

The Mad River Township Trustees met in regular session Monday May 6, 2013. Trustees McClure, Estep, and Catanzaro present, Fiscal Officer Leonard also present. Trustee McClure called the meeting to order at 7:42 pm.

The meeting opened with the Pledge of Allegiance. Due to the length of the minutes, Trustee Estep moved to dispense the reading of the minutes, seconded by Trustee Catanzaro, all trustees voting yes. Trustee Estep moved to approve the minutes, seconded by Trustee Catanzaro, all trustees voting yes.

Reports:

Chief Bill Young – 6 runs since last meeting, 3 were mutual aid.

Chief Heather Kaufman – for the month of April they had 25 runs. 15 were in Mad River Township. This mother's Day Husted EMS is hosting a pancake breakfast at the station from 10-2.

Enon Fire/EMS – Acting Chief Beard. They had 149 runs for the month of April. Dr. Romano has agreed to extend his services through May 31.

Road and Cemetery – The weather has put a hold on the roads. The spring foundations are getting ready to be poured. The memorial tree stones are in and placed where they belong. Don asked if the OWA kids will be mulching this year. They haven't been contacted. Don stated they will handle it in house.

Mr. McClure asked if there were any special plans in the cemetery for mother's day. Don said they were working to make it look nice.

Deputy Wise – the Drug take back was Sat. They collected 10lbs of pills here at the station. It has been pretty quiet.

Old Business: Trustee Estep would like to contract with the firm Fulmer and Shaw to work on a public records retention and disposal policy, at a cost not to exceed \$4500, seconded by Trustee Catanzaro, all trustees voting yes.

New Business: Nothing

Audience: Chris Price asked if after the hearing if there would be a chance for the public to speak. Trustee McClure stated no opportunity would be permitted.

Joy McDaniels, Bethel Township resident – provided documentation about various cases of rivers that have been designated scenic and had negative impacts on the surrounding properties.

Bob Gable, ODNR – would like to address the cases that Mrs. McDaniels just brought up. They were directed to move into the meeting room to discuss further.

Ned Clark – would like to know if the professional labor attorney was hired to investigate the other two issues that occurred. Mr. McClure stated that they were not. Ned stated he feels this is a conflict.

The Representative from Rivers Unlimited is here to support the scenic rivers designation.

There being no further business, Trustee McClure reviewed the process that would be followed in the public hearing.

Mr. Baumburger addressed the trustees in that he believes there is a conflict of interest. If they do not recue themselves from the hearing Chief Leist will file ethics charges. He would like a special investigator to be named.

Andrew Pickering, statutory council to the board of trustees, spoke stating that the trustees are following the Ohio Revised Code as it relates to the hearing.

Andrew Pickering would like to dismiss charge Number 5. Trustee Catanzaro motioned, seconded by Trustee Estep to remove the charge, all trustees voting yes.

Lieutenant Paula Scott has been called as the first witness. The attorneys questioned her.

Captain Bostick was called as the second witness. Both attorneys asked their questions.

Deputy Chief Beard was called as a witness. Both attorneys asked their questions.

Kelly Babcock was called as a witness. Both attorneys asked their questions.

Chief David Leist was called as a witness. Both attorneys asked their questions.

The attorneys gave their ending remarks.

Trustee McClure asked for a motion to adjourn into executive session pursuant to R.C. 121.22(G)(1) to consider the dismissal and discipline of a public employee or official, at 10:20. Seconded by Trustee Catanzaro, all trustees voting yes. Trustees moved to return from executive session at 11:22, motion by Trustee Estep, second by Trustee Catanzaro, all trustees voting yes.

Trustee McClure read a statement: On or around Dec. 3, 2012, Chief Leist was issued directives by the Board of Trustees. Since that time issues arose that required an administration investigation under RC section 505.38 into whether Chief Leist complied with those directives and performed other required duties as the chief.

On April 1, 2013, Kelly Babcock served the trustees and Dave Leist with a notice of charges.

As such pursuant to Rev. Code 505.38 and 733.35 through 733.30 we have provided Chief Leist as his legal counsel with the opportunity to respond to those charges in a public hearing requested by Chief Leist.

This board is charged with deciding whether, based on the evidence presented tonight; Chief Leist is guilty in the performance of his official duties of misfeasance, malfeasance, non-feasance or misconduct in officer and or gross neglect of duty.

After careful consideration the board finds the following:

Charge 1, not guilty, Charge 2, guilty, Charge 3, guilty, Charge 4, Guilty, Charge 6, Guilty.

Based upon the guilty charges Trustee McClure would move to terminate Chief David Leist's employment with the Mad River Township Fire and EMS Dept. effective May 6, 2013. So moved by Trustee Catanzaro, seconded by Trustee Estep, all trustees voting yes.

David Leist, you are directed to contact Township Trustee Bob McClure ASAP to meet at the station to remove all of your personal items and at the same time turn in all property of Mad River Township.

Motion to adjourn by Trustee Estep, second by Trustee Catanzaro, all trustees voting yes.

Robert W. McClure
Mad River Township
Trustees'