

Monday, January 11,

10

The Bainbridge Township Board of Trustees met in regular session at the Bainbridge Town Hall on January 11, 2010. Those present were trustees Mr. Matthew J.D. Lynch, Mr. Jeffrey S. Markley, Mrs. Lorrie Sass Benza and Fiscal Officer Mrs. Cherianne H. Measures. Mr. Markley presided and called the meeting to order at 7:00 P.M.

MINUTES

Approval of the minutes have been suspended for the December 14, 2009, December 21, 2009 and January 4, 2010 regular meetings of the board until all three board members have an opportunity to review said minutes.

PRESENTATION BY GUESTS

Geauga County Assistant Prosecutor Rebecca Schlag will appear next week for the discussion regarding the Tanglewood Golf Club Liquor License Hearing, which will be held on January 19, 2010.

PROPERTY AND PARKS DEPARTMENT

Property Superintendent, Mr. David Mitchell, presented the monthly departmental report for December of 2009. Mr. Mitchell announced that he will be working with the Park Board to revise the rental costs for sports fields and other properties.

Mr. Marty Sfiligoj, president of Park Board, explained how the board has been reviewing the costs of maintaining the various fields. The future demands will be discussions with the many different sports teams. The rates may not be revisable before spring sports, but may have to be thoroughly reviewed by fall sports.

Mr. Markley clarified to the public that the 2009 rates were adopted for 2010. However, the rates can still be changed after costs have been reviewed. A resolution may be passed by this board to change the rates at any time.

Mr. Lynch emphasized that we should review the costs sooner rather than later. Since we are implementing layoffs due to budget cuts, then we need to make the necessary rate increases in order to cover our costs.

Mr. Henri Pruess reiterated to the group that the parks are for everyone, not just for sports. River Road is primarily a sports park, where Centerville Mills is more of a family park but the parks are definitely used by everyone.

Long Term Rental Agreement

Mr. Mitchell announced that a long term contract has been drawn up for Dance Image to lease Lakeside Center at Centerville Mills for two years with a possible extension of a third year. Mr. Mitchell was working with Mr. Michael Joyce and the Prosecutor's office, however the prosecutor still has the documents. Mr. Markley will contact Ms. Schlag regarding this issue.

Closing the Lake at Centerville Mills for 2010

Mr. Markley made a motion to close the lake at Centerville Mills for the entire 2010 season to allow for the re-juvenation of the lake.

Mr. Lynch seconded the motion that passed unanimously.

Mr. Markley asked the Park Board to prepare a press release for this issue. Mr. Markley recommended that the Park Board use this as an educational opportunity for the public regarding the benefits of such activity.

Monday, January 11,

10

Centerville Mills Dining Hall Restroom Renovation

Mr. Mitchell spoke with Mr. Steve Roth from the Geauga County Building Department about plans to renovate the restrooms at the Centerville Mills Dining Hall. Mr. Roth stated to Mr. Mitchell that blueprints from an architect would need to be drawn up and approved. Mr. Roth stated that blueprints from Mr. Stephen Ciciretto would be acceptable.

Mr. Markley asked that this project be deferred for review at a work session in the near future.

Annual Report

Mr. Mitchell announced that his department is working on their annual report. This report should be done soon.

Demolition of Farm House

Mr. Mitchell would like to move forward with the demolition of the farm house located at 210 Crackel Road. Discussion followed regarding recommendations, potential costs, and what is planned for that location once the house is removed.

Centerville Mills Cabin

Mr. Mitchell stated the contractor will begin removing the cabins towards the end of the month. The contractor, paying \$250 per cabin, is planning on having all ten cabins removed within a few weeks. Mr. Mitchell will have all of the necessary paperwork to the board soon.

Mr. Mitchell would like to close the 30s cabins for winter use. The cabins would be closed for three months during the heaviest snow. The board feels this is a good idea, but will be discussed further during the work session.

Fourth of July Celebration

Mr. Markley stated that he has already spoke to Mr. Frank Lanza to see if he would be interested in this project again. Mr. Lanza did not object, however, he feels that a member of this board should approach the Chagrin Valley Chamber of Commerce.

Mowing Contracts

Mr. Markley will review the proposal and should be on the agenda for next week. The mowing contract has been reviewed by the prosecutor.

Mr. Pruess feels the contracts should be bid out in September rather than January or February.

PUBLIC COMMENTS

Mrs. Ann Myers asked if it would be possible to present topics that are not on the agenda rather than waiting until the end of the meeting.

Mrs. Almost Finn would like clarifications on the Public Comment order. Mr. Markley reiterated that the public comments at the beginning of the meeting should pertain to agenda items. The public comments at the end of the meeting should pertain to anything else not listed on the agenda.

Monday, January 11,

10

TOWN HALLNEW BUSINESS

Mr. Lynch asked that the following section be a verbatim transcript and is not in our traditional minute format.

Mr. Markley: Let's go right now to Town Hall, we'll go well I'm going to start with new business first and we will start with the Mike Joyce resolution.

Ms. Measures: Did not put that on "inaudible".

Mr. Lynch: That's on the agenda, are you going to do new business and then old business.

Mr. Markley: I am going to accommodate your concerns. I somebody would like to read then after that. Me too. Or anybody else who has an issue. Yes, normal order of business I would do old business first then new business but.

Mr. Lynch: After meeting, the acting township administrator "inaudible". Okay, I've drafted this resolution that after such a brief and procedure last week and as many of you know Mike Joyce was let go and wanted to be certain that "inaudible" that his service to our community was well received and we will miss him so I drafted this simple resolution. The zoning inspector, there are dates and he provided his expert service and where he also served as administrator in the first 2009 and "inaudible" distinction and where he resolved in recognition of service and way to "inaudible" to recognize Mike's "inaudible" fancy paper "inaudible".

Mr. Markley: I will go ahead and second it for purposes of discussion only. I have to say that it's odd that we issue a resolution for someone's service after two years here at the township and people leave who have had longer tenures and not recognize them in the same way.

Mr. Lynch: Well I think maybe we should, I don't know but the thing that was odd was the way we lost him and at the very least we can send the man a pat on the back and a thank you.

Mr. Markley: Well I think we did, I know I did at the end of the meeting I thanked him for his service and I would say that again today publicly.

Mr. Lynch: This officially thanks him for his service.

Mr. Markley: I would like to thank Mike Joyce for his service both as a zoning inspector and as a township administrator. I'm not inclined to support a resolution though today.

Mr. Lynch: What is the objection then just?

Mr. Markley: It is not consistent with what we have done in the past with other employees that have left after a short short tenure here, that's all, that's my objection to it.

Mr. Lynch: I don't know of any employee that's left under circumstances in what happened to Mike Joyce.

Mr. Markley: I know of two.

Unidentified person: That would be.

Mr. Markley: That was Don Mitchell and Bob Ford.

Ms. Sass: Well, that was after significantly longer service though.

Mr. Markley: Oh yeah.

Mr. Lynch: Oh, that is not only untrue but belies the reality of the months of discussion we had about reorganizing the parks department that resulted in their jobs being terminated. A whole different circumstance. We didn't have a 15 minute executive session in which and you called the very day of the meeting and didn't inform any board members presumably except Lorrie about what the executive session was going to be about.

Ms. Sass Benza: I got the information the same time you did.

Mr. Lynch: You didn't discuss it before hand?

Mr. Markley: Not the executive session.

Ms. Sass Benza: No.

Mr. Lynch: Oh but the substance that you were going.

Mr. Markley: We discussed.

Mr. Lynch: Yeah, okay you discussed that's fine.

Mr. Lynch: The point is.

Mr. Markley: We discussed a number of topics.

Mr. Lynch: The point is that is not what happened with the reorganization of the parks department. Any suggestion that is what happened is a just a bold-face lie.

Monday, January 11,

10

Mr. Markley: Oh well, fair enough. Like I said I'm not inclined to support the resolution but I do thank him for his service, there is no doubt.

Ms. Sass Benza: I'm not inclined to support the resolution as worded.

Mr. Lynch: So you support the resolution.

Ms. Sass Benza: Sure, recognizing the time that he served the township definitely. It indicates that ah.

Mr. Lynch: You would support the resolution without the three middle paragraphs.

Ms. Sass Benza: Sure.

Mr. Lynch: And any objection to the words "inaudible". I will ask anyone, what's your objection the wording in the three middle paragraphs.

Ms. Sass Benza: I would prefer not to get into the specifics. We have made a decision and already appointed the necessary positions that we ordinarily do under the township organizational meeting. We did in fact add discussion relative to Property Superintendent and Administrator to the regular organizational meeting.

Mr. Lynch: I don't know what all that means but, and what is your objection to these three middle sentences.

Ms. Sass Benza: I don't support them. Based on what you said we acknowledged Mike and his service from 2007 till 2010, the service in Bainbridge.

Mr. Lynch: Well that's fine, I would say then I will withdraw my motion and I'll amend the resolution and bring it forward.

Mr. Markley: Well if that's the case why don't you go ahead and amend as written or as suggested by Ms. Sass.

Mr. Lynch: I wanted to make sure I get the language right so.

Mr. Markley: Looks like it is pretty straight forward.

Mr. Lynch: Well, I, I, I don't know.

Mr. Markley: Because this could carry on week after week after week and I don't know if there is any value in doing that whatsoever.

Mr. Lynch: I don't know that.

Mr. Markley: It doesn't.

Mr. Lynch: Lorrie said she addressed the three middle paragraphs, I understand in fact I don't quite understand her objection but I will try to respond to her objection by altering the resolution so that she will.

Ms. Sass Benza: Do you have a copy of that?

Mr. Lynch: Sure.

Ms. Sass Benza: Great.

Mr. Markley: I'm not sure it was presented to any of us before the meeting. "Inaudible" Anne Meyer.

Ms. Myers: Thank you. I have something "inaudible" in discussion in executive session "inaudible" I think Mike

Mr. Markley: Yeah we have legal counsel, right, we have Chuck Riehl.

Ms. Meyers: Here again I'm thinking.

Mr. Markley: You mean the administrator.

Ms. Meyers: Pardon me.

Mr. Markley: You mean administrator, not zoning, I am not wearing any zoning hats.

Mr. Meyers: Huh.

Mr. Markley: I'm not wearing any zoning hats.

Mr. Meyers: No, well you've been doing it for awhile until you replace him "inaudible".

Mr. Lynch: Jeff is the acting township administrator, Shane is now the interim zoning inspector.

Mr. Markley: Yeah, I'd like just to clarify. Just a quick couple of things, on the executive session, Mike was here and he was sitting here and at the end of that executive session, once we went into the regular session I asked then the chairman, I think it would probably be appropriate if he was, if he was to leave, it might be better for him to leave now before the public meeting and the Chairman, Mr. Lynch said he is a citizen he has got every right to stay here.

Ms. Meyers: "Inaudible" allowed to be.

Mr. Markley: Yes. Yes.

Ms. Meyers: To stay or leave once he knew he was going to be dismissed.

Mr. Markley: Yes.

Mr. Lynch: Yeah what happened was we had a 6:45 executive session.

Mr. Markley: Right.

Mr. Lynch: The executive session was, there was no debate, there was.

Monday, January 11,

10

Mr. Markley: The decision was made.

Mr. Lynch: The other two board members made it clear that they would take this action and wasn't asked to "inaudible" or justify, it wasn't and Jeff was right, Jeff suggested that Mike leave and frankly he had every right to stand his ground and "inaudible" face to face, what this board was doing to him and which he did and I think he left after about the first hour.

Mr. Markley: To your point I thought the compassionate thing to do was to have him leave, he could leave but it seemed like it was more of a.

Ms. Meyers: "Inaudible".

Mr. Markley: No, I was going to say it seemed like it was more of a public q ah display by keeping him here and I don't I don't really appreciate that either so.

Mr. Lynch: I don't think it was a public display it was Mike's courage.

Mr. Markley: So, thank you Anne, I appreciate the comments though and then to your other point the zoning inspector, that position has been assumed by Shane Wrench.

Ms. Meyers: He's not an expert.

Mr. Markley: Well he studied under both Frank McIntyre and under Mike and that was one of the questions I asked of Mike I said isn't your role to train your assistants and he said it was.

Ms. Sass Benza: "Inaudible" has observed the testimony so we don't know if that was an evidentiary hearing and got notice of that from Mr. Riehl "inaudible".

Mr. Markley: Mr. Lynch asked the Fiscal Officer for specifics on his severance package and for the public he will receive per the policy manual thirty days of sick leave and the five days of carry-over vacation time that he had and then it really is, I guess this board, I couldn't find a whole lot in the personnel policy manual about the the carry-over or the vacation that accrued after being in the position for one day of the new year, he would be, he would have fifteen days of vacation time so I don't know if this board has to make a motion to do that, I don't know that it has or not but.

Mr. Lynch: What about all the days of.

Mr. Markley: The fifteen days of vacation, five days of carry-over and thirty days of sick leave so he would actually have ten weeks.

Ms. Measures: "Inaudible".

Mr. Markley: He would have ten weeks of severance.

Ms. Meyers: I'm sure "inaudible".

Mr. Markley: No I understand.

Mr. Markley: And he also has, the other thing I was certainly mindful is as as Chester Trustee he has full health care benefits so I also thought that that was very important. Nothing further. I'm sorry Carol.

Ms. Fitch: I'm Carol Fitch. I want to be clear on some misinformation that has been going on since prior to your election on a discussion "inaudible" year on the duplication of roles that were in this township and the establishment of one position, I know Mr. Markley "inaudible" and publicly on another candidate but just "inaudible" two other gentleman the board let go because of a cost saving measure and "inaudible" into a more streamlined department combining all of the parks under one umbrella and do you believe that those other men were fired or was it a duplicate services.

Mr. Markley: I don't believe we relieved the township of duplicate services because we didn't have a sexton and we still don't and there is somebody, we pushed that onto the road department that didn't have any experience whatsoever with cemetery work.

Ms. Fitch: "Inaudible".

Mr. Markley: He has been now, he has had to learn that role, I am not going to debate whether it was a cost saving move or not. You're right, I didn't support the appointment of Dave Mitchell.

Ms. Fitch: "Inaudible".

Mr. Markley: Sexton and in combination of other things, it was more than that. But as far as the word fire goes around what happened then was if you want to call it a consolidation or a cost savings move that is exactly what happened here as well.

Ms. Fitch: "Inaudible".

Mr. Markley: We had two zoning inspectors for a township, two full-time zoning inspectors for a township that has very few zoning or building starts, very little zoning activity and when an assistant zoning inspector is paid 40 or 45 thousand dollars to change light bulbs in the town hall I think there is an issue there and we had to look at it so that was, that was, that was the effect so.

Ms. Fitch: I was just verifying because the cost in the paper was one hundred thousand dollars so sixty thousand is there anymore money involved "inaudible".

Monday, January 11,

10

Mr. Markley: Sure, add the assistant, full-time assistant zoning inspector, that's 40 so that's your 40 that's over a hundred thousand dollars right there.

Ms. Fitch: You were quoted in the paper that you saved a hundred thousand dollars.

Mr. Markley: Well then I was miss-quoted, I got to be honest I don't read a whole lot of the papers, thank you. Hold on. I am at the meetings I know what I say, we we tape them.

Ms. Finn: I don't see.

Mr. Markley: Some reporters call and qualify it.

Ms. Finn: Excuse me.

Mr. Markley: Uh-huh, I appreciate your ...

Ms. Finn: I don't see that, I think it was a dastardly deed. What's going to happen do you have someone in mind for this position too.

Mr. Markley: Which position are you talking about?

Ms. Finn: Well you are going to have to.

Mr. Markley: Which position?

Ms. Sass Benza: "Inaudible".

Ms. Finn: For the position you did away with.

Mr. Markley: Which was.

Ms. Finn: You don't think..

Mr. Markley: We we didn't.

Ms. Finn: The township administrator.

Mr. Markley: Okay, we didn't do away with any position.

Ms. Finn: "Inaudible".

Mr. Markley: That's right and we left that position vacant right now.

Ms. Finn: Oh so "inaudible" Mr. Wrench into this position.

Mr. Markley: I have some ideas, I have somebody, I have some ideas but at this point we need to redefine that job description and that is why I stated that before. Until that position is redefined to the satisfaction of this board then there is no point in filling it or even considering a person. My belief is you have to identify the need of the township, what this board of trustees needs then fill then write the job description to support that need and then fill the job, fill the position so if you do it any other way you get into quite a bit of trouble and we've we've experienced that already.

Ms. Finn: "Inaudible".

Mr. Markley: We have historically yeah. When we create a job description we put it in the paper now I am also a believer in appointing from within. We did that with the road superintendent. We didn't advertise that because it made sense that the road superintendent who had been training the assistant be appointed to the to that to that position so he is trained. I would expect the same thing happened in the police department, the fire department, the zoning department and our parks department so, nope, I'm learning it right now.

Mr. Lynch: Just to be clear as I as I understand it there is a statutory job description for the "inaudible we have a job description. That statute or another statute administrator and the position is retained and which is what the board did that the chairman serves. Chairman Markley is so "inaudible". The Zoning inspector how we eliminated Mike Joyce and also eliminated the assistant zoning inspector position and made Shane the Acting Zoning Inspector.

Mr. Markley: Uh-huh, Uh-huh.

Mr. Lynch: So and his position the chairman referred to as the interim so one one can expect that we will see that the interim zoning inspector term comes to an end and we will have a full-time zoning inspector whether or not it will be the current interim zoning inspector, clearly both of those positions are open and.

Ms. Finn: Perhaps they have already "inaudible".

Mr. Markley: Wait and see.

Ms. Sass Benza: I want to add one point on the um while there is a statutory guideline in the Ohio Revised Code for what a Township Administrator does its got some um its got some discretionary components whether to be determined by the board of trustees so as I understand it when Mr. Markley is saying we need to discuss what those duties are going to be it is under the terms of those discretions "inaudible". I don't know if those have ever been clearly identified in the past.

Mr. Lynch: It would be interesting if we find that in a few weeks we were to revise or expand the Township Administrator's job description, the person that's that fits that job description the best "inaudible". Is Jeff. I suggested last week that this board revise the job description and the duties and if we do so in a "inaudible" and public manner.

Monday, January 11,

10

Mr. Markley: Uh-huh.

Mr. Lynch: And then if the current administrator didn't fit the bill then of course "inaudible" but this board didn't choose to do that they went about it "inaudible" and decided to eliminate the person and then try to figure out what the job is.

Mr. Markley: We've had roles as liaison and it is been poorly defined over the last couple of years and I think we are looking at revisiting those and then there may be a very limited role in the Township Administrator position, once we go back to empowering the department heads who have been hired to manage their budgets and their departments and that was somewhat stripped from them once the Township Administrator role was taken on and I'm looking to restore that responsibility, accountability to our department heads so I would really like to cut much more discussion off on this because we got to keep moving. Carol and then Anne.

Ms. Fitch: There is an on-line newsletter and publication that is very beneficial "inaudible" on the Township Administrators "inaudible".

Mr. Markley: And there are several Township Administrators that that we can call for and have to get job descriptions, I guess, we also have to be mindful that same news publication you are talking about I mentioned this earlier, talks about general funds sustainability how townships are doing more than keeping busy but it essentially talks about how they are streamlining positions how they are actually making departments more accountable for some of the budget. The expenses that that are generally accrued or incurred and paid from the general fund they get they get reallocated to departments and I think that is important. Whether or not we have a Township Administrator is to be seen, we have to look at that but certainly in an environment where general funds are extremely limited or the income is reducing being reduced at 8 – 10 percent each year. I think we have to be very mindful not only on parks, not only on zoning, not only on cemeteries, township staff, we are looking at all of this stuff as a as a way of controlling what we do.

Ms. Fitch: In the meeting minutes "inaudible" before "inaudible" I am very very concerned by this "inaudible".

Mr. Markley: I couldn't agree with you more, we absolutely have to know what our budgets are and it is unfortunate that we don't have a good handle, let me restate that, now thanks to certainly Ted Seliga and the Fiscal Office working on a spreadsheet we've got a spreadsheet that identifies recurring income, expenses, non-recurring income, estate taxes and expenses. What we have not done is connect the dots between that tracking or that report and how we spend that money for cemeteries, zoning, parks and township township staff and that is absolutely the next.

Ms. Fitch: That is still absolutely, positively.

Mr. Markley: That's the next step. That absolutely has to happen.

Mr. Fitch: "Inaudible".

Mr. Markley: I appreciate that.

Mr. Fitch: "Inaudible".

Mr. Markley: We don't have a four million dollar budget we have a 1.2 and shrinking budget. Parks, cemeteries, roads and all that so. I would like to move this along if I can.

Mr. Keck: Could I ask just a brief question. "Inaudible" You said the Township Administrator oversaw the budgets of the fire department and the police department and that.

Mr. Markley: The way the hierarchy organizational chart seemed to work was that you have the Board of Trustees then you have the Township Administrator and all department heads would route their comments, questions, concerns, address everything through the through the Township Administrator so you had to.

Mr. Keck: The department heads weren't allowed to call any of the trustees up and talk to them.

Mr. Markley: No, I wouldn't go that far, it is just an organizational chart that needed needed to be re-looked, reworked in my opinion so that the Township Administrator if there is one is kind of parallel with the department heads so there is the interchange there but that the department heads feel comfortable going directly to the to the Board of Trustees on any matter and not having to go through the Township Administrator and I think that is part of the issue.

Mr. Keck: The problem is "inaudible" in other words they couldn't come to the trustees.

Mr. Markley: I had the opportunity to talk to every department head about and lots of others about how a how a Township Administrator might operate and so it has given me a lot of food for thought on how we can how we can move forward plus as Carol mentioned there are a number of resources to look at and there are Township Administrators locally

Monday, January 11,

10

that we're going to be able to help us shape this definition or this job description a little bit better so now we can move that on.

Ms. Measures: "Inaudible".

Mr. Lynch: I've never had any communication from a department head to the effect that the Township Administrator's role was in anyway preventing them from or accessing the trustees. Like we all know Jeff's available at the grocery store anytime and so the challenge of this board, this part-time board, is to oversee the operation of the township and policy matters and budget matters and employee hiring and firing matters and yet not don't involve in the day to day operations that we have to be concerned about like the changing of the light bulbs or the plowing of a particular sidewalk at a particular time and that is where a Township Administrator's role really was, was in that day to day operation, never setting policy or establishing agendas but rather trying to make the township simply act in my opinion more efficient. Mike Joyce took that role as the first Township Administrator this township has ever had and in my mind did an extraordinary job in filling that role and really not having a pattern before and working with the various department heads and communicating their needs to this board and vice versa so but to the extent that this board or any board wants to redefine the role of the Township Administrator which has the right to do I don't I'm not even sure I would object to a particular re-definition however I would and did object and continue to object to the process that was used here where we simply discharged the man with essentially no notice, no discussion and no analysis of what the future role is going to be but just you're done and that's what happened here.

Mr. Keck: In a business world I would call it a backstabbing "inaudible".

Mr. Markley: I know in a business world lots of things happen very quickly so and I'm going to treat the township as a business as well. So moving on, reviewing employee policy manual.

Ms. Measures: So you want me to present this or not, Mr. Lynch asked me to bring these numbers forward.

Mr. Markley: Do you want those numbers forward.

Ms. Measures: Do you want me to read them publicly?

Mr. Lynch: I don't know what is it?

Ms. Measures: Mike's separation pay.

Mr. Lynch: Let me see, I don't, I mean there is no, there is nothing.

Mr. Markley: Copies.

Ms. Measures: That is "inaudible" the original.

Mr. Lynch: There is nothing confidential about this.

Ms. Measures: I don't think so, it should be, I don't know "inaudible".

Mr. Lynch: Some of you may recall the discussion that we had with the zoning inspector a year ago about he was with Chester I think for ten years and had accumulated a very significant amount of sick time.

Ms. Measures: The minutes are attached to the back of that.

Mr. Lynch: Okay good and there was.

Ms. Measures: That's the prosecutor opinion, there's your minutes.

Mr. Lynch: I was looking for the whatever it was, Mike brought over months and months worth of sick days and there was a question about how much was carried over and how much we would acknowledge and recognize and we reached some accommodation with him in 2009 about limiting the amount that would that would come over.

Mr. Markley: "Inaudible".

Ms. Measures: No.

Mr. Markley: No?

Mr. Lynch: And we did so of course not knowing what might befall him such quickly thereafter so this is now they, you are telling me, the amount that is due him under that calculation so \$13,460.00. Is that 30 days?

Ms. Measures: I think he carried over 356 hours from Chester but that was only for him to use while he was employed by Bainbridge but upon separation he was still limited to the 240 hours or 30 days.

Mr. Lynch: So how many days did he lose? How many days was it?

Ms. Measures: He had 356 hours.

Mr. Markley: 120

Mr. Lynch: So he had almost a full year of sick time accumulated which if he had I guess if he had known it was coming that he could have had a full year off with pay.

Mr. Markley: Yes.

Mr. Lynch: But luckily we didn't tell him.

Ms. Measures: He knew what he had.

Monday, January 11,

10

Mr. Markley: Yeah he did.

Ms. Sass Benza: I would assume he knew what he had.

Mr. Markley: Yeah.

Mr. Lynch: He didn't know he was going to be fired.

Mr. Markley: Okay. Employee policy manual.

Mr. Lynch: Lets stick with the employee policy manual. In light of last week's extraordinary action I happened to review and as you might expect our policy manual has a rather set of procedures about discharging an employee for cause you know the first warning, the second warning, the verbal warning it's a very very lengthy procedure all designed of course to protect the rights of the employees as well give he township the opportunity to oust an employee. That was not the case with Mike Joyce we weren't involved with the troublesome. His termination falls under this policy most recently July 2003. You will note that action shall only occur, only occur when one of the following reasons have been demonstrated. Now the chairman last week eluded to the fact that he thought there was less work and eluded to the fact that there were less funds although I asked the chairman last week if he would defer the decision on Mike's decision until we had the year-end numbers "inaudible" at least but we didn't wait to see the numbers so the funds is kind of a hard thing to put a handle on, you don't just simply say we don't have the money, particularly this township and lack of work doesn't seem to really apply here either but in any case there was no attempt to suggest there was a lack work and apparently there isn't a lack of work because we didn't eliminate the positions, you still have a zoning inspector, you still have a township administrator and work on these funds, hardships for reasons of "iaudibile" but that is not the case here, but nobody made "inaudible", there was no presentation made, there was no analysis provided, there was no analysis of Mikes time, there was no questions asked about "inaudible" it was first time I ever heard about the assistant changing light bulbs but that goes to the question of our assistant. The point here is that under this policy, such a demonstration is required that since this board has now taken the position that they will at their pleasure discharge someone without making such a demonstration then I think it is necessary for us to change this policy. Not policies I am familiar with corporate clients, as such that you have a policy, follow the policy so when you have a policy you had better follow it, if you are not going to follow it you better not have it. But we have a policy, we didn't follow it and now I think it is incumbent upon this board to change the policy.

Mr. Markley: "Inaudible".

Mr. Lynch: We can ask the board members that probably we can say something like layoffs shall occur for any reason or no reason at the will of the board or some such language, I could draft some if you like.

Ms. Sass Benza: Did we engage in a layoff.

Mr. Lynch: Pardon.

Ms. Sass Benza: Did we engage in a layoff.

Mr. Lynch: "Inaudible".

Ms. Sass Benza: No, I am asking for your interpretation since we "inaudible".

Mr. Lynch: We didn't eliminate the positions, you didn't fire him for cause so yes I think you laid him off.

Ms. Sass Benza: "Inaudible" with the exception of the positions that we left vacant why don't we take the opportunity to "inaudible" or to further define what that "inaudible".

Mr. Lynch: I won't argue the definition of layoff, I don't really know the definition of layoff is, um. This is the closest thing I could find I mean there is only two opportunities in our policy manual for discharge, findings for cause which "inaudible" and one is the layoff so I guess if there is a third option we should examine that.

Mr. Markley: Notwithstanding anything in the policy manual an at will employee can be let go.

Mr. Lynch: Oh yes, if only that were so true Jeff but when you have a policy.

Mr. Markley: Uh-huh.

Mr. Lynch: I think you'll find that.

Mr. Markley: right.

Mr. Lynch: Most people will suggest you're supposed to follow the policy.

Mr. Markley: I would agree.

Mr. Lynch: I am not suggesting he wasn't an at will employee because I think all of our employees other than the unions are at will employees.

Mr. Markley: Right.

Mr. Lynch: But if we happen to determine whether or not we have a policy that covered the circumstance and if we don't have a policy to cover it as Lorrie suggested it is not only "inaudible" by cause we need a policy that covers whatever that circumstance was.

Monday, January 11,

10

Ms. Sass Benza: "Inaudible".

Mr. Markley: Well it wasn't written in 2003.

Mr. Lynch: There are people in fifteen minutes that can rewrite this policy.

Ms. Sass Benza: "Inaudible".

Mr. Lynch: Well let me ask you. The questions of policy is important because after the events of last week I had sessions with two different township employees who asked the question essentially am I next. I want the employees to know where they stand but if this board is not going to follow its own policies or is going to follow some unwritten policy then we need to express or state that and I would ask that the chairman or our newest board member since they voted to implement this procedure that perhaps they could write a policy which addresses it.

Mr. Markley: I would be happy to send the policy manual back to the company that helped us implement it and give us a comprehensive review. I think that it has been seven years, it is probably appropriate and I think having had an opportunity to talk with some HR executives since last Monday's meeting, we can probably find some residents that would also be interested in reviewing the policy manual for us and helping us out. I am fine with that.

Mr. Lynch: Well we have to do something.

Mr. Markley: That's a great work session topic or "inaudible".

Ms. Sass Benza: It is and I might also suggest that as we went through the organizational meeting where we volunteered for various liaison roles Mr. Lynch doesn't have a liaison role so perhaps he intends to.

Mr. Lynch: Oh I could rewrite this policy very easily.

Ms. Sass Benza: Or the whole manual.

Mr. Markley: Or the whole manual.

Mr. Lynch: I think the word whim would come to mind real quick.

Mr. Markley: Introduce that and see how that works.

Mr. Lynch: Well then as this board suggested, I will rewrite this policy and begin next week.

Mr. Markley: No what I think what we are talking about is a comprehensive review of the Personnel Policy Manual.

Mr. Lynch: You don't want me to rewrite the Policy Manual.

Mr. Markley: I don't want "inaudible".

Mr. Lynch: I think Lorrie was suggesting that "inaudible".

Mr. Markley: There is enough, it is like rewriting the zoning code you know you might have a comprehensive review.

Mr. Lynch: I have no problem with a comprehensive review however I am concerned about our employees and letting them know where they stand.

Mr. Markley: At the next "inaudible" we will get to that when we get to the work session topics.

Ms. Sass Benza: Are we going to "inaudible" comprehensive rewrite a reevaluation of "inaudible".

Mr. Lynch: I have no objection. I'll work on this policy but I have no objection to a comprehensive "inaudible".

Mr. Markley: That will tie into that work session that we have down here.

Ms. Sass Benza: Okay.

Mr. Markley: Okay. So, hopefully moving forward, we've got work session topics.
Verbatim transcript ends.

Work Session Topics

Mr. Markley would like to review those areas that constitute needs of the public and decide what the board will cover in 2010. The first work session is tentatively set for January 30, 2010 at 8:00 a.m. The first topic to be discussed is the managing of the General Fund. The second topic would be personnel and job description and evaluation, including department heads. This topic would include the role of a Human Resource individual. The next topic would be the use and availability of the Park/Township facilities. Another topic for discussion would include 5-year Plans, not just budgets, for each department. Yet another topic should include land use planning township wide, including to improve the understanding of traffic management and signal control with the Ohio Department of Transportation. A comprehensive review with the Zoning Commission, Board of Zoning Appeals, Geauga County Planning Commission. The final topic would be to improve the communication between the residents and the elected officials.

Monday, January 11,

10

OLD BUSINESSKenston Community Education Board Appointment Advertisement

Mr. Markley stated that he will ask Administrative Assistant Mrs. Linda Zimmerman to confirm that the papers did state that there are two positions available for the KCE Board. The trustees were in general agreement to run an advertisement in the Chagrin Valley Times for the open positions, with all responses due by January 22, 2010. This should also be posted on our web site.

Kenston Lake Study

Mr. Markley reminded the public of the reason behind the need for the Hydrogeological Study for the dewatering of Kenston Lake. Mr. Markley summarized the information the board received from Chagrin River Watershed Partners and Geauga Soil & Water Conservation District. Of the three companies that responded, one was not qualified. The other two companies were equivalent.

Dr. Judith Gooding would like to see this board hear from both of the two qualified companies.

Mr. Markley will contact both companies for further questioning and will report back to the board. Mr. Markley will also contact Mrs. Brennan from Chagrin River Watershed Partners and Mrs. Shale from the Geauga Soil and Water Conservation District.

The deadline for the Quarterly and Semi-Annual Fiscal Report for the 319 Grant is the end of January, 2010.

Mrs. Donna Patz, Kenston Lake Dam owner, is in agreement with the board's decision.

Recycle Committee

Mr. Markley would like to develop an ad hoc committee to review and correct issues at the recycle center. The committee should include a member of our Road Department, a representative from Geauga Trumbull County Waste Management, and a few residents. The board is in general agreement to add this information to the advertisement for the KCE board positions.

PUBLIC COMMENT

Mr. Ted Seliga asked that we get a member on the Recycle Committee that is not biased only toward recycling.

Ms. Karen Bartlett, Geauga Lake Road, is concerned about the back drive and buffer zones to Parkside Church. The gate was to be closed on Sunday's and Parkside Church was to maintain a certain natural buffer. Mr. Michael Joyce replied to Ms. Bartlett that the complaint could not be addressed until after the waterline project is completed. Mr. Joyce said he would follow up, however, he never did. Ms. Bartlett was very passionate about her concerns with the lack of monitoring and enforcement of zoning variances. Mr. Markley would like to have Ms. Bartlett attend the Board of Zoning Appeals meeting on Thursday, January 21, 2010.

Mr. Ted Seliga suggested that the Police Department could put up the Speed Trailer in order to monitor the situation.

Monday, January 11,

10

CORRESPONDENCE

Chagrin Falls Park Community Center invites the Board of Trustees to a tribute to Dr. Martin Luther King Jr. on Thursday, January 14, 2010 at 7:00 P.M.

Kenston Community Education sent the profit and loss statement as of November 3, 2009 and the approved minutes of the November 2009 meeting.

Western Reserve Land Conservancy letter, January 6, 2010, stating they visited the Centerville Mills property, the Edwards and Henry South conservation easement properties.

Dr. A.J. Surtees, 7985 Bainbrook Drive, letter dated January 4, 2010, regarding a damaged mailbox.

Mr. Allen Kennedy, letter dated January 7, 2010, regarding a damaged mailbox.

Since there was no further business to come before this meeting of the Bainbridge Township Board of Trustees, the meeting was adjourned at 10:15 P.M.

Respectfully Submitted,

Cherianne H. Measures,
Fiscal Officer, Bainbridge Township

_____ Date

_____ Date

_____ Date

Minutes Read: _____

Minutes Approved: _____