. Inasmuch as there was no second to the motion, the motion died.

Next, Mr. Broderick read portions of the Summit County Prosecutor's opinion 82-255 wherein the Summit County Prosecutor indicated that the residents of the Village were authorized to vote on Township tax levies and issues. Trustee George Fisher indicated