

Walnut Township Trustees Meeting

February 7, 2017

The meeting was called to order at 7:00 PM. Trustees Doug Leith, Bill Yates and Terry Horn were present.

Trustee Leith asked if the Legal ad for the 2017 meetings had been placed in the Lancaster Eagle Gazette. Fiscal Officer Kraner stated that the ad was in the paper. Trustee Horn requested a copy of the 2017 legal ad be provided to him tomorrow (2/8/17). He also requested that all legal ads that announced the meeting schedule for the year be given to him back to 2010. Fiscal Officer Kraner said she would provide those copies.

The minutes for December 6, 2016 were presented for approval. Trustee Yates made a motion to approve the minutes with changes noted. Trustee Leith seconded the motion. Trustee Horn asked if the minutes did reflect that the medical insurance was divided by all funds for 2016 and requested a copy of the audio recording for December 6th. The motion passed with 3 yes votes.

The minutes for December 28th Special Meeting were presented for approval. Trustee Yates made a motion to approve the minutes. Trustee Horn seconded the motion. The motion passed with 3 yes votes.

The minutes for the January 3 Re-Organizational Meeting were presented for approval. Trustee Leith made a motion to approve the minutes. Trustee Yates seconded the minutes. The minutes passed with 3 yes votes.

The minutes for the January 3rd Regular Trustee Meeting were presented for approval. Trustee Yate made a motion to approve the minutes with noted changes. Trustee Leith seconded the motion. Trustee Horn asked about the Records Disposal Policy that was approved by the Ohio Historical Connection and whether a copy would be distributed. Fiscal Officer Kraner stated it was exactly the same as what was distributed at the meeting when the policy was approved. The motion passed with 3 yes votes.

The minutes for the January 19th Special Meeting were presented for approval. Trustee Yates made a motion to approve the minutes. Trustee Leith seconded the motion. The motion passed with 3 yes votes.

The minutes for the January 26th Special Meeting were presented for approval. Trustee Yates made a motion to approve the minutes. Trustee Leith seconded the motion. The motion passed with 3 yes votes.

Trustee Leith acknowledged the receipt of the Cash Summary by Fund, Payment Listing, Fund Status and Appropriation Summary by the trustees.

Trustee Yates made a motion to approve checks 25238 through 25259 and EFT 2017-1 through 2017-112, after being certified that funds are available and appropriations have been made by Fiscal Officer Kraner. Trustee Leith seconded the motion. Trustee Yates – yes, Trustee Horn – abstain, Trustee Leith – yes. The motion passed with 2 yes votes.

Comments from the Floor –

Kreig Babbert, West Bank Drive, thanked the Trustees for the letter that was sent to ODNR regarding their careless construction activity. He is asking for the Trustee's assistance on two issues going forward – maintaining 2 lanes of traffic on Leib's Island Road and draining the standing water on the curve on Leib's Island Road.

It was discussed that Walnut Township doesn't make the decisions on traffic control but would continue to voice the concerns.

Department Reports

Chief Price, Millersport Fire Department – The new Medic has been received that will replace the International Medic.

Chief Hite, Thurston Walnut Township Fire Department – Chief Carroll has been in contact with all the non-active Firefighters to determine their duty status. Taylor Smith has resigned. Their Rules and Regulations for 2016 need approval by the Trustees. They are still attempting to locate a legal document stating how their Fire Department was originally founded in 1953. In the event that the new Fire Levy is passed, the mayor of Thurston has

stated previously that she would recommend that village's current 2.5 mill fire levy be placed on a future election ballot to be rescinded. Chief Hite would like to sell the Station car on Gov Deals as it is not being used. The Grants Chief Hite is working on are the Co-OP, State Fire Marshall and South Central.

Trustee Yates made a motion to accept resignation of personnel. Trustee Horn seconded the motion. The motion passed with 3 yes votes.

Larry Neeley, Regional Planning – Larry continues to represent Walnut Township at the Regional Planning meetings.

Mike Berry, Zoning Inspector – There has been a new home, a sign application and an AG exempt in the past month. There are nuisance letters in the works. There was a discussion regarding the grandfathering of non-conforming structures. At the point that there is expansion, an addition or other changes, the structure must comply with the existing Zoning Resolution.

Mike King, Recycling – Everything is fine

Tim Morris, Parks and Road and Bridge – Tim asked if a contract will be offered to Jerry Murphy for 2017 to continue mowing of the parks and cemeteries. Fiscal Officer Kraner asked that a budget for the park and cemetery mowing be established for 2017.

There are 3 trees that need to be removed from South Bank. Tm will contact Mid-Ohio Tree Service.

Tim will be meeting with Jeremiah Upp from the Fairfield County Engineer's office regarding the Cherry Lane Phase III project that appears to have been awarded to Walnut Township.

The latest requirement for the sidewalk at Fairfield Beach, which is part of the Neighborhood Revitalization Grant, is the requirement of an archeological study. Regional Planning will take care of hiring a firm for the study. It is hoped the cost of the study will be covered from the grant funds.

The final paperwork was received for the Sign Grant. The total was \$22,657.80 and the signs have been ordered. Tim is waiting on the contract for the sign posts. There was a discussion regarding the 246 sign posts that will need to be replaced. Tim suggested that the purchase of post driver would enable them to complete the project more efficiently and with less physical labor. Trustee Horn made a motion to purchase the gas powered post driver for \$1,440. Trustee Yates seconded the motion. The motion passed with 3 yes votes.

Trustee Yates will be checking into Security Cameras for the Fuel Tanks.

Tim is working on the \$500 Safety Grant for 2017.

Old Business

The paperwork for the Fire Levy was all filed on time. The Fire Chiefs are preparing lists of the needs for their stations. Fiscal Officer Kraner will find out if the cost of the fire levy can be allocated to the Fire Fund. The Township will find out on or after February 13th if the fire levy will be on the ballot.

Trustee Horn attended the OTA Winter Conference and brought back Crash Maps for Walnut Township which shows where the hazards are.

Fiscal Officer Kraner will provide a breakdown of the IRS refunds along with penalties and interest at the next Regular meeting.

Fiscal Officer Kraner has not had the opportunity to review any of the other discount programs available from BWC.

There was a discussion regarding the water levels in Buckeye Lake as a follow-up to the Buckeye Lake Beacon articles and editorials. Trustee Yates would like to get the surrounding municipalities together to discuss the situation further and will contact Tim Shaffer.

Trustee Horn made a motion to reappoint Greg Groves to the Zoning Commission with a term that ends in December 2021 and Ron Sharpe to the BZA with a term that ends in December 2021. Trustee Yates seconded the motion. The motion passed with 3 yes votes.

There was a discussion regarding two potential candidates for the Zoning Commission and the BZA, Ben Patterson and TJ Upp. There will still be a need for alternates for each board. Trustee Horn suggested that Alex Fant be moved to the BZA because of his legal background.

A new Resolution is needed with the County Engineer's office for the engineering of the Geiger Road project.

Trustee Horn asked about the 2014-2015 State Audit becoming final on January 10th, 2017 and why the Trustees were not made aware that it was available as it should have been as part of keeping them informed. Fiscal Officer Kraner did not have an answer. Fiscal Officer Kraner has not followed up on the 5 items that were addressed in the audit. Kraner will contact the Auditor's office to find out what needs to be done.

There was a discussion regarding the proper steps to dispose of Walnut Township property. Trustee Yates felt that the state law provided the authority to delegate the disposal. Trustee Horn stated that Joshua Horacek, Fairfield County Prosecutor, recommends a resolution be passed.

Trustee Horn spoke with Joshua Horacek, Fairfield County Prosecutor regarding Zoning Permits on the Dam at Buckeye Lake. Horacek stated that the permits should not be held up pending ODNR's review of them.

Fiscal Officer Kraner stated that as a follow-up to Trustee Horn's question regarding the allocation of medical expense over all the funds in 2016; The line items and budgets for the other funds were not created until January 2017. All the medical expenses will be allocated over all the funds for 2017.

Trustee Horn asked that the Trustee Time Sheets be added as a Checklist Item on the agendas and that time sheets be made available at each meeting to ensure these are always completed on time.

New Business

The request was made that the voicemail message be updated so that Tim and Mike are first, then zoning, then the Trustees.

There was a discussion regarding the BZA and Zoning Commission appointments. Resignations were received from Mike Berry – ZC, Dave Farrell – BZA, and Alex Fant – ZC.

Trustee Horn made a motion to nominate Thomas Upp Jr to the Zoning Commission with a term ending December 2020. Trustee Yates seconded the motion. The motion passed with 3 yes votes.

Trustee Horn made a motion to nominate Alex Fant to the BZA with a term ending December 2020. Trustee Yates seconded the motion. The motion passed with 3 yes votes.

Trustee Yates made a motion to nominate Ben Patterson to the Zoning Commission with a term ending December 2019. Trustee Leith seconded the motion. The motion passed with 3 yes votes.

Mike Berry will update and post the updated listing of the Zoning Commission Board and the Board of Zoning Appeals. Copies will be forwarded to Trustee Horn to place on the website and Zoning Secretary Jeannie Downey.

An Alternate is still needed for each Zoning Board.

Trustee Horn has prepared suggestions to revise the language for Meeting announcements that will replace the information from the Re-Organization meeting. Horn moves to pass **Resolution 07-17** that will supersede **Resolutions 01-17 and 02-17** and establishes Regular meetings, and notification of Special Meetings, Emergency Meetings and Re-Organization meetings for 2017. Trustee Leith seconded the motion. The motion passed with 3 yes votes.

Regional Planning will hold a meeting on March 7th regarding their Revised Sub-Division plan.

Trustee Leith asked if the township had paid any late fees or interest in the last month. Fiscal Officer Kraner stated there was a late fee of \$25 on the Visa bill when VSP was paid in error.

Trustee Leith will take care of the CAUV application renewal.

The Fairfield County Engineer's office prepared an Agreement to engage 2LMN to prepare the engineering specs for the Neighborhood Revitalization Grant 2016. Trustee Leith made a motion to execute the Agreement between the Fairfield County Commissioners, 2 LMN and Walnut Township for the Engineering work for the Neighborhood Revitalization Grant 2016. Trustee Yates seconded the motion. The motion passed with 3 yes votes.

There was a discussion regarding the depositing of Public Monies. Zoning Inspector Berry will keep checks for unapproved zoning applications in a lockable drawer and notify Fiscal Officer Kraner when they are approved. Berry will stamp the back of all checks with the 'For Deposit Only' stamp which includes the township account number.

Also, any checks needing signatures by the Trustees will be kept in a lockable drawer.

Trustee Horn made a motion to deposit checks 3 (3) business days for checks totaling up to \$1,000. For checks totaling over \$1,000 they must be deposited within one (1) business day per ORC 9.38 (2). Trustee Yates seconded the motion. The motion passed with 3 yes votes.

An updated Agreement to engage the Fairfield County Engineer's office to complete the engineering aspect of the Geiger Road Phase II project was received. Trustee Leith made a motion to execute the Agreement between the Fairfield County Engineer and Walnut Township for the Engineer's office to complete the engineer specs for the Geiger Road Phase II project. Trustee Yates seconded the motion. The motion passed with 3 yes votes.

There was a discussion regarding the effective date for the Anthem medical insurance policy for 2017. Fiscal Officer Kraner had supplied all the requested information and then received an email dated January 24th with a copy of the policy that was to be distributed to all the policy participants. After that time, there was an email from Chris Pinkerton, Burnham and Flower, asking if the township was a chamber member. Kraner responded the township was not and asked why that information was needed. On January 27th, an email was received stating that there was a final rate, which needed to be signed and returned. On February 2nd, Kraner received an email stating that because the document wasn't returned by February 1st, that policy was not in effect. Trustee Horn states that he

was copied on an email stating that the final rate sheet must be signed and returned by February 1st or else coverage would lapse for January. This was confirmed by an email from Michelle Crockett, Burnham and Flower. On 2/2/2017 Michelle Crockett stated that coverage had lapsed. Michelle later contacted Trustee Horn and said that coverage would be in place for 1/1/17. This could be because when the Fiscal Officer sent the form back to Michelle, she back dated it 1/30/17.

Trustee Horn provided information to Michelle Crockett, Burnham and Flower regarding over payment of premiums for medical, vision and dental insurance for individuals who were not eligible to be covered on the plans. She will contact the companies to see if any refund can be obtained.

Trustee Leith attended a Health Department Advisory Meeting and was told there wouldn't be an increase in their budget for 2018.

Mike Berry is meeting with RPC regarding the possibility of a 200 acre solar farm in Walnut Township.

The Final Appropriations were presented for approval. Trustee Yates made a motion to approve the Final Appropriations for 2017. Trustee Leith seconded the motion. The motion passed with 3 yes votes.

The Truck body for the new truck is ready.

See Addendum A -

Trustee Horn's Specific Performance Concerns regarding Fiscal Officer Kraner

Trustee Leith commented that Trustee Horn made some good points.

Comments

Bob Slater mentioned his concerns about the status of the Walnut Township schools. He asked if there was any information regarding boat docks once the dam project is completed; and how that might affect the property values.

10:50 PM, Trustee Yates made a motion to adjourn. Trustee Horn seconded the motion. The motion passed with 3 yes votes.

Lynn Kraner, Fiscal Officer

William Yates

Terry Horn

Doug Leith, Chairman

Addendum A

The following represents a partial list in no particular order of my ongoing concerns that I would like to share at this time and make a part of the public record.

Township Meeting Minutes: According to the Ohio Sunshine Laws, for Public Officials, "A public body must promptly prepare, file, and make available its minutes for public inspection". It has been a frequent practice of the FO to delay the providing of draft meeting minutes for the Trustee's review for up to eight (8) weeks after our meetings. Sometimes the draft minutes are not available for review until just minutes before the meeting. It is even more common for the final minutes to take 3-4 weeks before they are available.

2017 Health Insurance lapse for January: Due to the FO not providing all of the required documentation (W-2's were missing) and not signing an important change in premiums document in time, there was nearly a lapse in health insurance coverage of one month. After this initial writing, I found out that the insurance carrier made an exception and allowed our coverage to become effective January 1st. This was even in spite of the FO submitting the paperwork two days past the 1/31 deadline.

Payment of Insurance Premiums for ineligible employees and dependents: Even though the FO was repeatedly asked to verify eligibility of persons on the Township health insurance plan. She continually ignored those requests and it was discovered in September 2016 that there were ineligible individuals on the plan going back to 2014, that the Township was paying premiums for. She was directed in September 2016 to review the situation and make the necessary corrections. Since the FO did not attempt to recover the cost of these premiums, I sent a letter to the insurance agent on 2/5/2017 to request those premium payments be credited or reimbursed.

Fiscal Officer Monthly Report: Before and during our regular township meeting in September, I asked the FO to provide a monthly Fiscal Officer Report for the Trustees in order to keep the FO more accountable to her duties as holder of township public and financial records. This stemmed from several issues that the FO was encountering with records/information requests, late payments, a 52-day lapse in Workers Compensation coverage and the list goes on. While this report was not intended to solve the FO problems it was to place additional pressure and accountability on the FO to properly perform her duties. In this report, I asked her to provide answers to fiscal questions for the past month, such as: 1) Were there any late payments made or due? 2) Were there any delinquent payments paid or due? 3) Were there any decisions or postings made that had financial consequences? I also asked her to answer questions related to records and information requests such as 1) Were there any outstanding records or information requests? 2) Were there late reports made or due? During this meeting, I asked the FO to respond to each and every one of these questions which was met with silence.

IRS and State Income Tax interest payments: For over a year there has been an issue with the IRS and the State claiming that Walnut Township has made late tax payments. These 'alleged' late payments have resulted in tax liens, levies and interest fees placed against the township. The FO has continually and categorically denied that any late payments were made. It is incumbent upon the FO to provide proof and complete documentation of this assertion without delay. Verification from the IRS, State of Ohio and the Auditor of State must agree with her conclusions.

Since our April 16, 2016 Special Meeting in which we first met to discuss these issues, I requested that the FO keep the trustees informed of all communication both written and phone conversations between the FO and the IRS and State. I have since also requested this through emails and in public meetings, yet the FO continues to this day to ignore these requests.

Employment and salary verification for employees: Fire Department employees continue to report, even as late as last week, that the FO does not respond to inquiries for employment and salary verification in a timely manner. Sometimes it is weeks before she will respond.

Communications: The FO will rarely returns phone calls, texts and emails when I try to communicate with her. I have also received dozens and dozens of call and emails telling me they cannot get in touch with the FO because she is late with making a payment or providing information. This has been confirmed over and over by individuals from: Auditor of State, County Auditor, County Prosecutor, Health Insurance Agents, Fire Department, Worker's Compensation, and many others. Often, I am told she won't answer her phone and her vmail box is full so they can't leave a message. This is not surprising since this is a problem I frequently have.

Emails to FO: At the present the FO has two working township email accounts. It is up to her to manage those accounts in a way that ensures she is getting her message. If one account is not beng used as she claims, simply disable it or use a 'vacation reply' that you have a different "preferred" account. How many times have we heard the FO say, 'they used the wrong email address and that is why it was late'? The onus is on the owner of the email accounts to ensure proper delivery, NOT everyone else.

Ohio Checkbook: At the insistence of the Trustee's to get our township on Ohio Checkbook, the FO posted once on the State Treasurer's website in May 2016. At the time the information was already six months out of date. The trustees have been clear that this is an important function for the FO to perform. According to the State Treasurer's Office, the process is very simple. This takes about five minutes each month, using an EXCEL spreadsheets that is easily generated by the software that the FO uses.

Auditor of State (AoS) Findings for Audit of 2014-2015: There were (2) findings, 001and 002 that need FO response to the Trustees as to how she will make adjustments to financial preparations and bank reconciliations. Consultation with the AoS on how to make changes and improvements is a must. Finding 003 refers to IRS 941 statement that did not match the Uniform Accounting Network reports and late penalties and interest were charges for late and inaccurate payments. A complete reconciliation of these costs is required. Finding 004 was for inadequate documentation for employee insurance reimbursements. The FO only provided one (1) year of document verification for a two year audit. Finding 005, no credit card policy. Even though the FO prepared a credit card policy after the preliminary Audit she did not submit that policy to the AoS to demonstrate compliance with this deficiency.

Expectations going forward:

1. Reconcile the IRS and State income tax 'alleged' late payments and interest penalties. How much if anything has the township paid in interest and penalties. Provide on or before March 7, 2017.
2. Fulfill my public records request of providing all communications related to the IRS and State payroll tax.
3. With no exceptions, return phone calls, texts and emails in a timely manner to suit the situation, common courtesy is that digital and voice communications are answered within 24 hours. In no case, should the reply be later than two working days if extenuating circumstances prevent prompt reply.
4. Prepare final Meeting Minutes and all Resolutions for Trustee's signature at each regular meeting following the previous meeting unless an earlier time is required.
5. Ohio Checkbook, update monthly.
6. Provide the Fiscal Officer Monthly Report.
7. So that the Trustees can keep track of upcoming payments and reports:
 - a. Prepare a 12-month payment schedule for all payments
 - b. Prepare a 12-month report schedule for all reporting.

- c. If it's something that reoccurs monthly, bi-monthly or yearly place it on the schedule
8. Verify with documentation, health insurance coverage on or before February 1st each year.
 9. Provide draft meeting minutes two weeks before the monthly meetings or one week prior, for bi-monthly meetings. Convert the draft minutes to final minutes within 5 – 7 days of the meeting to comply with the Sunshine Laws.
 10. Provide a life history of all public records and employee and bank information for employment and salary verifications.

Copy Trustees on:

- Resolutions to government partners
- Financial Reporting to Auditors, etc.
- Legal ads for any reason
- Late payment notices
- Making a late payment
- Receiving interest or penalty invoices/notices.
- Making interest or penalty payment
- When Public Records request and employment and salary verifications come in

In Conclusion: To be fair there is a lot of work for the FO to perform. However, it takes 100% accuracy and a willingness learn and to be accountable to the public to be effective. None of the items listed will be any surprise to the FO, as I have told her both in person and in writing of my concerns over and over again over a very long period of time. I have invited her publicly and privately numerous times to discuss these issues face to face and she has not responded to those invitations. When anyone that represents the township falls short of providing the best possible service to our constituents, employees and government partners for this long of time in continual rebellion, it tarnishes the reputation of everyone who is associated with the township. If the FO wants to assert that she does not report to the Township Trustees, then fine, because there is no direct reporting of FO in Township government. However, she works for me as a resident of this township and I as a Trustee know that her execution of her duties can be greatly improved upon. The officials of Walnut Township serve a population of just under 7,000 residents. Our size and budget does not allow for a full or even part-time staff to perform many duties that fall to the FO and the Trustees. For me, I am on the job 24/7 to meet any need that arises from any resident, employee or government partner. I do my best to treat each person with respect that I would want. Not everyone will get what they have asked for, but I try to provide a timely answer and let them know that I am on their side and will do what I can, within the limitations of the budget and policies. I know the FO has extended duties beyond that of Trustee, that is also why the FO is paid 2X that of a Trustee.

For Walnut Township,

Terry W. Horn - Trustee