

## Minutes of Regular Meeting

February 1, 2024 @7PM

Baughman Township Trustees met in regular session February 1, 2024 at the Baughman Township Office, 3470 N Mt Eaton Road, Burton City, Ohio at 7:00 PM. All members were present. Chairman Robert Graber called the meeting to order and led the Pledge of Allegiance. Motion Mr. Mark Geiser, second Mr. Kaufman, to approve the minutes of the January 4, 2024 regular meeting. Graber-yes, Kaufman-yes, Geiser-yes. Motion Mr. Kaufman, second Mr. Mark Geiser to approve the minutes of the special meeting on January 12, 2024. Graber-yes, Kaufman-yes, Geiser-yes.

Visitors: Mr. Gary Romanchik asked about fire inspection of tanks to which Trustees responded that it is not needed unless tanks are hard-wired. He also complimented road workers for doing a good job plowing roads during the recent snow.

Candidates Ms. Meredith Craig, for State Representative, and Mr. David McMillan, for County Commissioner, introduced themselves.

Mr. Larry Taylor, Trebel Energy, discussed the new electric aggregation program and the savings Baughman Township residents have received.

### Fiscal Officer Business:

Motion Mr. Geiser, second Mr. Kaufman, to approve purchase orders #1-18. Graber-yes, Kaufman-yes, Geiser-yes.

Bills to pay were presented. Mr. Graber explained that the BC Communications payment was for work completed so far. Motion Mr. Kaufman, second Mr. Geiser, to pay bills. Graber-yes, Kaufman-yes, Geiser-yes.

Motion Mr. Geiser, second Mr. Kaufman, to approve the financial statements. Graber-yes, Kaufman-yes, Geiser-yes. Chairman Graber reviewed the work done to reallocate expenditures in 2023 in order to keep the general fund solvent.

Trustees reviewed Ohio Checkbook. Motion Mr. Geiser, second Mr. Kaufman to participate in Ohio Checkbook for 2023. Graber-yes, Kaufman-yes, Geiser-yes.

Trustees reviewed the paperwork that Schwab sent in order to change account names. Many of the questions are not appropriate for government entities and it is unclear whose names are, or should be, on the account. It has been difficult to get help from Schwab as a different person calls each time, but does not leave a phone number to reach that person again. Fiscal Officer will continue to get information and keep Trustees informed. Money cannot be reinvested until this is resolved.

Trustees discussed when to approve road workers skipping lunch. They agreed that it is pre-approved to skip lunch when out working with equipment, plowing snow, cleaning ditch, etc. Trustees also want Road Supervisor to write time on his time card when he checks roads.

Road Supervisor Adam Moomaw Report: Reported that signs have been ordered for Gettysburg, discussed truck repairs, discussed a ditch on Lovers Lane, reported on the new truck, and said there is a need for more cinders.

Road grader: the transmission is leaking. Matt Price has a mobile service truck and could help repair. The price to repair has not been determined.

Cordless drill: is really old and the batteries are not good. It might be better to replace than to put money into batteries. Trustees will investigate.

## Minutes of Regular Meeting

February 1, 2024 @7PM

Mr. Kaufman recommended keeping the road grader repaired since it is needed for berming. Motion Mr. Kaufman, second Mr. Graber, to give Road Supervisor authority to have the road grader repaired. Graber-yes, Kaufman-yes, Geiser-yes.

### Old Business:

Fire Prevention Officer Chad Mutersbaugh: Mr. Kaufman reported that he requested Mr. Mutersbaugh's attendance at the meeting but got no response. Mr. Graber commented that Mr. Mutersbaugh has not fulfilled obligation to give quarterly reports. Mr. Geiser had asked for reports on dry hydrants in November and still has not received them. Trustees discussed the need to talk to Mr. Mutersbaugh, to get him to remedy the problems by the next meeting, or they may need to terminate the agreement. Motion Mr. Kaufman, second Mr. Geiser, to draft a letter to Mr. Mutersbaugh addressing these issues. Graber-yes, Kaufman-yes, Geiser-yes. Trustee Geiser will explore other options in case needed.

EWFD litigation: Chairman Graber said it is important to talk about EWFD litigation as a Board. Motion Mr. Graber, second Mr. Geiser, to suspend attorney-client privilege for the recent executive session meeting with attorneys and for information on bills since all is paid with taxpayer dollars. Mr. Graber-yes, Mr. Kaufman-no, Mr. Geiser-yes.

Mr. Graber brought up to date on the Writ of Mandamus case.

Mr. Graber reported on the fraud lawsuit which was filed for spending by EWFD that the previous Board thought was owed to Baughman Township. The next step in this case would be depositions estimated to cost \$20,000 to depose 3 people. After deposition the case would go to court. In the attorney's opinion, the settlement offer from EWFD might not be high enough to cover that cost. The attorney said the evidence is circumstantial and EWFD is represented by their insurance company who does not seem in a hurry to make an offer.

Mr. Kaufman commented on the relationship of Mr. Graber to EWFD FO. Mr. Graber replied that his relative is not an elected official.

Mr. Kaufman said that there is \$80,000 on the table.

Mr. Geiser stated that the recommendation was to take \$40,000 if it was offered.

Mr. Kaufman suggested that Marshallville and Dalton are looking out for themselves and Baughman should too. He is in favor of a motion to intervene to protect Baughman Township interest.

Mr. Graber said Baughman Township has already spent \$70,000. He is in favor of dismissing the fraud case because it is not winnable, but is currently willing to wait for the Ninth District decision on the other case.

Mr. Geiser gave some observations from attorney billing: Mr. Graber asked for information 11 times but POC Mike Geiser did not communicate with the Board. There were 9 hours of mediation that cost \$6364 with no notice to the Board. Discovery requests were never reviewed by the Board. An attorney was paid to do public records requests. He also asked why Baughman would get involved in another lawsuit.

Mr. Kaufman said that a motion to intervene is to protect Baughman Township interest.

## **Minutes of Regular Meeting**

**February 1, 2024 @7PM**

**Discussion continued back and forth about the motion to intervene.**

**Mr. Graber reiterated that the entire Board of Trustees must be represented by the law firm and by the POC. Some items that were not discussed with the Board include \$4000 to file escrow and the resolution to give authority to the attorneys, which was drawn up by the attorneys instead of using the Prosecutor who is free.**

**Mr. Kaufman has great faith in Mr. Mike Geiser, former POC, and never questioned his integrity. The funds available to Baughman Township would help us. Baughman Township was done wrong to.**

**Mr. Graber believes the Township should move on as other Townships have done. It was never in the minutes of Baughman Township or EWFD that expenditures were fraudulent.**

### **Resolution No. 2024-02**

#### **Authorizing Board Approval for New Legal Point of Contact**

Trustee Robert Graber moved for the adoption of the following resolution.

Second by Trustee Mark W Geiser.

Whereas, the Baughman Township Board of Trustees met in regular session on February 1, 2024 at 7pm in an open meeting pursuant to notice duly given in accordance with the provisions of the Ohio Open Meetings Act.

And

Whereas, the Baughman Township Board of Trustees on or about February 22, 2022 approved Resolution 2022-2. Said resolution approved the hiring of Buckingham, Doolittle & Burroughs LLC to represent Baughman Township in the contractual dispute between Baughman Township and the East Wayne Joint Fire District with a retainer fee of \$10,000.

And

Whereas, Resolution 2022-2 approved Trustee Mike Geiser, Baughman Township point of contact for all legal matters pertaining to Exiting the East Wayne Fire District.

And

Whereas, Resolution 2022-2 was approved by 2 yes votes and one no vote.

And

Whereas, Effective January 1, 2024 Mike Geiser is no longer a Baughman Township Trustee and is not eligible to serve as point of contact or in any legal capacity on behalf of Baughman Township Board of Trustees for Buckingham, Doolittle & Burroughs.

And

Whereas, the Baughman Board of Trustees desires to appoint the Chairperson of the Board as the new point of contact for Buckingham, Doolittle & Burroughs and remove Mike Geiser as the former.

And

Whereas, the said point of contacts duties will include communications with Buckingham, Doolittle & Burroughs. These communications may be requests for information, notices, demands, and statements.

# Minutes of Regular Meeting

February 1, 2024 @7PM

Communications can be written, verbal and electronic for both parties. Point of contact will not engage in decisions that have not been heard by the Baughman Board of Trustees and cannot authorize expenditures for legal matters. Communications will be forwarded to the Baughman Board of Trustees in a timely manner and will not exceed 5 business days.

Therefor Be It Resolved, Baughman Township authorizes the removal of Mike Geiser and appoints the Chairperson of the Board to be point of contact for all legal matters concerning contractual disputes with the East Wayne Joint Fire District. Point of contact as stated above will be to facilitate communications between Baughman Township Board of Trustees and Buckingham, Doolittle and Burroughs.

Trustee Robert Graber Yes

Trustee Jeff Kaufman Abstain

Trustee Mr. Mark W. Geiser Yes

Attest: Fiscal Officer \_\_\_\_\_

Date \_\_\_\_\_

Chairman \_\_\_\_\_

Adopted February 1, 2024

**Trustees discussed whether or not to dismiss the fraud case. Mr. Kaufman said we are paying the attorneys to have an opinion. Mr. Graber said to continue we are relying on circumstantial evidence and spending another \$20,000 for depositions. Mr. Geiser is in favor of dismissing the case because if we spend another \$20,000 and the settlement is \$40,000 we would lose money.**

## Resolution #2024-03

### Authorizing Board Approval for Dismissal of Case #2022 CVC-H 000431.

Trustee Mark W. Geiser moved for the adoption of the following resolution.

Second by Trustee Robert Graber.

Whereas, the Baughman Township Board of Trustees met in regular session on February 1, 2024 at 7pm in an open meeting pursuant to notice duly given in accordance with the provisions of the Ohio Open Meetings Act.

And

Whereas, the Baughman Township Board of Trustees on or about October 18, 2022 filed Civil Complaint 2022 CVC- H 000431 against the East Wayne Fire District Board of Trustees for defendant's breach of contractual and fiduciary duties.

And

Whereas, the Baughman Township Board of Trustees on or about February 22, 2022 approved the hiring of Buckingham, Doolittle & Burroughs LLC to represent Baughman Township in contractual disputes against the East Wayne Fire District.

And

# Minutes of Regular Meeting

February 1, 2024 @7PM

Whereas, the Baughman Board of Trustees desires to no longer pursue a complaint against the East Wayne Fire District Board of Trustees. The Baughman Board of Trustees can find no documentation in Resolution 2022-11 for claims against the East Wayne Joint Fire District. This has caused Baughman Township to experience higher than expected legal costs related to on-going litigation with a diminished return.

Therefore Be It Resolved , the Baughman Township Board of Trustees authorizes Buckingham, Doolittle & Burroughs LLC to dismiss case number 2022 CVC-H 000431 upon receipt of this resolution.

Mr. Robert Graber, Trustee	Yes
Mr. Jeff Kaufman, Trustee	No
Mr. Mark Geiser Trustee	Yes

Attest: Fiscal Officer \_\_\_\_\_

Date \_\_\_\_\_

Chairman \_\_\_\_\_

Adopted February 1, 2024

## New Business:

Trustees discussed bidding road work as in prior years. Mr. Kaufman moved the following, seconded by Mr. Geiser:

Sealed bids will be received by the Trustees of Baughman Township, Wayne County, Ohio, until 7 PM Thursday, March 7, 2024 for the following:

1) 2000 tons more or less of limestone sizes 304, 57, 67, 8, 9 , washed gravel sizes 57, 67, 8, 9, sand and of Rip Rap sizes R3(3-6"), R4(6-12"), delivered to the township garage or picked up. Bids must show source of product. Sealed bids should be marked "Stone bid".

2) Oil bid and road work required to chip and seal township roads. This is a prevailing wage project. Sealed bids should be marked "chip & seal".

All materials must meet state specifications. Trustees have the right to accept or reject any or all bids and to waive any informalities in the bids in the best interest of the Township. Bidders must show proof of insurance and a statement that all personal property taxes have been paid. Mr. Graber-yes, Mr. Kaufman-yes, Mr. Geiser-yes.

Trustees approved the annual mileage certification with no change.

Trustees discussed the new Ohio cannabis situation. All felt it would be best to regulate as that option becomes available to Townships.

Trustees previously approved taking advantage of Ohio Township Association training for the entire year. Fiscal Officer will make sure we are enrolled and paid.

Mr. Kaufman presented information from Ms. Jennifer Kiper, Wayne County Planning Commission, regarding a roundtable discussion about tools for saving Wayne County farmland. The meeting is on February 29 and Townships are encouraged to send a representative. Mr. Kaufman is unable to attend, but another Trustee will try to attend.

## Trustee Reports:

Mr. Kaufman reported that the County is using hot mix to fix potholes on Back Massillon Road and Church Road.

Mr. Graber gave update on the siren repairs.

Mr. Geiser reported on email options – email may be available through Armstrong Cable for free. Other services are \$72 per email per year.

# Minutes of Regular Meeting

February 1, 2024 @7PM

Motion to adjourn Geiser, second Kaufman. Motion carried. 9:34 PM

Chairman \_\_\_\_\_

Fiscal Officer \_\_\_\_\_

## PAYMENTS Approved February 1, 2024

Number	Post Date	Total Warrant Amount	Payee
1-2024	1/18/24	\$2,569.43	Adam T Moomaw
3-2024	1/31/24	\$10.05	Commercial & Savings Bank
4-2024	1/16/24	\$136.25	Treasurer of State of Ohio
5-2024	2/1/24	\$1,142.50	Carolyn S Baer
6-2024	2/1/24	\$324.76	Mark W Geiser
7-2024	2/1/24	\$911.34	Robert E Graber
8-2024	2/1/24	\$74.55	Jeffery A Hartzler
9-2024	2/1/24	\$2,550.36	Adam T Moomaw
12-2024	2/1/24	\$318.96	IRS Department of Treasury
13-2024	2/1/24	\$932.51	IRS Department of Treasury
14-2024	2/1/24	\$15.80	School District Income Tax - Ohio Dept of Tax
15-2024	2/1/24	\$83.98	Treasurer of State of Ohio
16-2024	2/1/24	\$2,574.05	PUBLIC EMPLOYEES RETIREMENT SYSTEM
8871	2/1/24	\$0.00	Skipped Warrants 8871 to 8871
8872	2/1/24	\$276.68	Commercial & Savings Bank
8873	2/1/24	\$4,548.31	WAYNE COUNTY COMMISSIONERS
8874	2/1/24	\$350.00	Aultworks
8875	2/1/24	\$4,512.84	B&C Communications
8876	2/1/24	\$669.76	ORRVILLE MUNICIPAL UTILITIES
8877	2/1/24	\$4.00	Treasurer, Wayne County
8878	2/1/24	\$469.00	Buckingham, Doolittle & Burroughs LLC
8879	2/1/24	\$233.20	ORLO AUTO PARTS INC
8879	2/1/24	-\$233.20	VOID Orlo Auto Parts Inc
8880	2/1/24	\$368.76	Tricor Industrial Inc
8881	2/1/24	\$1,730.94	Joe's Grauge and Son, Inc
8882	2/1/24	\$176.49	Horst Welding & Fabrication, LLC
8883	2/1/24	\$138.86	ORLO AUTO PARTS INC
8884	2/1/24	\$964.91	Jeffrey M Kaufman
		\$25,855.09	TOTAL PAYMENTS