

Windham, Ohio

Minutes of Joint Fire Districts Exploratory –
Advisory Committee

• Held May 3, 2007 6:30 PM

The meeting was held in the Village Council Chambers.

Safety Committee member Phil Snyder called the meeting to order at 6:40 PM since Chairperson Rachel Barrett had not yet arrived. (Rachel arrived at about 6:45 PM)

Phil Snyder introduced himself and asked each member of the Council Safety Committee and those resident members present who are serving on their Special Committee to introduce themselves. Those introducing themselves were as follows:

Sonya Edwards, Maurice Hankins, Don Vanderbloom, Bruce Rininger,
George Bengston, Jesse Wireck, Thom Touche, Bill Sponacle, Tom Byich
and Jim Moore.

Others present at the meeting were: Stacy Brown, Jodi Minotti, Don Jovich – reporter, Joe and Lori Pinti, Marian Garrett, Jamie Bowers – reporter and Lynnea St. John.

Phil Snyder explained the purpose of Village Council's Resolution No. R-2007-5, and expressed it is a step in the right direction to get all the information out to the Village and Township residents.

The Mission Statement drafted by the Council's Safety Committee members was read by Phil. Everyone present received a copy.

Phil emphasized that the full committee would make their recommendation after all meetings and information has been reviewed and considered and that such committee recommendation must be in the best interest of the residents of the Village and Township.

The procedures for obtaining the factual documents and information was read off by Phil Snyder. Everyone present received a copy.

A motion was made by Phil Snyder to approve Maurice Hankins as the Chairperson of this Special Committee. Sonya Edwards seconded the motion. Rachel Barrett said that Village Council had already approved Maurice to Chair this Committee. It was decided that the Safety Committee should go ahead and give their approval separately. The motion carried by unanimous vote.

A motion was made by Sonya Edwards to appoint Phil Snyder as the Vice Chairman of this Special Committee. Rachel seconded the motion which was carried by unanimous vote.

Chairperson Maurice Hankins began his comments by saying that he's not here to defend Jim Moore or to pick on Howard Furl, that he's looking for facts not personalities., that he feels the Fire Department as the best at solving their needs. That somehow or another the Village lost the Fire Department we used to have. That the Village has no voice or vote on our tax dollars. Maurice used the example of the recent purchase of a \$129,000 Ambulance without

any discussion or approval requested from the Trustees to Village Mayor and Council. That ½ of that purchase will be with Village Tax Levy Funds.

Maurice said that this 1st meeting is to get organized.

The purpose of this committee will be to get all the facts and information and the pros and cons about Joint Fire Districts on the table. Look at all the facts and information and see if it's worth going to. That the worst option would be a total split up of the Council and Trustees concerning Fire and Rescue. That a split is a nuclear type option that should not happen but it is an option that could happen if the disputes between the two parties are not resolved.

Maurice said that he served as assistant chief along with George Bengton under Fire Chief Don Miller. That the 15 year old cadets in the Fire Department that he helped train 25 years ago have progressed to the leaders of the Fire Department.

Maurice said that Fire Chief Simpson and Assistant Chiefs Gano and Iwanyckyj were not asked to serve on this Committee in order that they can truly and honestly remain neutral between the Trustees and the Mayor and Council. That we will be inviting people from other Joint Fire Districts who have gone through the changes to a Joint Fire District. This Committee will take a recommendation vote at the very end, after reviewing all information.

Maurice said the Township Trustees have been invited by a hand delivered letter to join with this exploration and have not responded.

Chairperson Hankins moved to 9.0 on the Agenda.

Phil Snyder made a motion to approve those residents of the Village and Township who were asked to serve on this committee. Rachel Barrett seconded the motion. The vote was unanimous on the motion. The following resident members were approved: Don Vanderbloom, Bruce Rininger, Phil Snyder, Bill Sponagle, Thom Tauche, Jesse Wirick, Tom Byich, George Bengton, Don West, Joe Lutz and Orville West.

Maurice asked Mayor Moore to provide some background facts.

Mayor, Jim Moore reported as follows:

Of all the documents here today for your review and discussion, Council's Resolution R-2007-5 is why this committee was formed and the actions that need to be taken under the resolution. The "Whereas" parts of the Resolution shows a thorough background of what has happened between the Village and Township leaders since May 31, 2003. That being the expiration date of the last operating agreement between the Village and Township leaders.

There were exchanges of letters of disagreement and there were no negotiations on another operating agreement until July of 2005, which was prompted by Council's Resolution in June 2005 to attempt to form a Joint Fire District with the Trustees. The Trustees at their June 2005 meeting voted not to form a Joint Fire District. The Trustees instead said they would begin meetings in July 2005 with the Council Safety Committee to negotiate an operating agreement. An agreement was never reached.

The history of Operating Agreements go back to 1965. The 1965 operating agreement says that the Township does not have a legally organized, Fire Department and is contracting with the Village for Fire Protection from the Village Volunteer Fire Department.

From 1965 forward updated operating agreements were negotiated every two (2) years. The wording in the agreements concerning the Township not having a legally organized Fire Department remained in the agreements until 1989. The new Fire Station was built in 1984. This shows that the Township did not have a legally organized Volunteer Fire Department before and after the new station was built.

All of the Operating Agreements from 1965 through December 31, 2003 provided that the Village runs the Fire Department on a day to day basis. In January 2004 without an Operating Agreement in place the Trustees unilaterally took over everything and excluded the Village from any decisions.

Prior to January 2004 there were times when operating agreements had expired, but neither side tried to step on the other even though there were differing issues.

Village Council considered withdrawing from this Fire District in 2004 under an Ohio Revised Code provision. The decision was not to withdraw at that time.

If a decision is ever made to withdraw it will mean everything paid for with levy funds from Township and Village residents would have to be split equally by the Portage County Auditor. All the equipment including vehicles. Who would get the existing Fire Station would have to be decided. The station was built on Village land and there is a long term lease between the Village and Township. A decision would be made on who gets the Fire Station. Would either side be able to build or find a place for a fire station? If not then options would be to contract for Fire and EMS from another Fire district.

Mayor Moore said the Public needs to be informed about Joint Fire Districts and how it would work for Windham. These meetings is to get all the information to you and then to the public. After each meeting try to get the information out to the public per Council resolution. This information will form the public opinion and will make a difference.

Moore said that before Council passed it's Resolution at the Feb 2007 Council Meeting, the Township Trustees were notified by a letter dated February 8, 2007 of the upcoming resolution. In the letter and at their February meeting, the Trustees were asked to join with us in exploring the Pros and Cons of a Joint Fire District. The Trustees never provided a Yes or No answer.

Moore said that he as Mayor would not be a voting member of this committee, but would provide all necessary information and history.

Maurice said Jim was specifically asked to provide a flow of information.

Maurice asked for questions anyone has.

Reporter Jamie Bauers asked about the possible split and if it would be 50/50 or would the Village get less than the Township.

Jim Moore answered that the Portage County Auditor would oversee the split under an Ohio Revised Code provision and would decide how the equipment would be split up. In order to get to that point either party must notify the other before December 31st of a calendar year that they are withdrawing from this Fire District. The County Auditor would have six (6) months from January to July 1 of the following year to make the decisions on the split of the large and small equipment the Fire Station and the remaining funds from the two (2) levys.

Chairman Hankins said we are trying to avoid a split by Councils resolution and having this committee to explore the possibility of a Joint Fire District.

A committee member asked why the Trustees want control of everything. Maurice said that's why we asked them to participate in this process.

Phil Snyder said a Joint Fire District would take the politics out of the Fire and EMS issues, that the Fire department has done a tremendous job and there's no reason why Fire and EMS should be a political football, that by establishing a Joint Fire District he sincerely believes it will take the politics out and the sole purpose would then be to administer Fire and EMS only.

Jim Moore said when outside Joint Fire District speakers come to these meetings ask them if their Joint Fire District took the politics out of their District.

Rachel Barrett said we're not accusing the Trustees of mis-spending any money but it's not having any say and vote on how the residents tax dollars are being spent.

Marian Garrett said Council was invited to attend the Trustees meeting about Fire District issues but did not have a vote.

Maurice Hankins said there are 2 parties to this District and one party makes the decision to spend our money, that the Trustees sold three (3) large equipment Vehicles that are equally owned without our O.K. That they arbitrarily put them on E-Bay and that we need say and vote on all items.

A resident commented that we need a true Fire District where both have say and vote.

Maurice explained how a Joint Fire District is set up like Newton Falls with one representative from the City and one representative from the Township and three (3) residents. A total of five members on that Joint Fire District Board. Maurice called it a counter balance to politics.

Mayor Moore explained how it worked on purchases of Heavy equipment Vehicles before the Township started making purchases without the Village Council's vote. Moore said the Trustees and Council's finance committee met quarterly to discuss any fire department issues. When equipment was agreed to be purchased, the Village Council and the Trustees would vote on the purchase at their own local government meetings. The last heavy equipment Vehicles voted on by Council was the new tanker and the 2001 ambulance. Since January 2004 the Trustees have made sole decisions on all spending.

Moore said if we change to a Joint Fire District, the Village would have one Council representative and the Trustees would have one Trustees representative serving on the Joint Fire/EMS Board. To make an odd number of representatives on the board, one or two citizens from the Village and the Township would alternate serving every other year or every two

years whichever the parties desire. The citizen board representative could be appointed or could be elected by the residents which would be decided by the Council and the Trustees.

Mayor Moore said **Newton Falls City and Township** have citizens serving on their Joint Fire District Board in order that they have an odd number of Board members for voting on issues. **Shalersville Mantua Township and Mantua Village** which have a Joint Fire District does not need citizen representatives because those three entities already have an odd number of Joint Fire District Board representative one from each of their local government bodies.

A guest asked what if the Trustees don't agree to form a Joint Fire District with the Village Council? The answer was the Village Council could take action to withdraw from this Fire District by December 31st of any year. The Fire and EMS equipment, the remaining levy funds and who gets the station would be decided by the County Auditor.

Mayor Moore said that the existing two 1 mil levies (one for operating and one for Heavy equipment could be transferred over to the Joint Fire District by agreement between the Council and the Township Trustees. That it would **not be necessary** to put any new levies on the ballot.

There was a discussion about the Village being part of the Township until the early 1990s when the County officials caused the Village to secede from the Township.

The review reporter Jamie Bowers said that after Newton Falls went to a Joint Fire District it took the politics out of the Fire District issues. She suggested that we go to the Newton Falls Fire Department open house on Saturday, May 19th and see how they work.

Chairman Hankins said he asked the Newton Falls Fire Chief to come and speak at our meeting.

Guest Stacy Brown suggested that some of us attend the Fire Department monthly business meeting to explain what these meetings are about. She said the Firemen are in the middle.

Chairman Hankins and others on this committee said they would attend the Fire Department Business Meeting.

There was some discussion about problems with the current Trustees unwillingness to talk as compared to previous Trustee Shorty Griswald's willingness to talk and making every effort to communicate.

Reporter Bowers asked, if there was a split, would the Village be looking to join with another Fire District? Mayor Moore said we hope it doesn't get to that point, but if it does then Village Council would have to make decisions. That Council would not necessarily be looking to join another Fire District but would first be legally pursuing possession of the Fire Station located on Village property.

Chairman Hankins said a recommendation by this Committee would be made after all the facts about the Joint Fire District is out on the table.

A question if another operating agreement is possible instead. The answer was that an operating agreement was ruled out by Council's February 2007 resolution and that an operating agreement is too risky in that the same thing could happen all over again. That for

many years there have been problems and have escalated to what it is today. That a Joint Fire District should be a better way to resolve our differences.

Phil Snyder said an operating agreement has not worked and under this Fire District the Trustees refuse to continue with future operating agreements.

Chairman Hankins said we need a permanent resolution and voting by each side.

Reporter Bowers said a Joint Fire District is responsible to both entities.

Bruce Rininger said $\frac{3}{4}$ of the Firemen live in the Village and are close to the Fire Station for fast reaction response to a fire or EMS.

The next meeting was discussed. Thursday, May 17th was mentioned. It was decided to have the next meeting on Wednesday, May 16th in order to give the Trustees a chance to attend the meeting since their Trustee meetings are on Thursdays.

May 16, 2007 at 6:30 PM was decided. Chairman Hankins said another location would be found since because of the construction in and around the Council Chambers and that everyone would be notified by mail and newspapers.

The meeting adjourned at approximately 7:45 PM.