

## Walnut Township Special Trustees Meeting

March 16, 2017

The meeting was called to order at 6:30 PM. Trustees William Yates, Doug Leith and Terry Horn were present.

The sole purpose of this meeting is to:

1. To complete unfinished financial report from March 7, 2017
2. Update on possible options to ODNR's March 3, 2017 notice of private rerouting of drainage
3. Discussion to waive zoning permit fees for quadriplegic and Habitat for Humanity
4. FO financial/records matters
5. Personnel matters

6:31 PM, Trustees Yates made a motion to adjourn to Executive Session under ORC 121.22 (G1) with Thurston Mayor Mary Boring, and Council members Bob Ortman and Heather Baker to discuss a complaint against a Public Employee. Trustee Horn seconded the motion. The motion passed with 3 yes votes.

Trustee Horn and Tim Morris attended a meeting with Jeremiah Upp and Eric McCrady Fairfield County Engineer, Holly Matte RPC, Jonathan Ferbrache Fairfield County Soil and Water, James Mako RPC, Dave Levacy Fairfield County Commissioner, John Kochis EMA, and Charlie Prince Union Township Trustee. , and representatives Householder and Hottinger from Licking County and Shaffer and Balderson from Fairfield County. They are hoping to setup a meeting with Gary Overmiller of ODNR along with Ohio Representatives/Senators Householder, Hottinger from Licking County and Schaffer and Balderson from Fairfield County.

There was discussion that the Licking County Sewer District might take over Storm Water Management. Trustee Horn suggested that the Engineer could use storm drain pipe material such as stainless steel to either go through the dam and or encase the pipes in concrete.

Joshua Horacek, Fairfield County Asst. Prosecutor, has been given the documentation regarding the 1970's lawsuit that required the Hansbergers to pump water into the lake. An easement is attached to the deed and was transferred to Ed Parrish when he purchased the property.

Brad Smith, West Bank Property Owners President, stated that Licking County Sewer and the Yacht Club are going to be putting pipes through the dam. Kreig Babbert, West Bank Rd, stated that the plans from 2004 had a solution for a common collection of water that should have been included on the current plans.

Mark Anthony, ODNR Chief Engineer, has stated that the drainage is a private issue and the cost for remedy is also a private expense.

Mary Beth Lane, Columbus Dispatch, has written an article about the status of the dam project.

Kreig Babbert stated that he hopes that ODNR will be working for the residents. If necessary the residents will be looking at an injunction and lawsuit. They don't agree with the letter that they received regarding the capping of all drainage into the lake. They need additional time and resources to find a solution to the issue.

Mike Berry provided information regarding the Zoning Application for Darrin Appleman, a quadriplegic, who is having a home built by Habitat for Humanity at 13101 Forest Road. The permit is for a Garage Addition and the fee is \$350. Trustee Yates made a motion to approve the waiving of the fee for the Garage Addition for 131011 Forest Road. Trustee Leith seconded the motion. The motion passed with 3 yes votes.

The minutes for February 7<sup>th</sup> were copied and distributed to the trustees. They will be reviewed prior to the next meeting. Trustee Horn asked the Fiscal Officer why she did not provide these draft minutes to him when he requested them by text approximately 4 times the day before and day of the meeting. The Fiscal Officer replied that she was confused as to why he was requesting them so she did not provide them to him.

Trustee Yates made a motion to approve checks 25260 through 25271 and EFT 2017-118 through 2017-184, 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 – no, Trustee Leith – yes. The motion passed with 2 yes votes.

The Fairfield County Engineer's Mileage Certificate was presented for approval. The miles are 58.147. Trustee Leith made a motion to certify the Mileage at 58.147. Trustee Yates seconded the motion. The motion passed with 3 yes votes.

The Fast Max on St. Rt. 37 and St. Rt. 256 has been sold and the Ohio Division of Liquor Control sent notification that the liquor license was sold in the transaction. The Trustees need to indicate if they will need a Public Hearing to review the transfer of the license from Fast Max to Circle K. Trustee Leith made a motion to not request a hearing for the transfer of the Liquor license. Trustee Yates seconded the motion. The motion passed with 3 yes votes.

Trustee Horn asked the Fiscal Officer if she planned to provide the information he has requested that documents the correspondence between her and the IRS and the state to resolve the missed income tax payments and she said no.

Fiscal Officer Kraner presented a new form that Josh Van Dyke at the County Auditor's office requested that the Trustees approve for the Final Appropriations for 2017. The Final Appropriations were approved at the February 6<sup>th</sup> Regular Trustee meeting. Trustee Leith made a motion to approve the execution of the document. Trustee Yates seconded the motion. Leith – yes, Horn – abstain, Yates – yes

Melissa Tremblay has been engaged to assist with the resolution of the IRS issue, the state income tax interest and penalty and the responses to the 2014-2015 audit. Fiscal Officer Kraner raised her concern

that several of the hours will be used up with travel time. Melissa is a half hour from the township to her residence.

Trustee Horn's Notes Regarding Fiscal Officer - See Addendum C

Trustee Horn asked where the legal ads for the previous past years are for the announcement of when meetings would be held for the year. FO Kraner had the folder for 2016 and the folders for 2012 – 2015 are upstairs.

FO Kraner did not respond to the request for restitution of the Delta Insurance benefit that was paid out by Delta Dental.

A visitor asked the question was asked if there are manuals that list what the duties are of the elected officials. The Ohio Township Association does have manuals.

9:18 PM, Trustee Horn made a motion to adjourn. Trustee Yates seconded the motion. The motion passed with 3 yes votes.

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Lynn Kraner, Fiscal Officer

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William Yates

Terry Horn

Doug Leith, Chairman

## Addendum C

To supplement the Meeting Minutes and to be included as a part of the Public Record

### Annual Budget for public viewing

In some years past, a legal notice was placed in the Eagle Gazette in January and a copy of the Year End Financial Report was placed for public inspection at the Township Offices. So far for this year no Financial Report has been provided to the public.

### Independent audit to review Fiscal Officer (FO) Records

Walnut Township has hired (as of 3/7/2017) Melissa Tremblay (MT) a current Amanda Twp. FO who also works part-time for Violet Twp. In the fiscal office. Melissa was recommended by the AoS. We have hired her for 8 hours at a cost of \$40 per hour. I stated at the 3//2017 meeting that I find it very difficult to pay for an outside person to do a job that is not being performed by our FO. If it is within the ability of the township to do so, I will recommend to the Board that our FO pay for the time and any future costs associated with the returning the financial records to full compliance with the AoS requirements. MT has been asked to look at the township records (UAN software) and to provide a report that gives the total cost of the IRS and State income tax fees, interest and penalties that were the result of missed payments of the same. MT was also asked to review the 2014-2015 Audit and then review the FO records and provide a statement as to the seriousness of the Auditors concerns and a path/plan moving forward. The hope is that the FO will cooperate fully with MT and meet with her as requested on 3/24 or 25/2017. A trustee will be at the meeting, it will be likely be Mr. Yates or Mr. Leith. If neither one of these gentlemen can attend, I will be there. I am requesting at this time that a voice recording be made of the meeting and provided by the FO immediately following within three (3) days on the Township computer and fully identified and let this writer know when that has been completed.

FO when will you respond to the Auditor of State (AoS) for the 2014-2015 audit?

### IRS

Fiscal Officer (FO) Kraner, on 11/19/2015 the IRS sent a certified letter stating that a hearing could be requested by 12/28/2015 to discuss the IRS tax issue. Did you request a hearing? Response \_\_\_\_\_

There were many other opportunities for you to appeal the IRS decisions related to interest fees and penalties, did you take advantage of those opportunities If Response \_\_\_\_\_

M. Trembly whom the Township has hired to help sort out these issues on a limited (for now) basis, needs to be given a copy of the IRS letter (and any other IRS information she requests) from 11/6/2015 that listed the Tax Returns that were not provided to the IRS at that time. The dates are for Tax periods ending: 12/31/2007; 3/31/2011; 12/31/2011; 12/31/2012; 9/30/2013; 12/31/2013; 3/31/2014; 6/30/2014; 9/30/2014; 12/31/2014; 3/31/2015; 6/30/2015; 9/30/2015. It is important to note that the 2007 Return is from a previous FO, the current FO took office on 4/01/2010. The FO has repeatedly stated that all Tax Returns were submitted to the IRS and the tax paid.

### State Income Tax

This remains an outstanding issue since early 2016 and as late as 2/9/2017 state income taxes were overdue. The FO has also stated that these taxes were also paid on a timely basis, yet we continue to receive overdue notices and penalties and a collection company has been hired by the Attorney General's Office to collect.

### Keeping Trustees Informed

There is a continual, ongoing practice by the FO, to NOT inform the Trustees of Important information. For example, on 1/12/2017 the OTARMA insurance package was sent to the township office and was never provided to the Trustees for review. To date that information has not been provided to us by the FO. We did however receive a copy when I made a specific request from OTARMA on 3/1/2017.

### Payroll Records Requests

It is important that the people who have a right to a record be provided with that record in a timely manner and in accordance with Ohio law. In 2014 we asked a neighboring township to help us with filing a vacancy left by a Zoning Inspector. Anne Cyphert willing came to our aid, as interim Zoning Inspector and helped us out during a very important time. After her time with us was completed. She came to me requesting help with obtaining pay stubs. In that email to the FO she stated that there were serious concerns with the way the record keeping was being handled. I am also including the one-half page correspondence as part of this record to demonstrate only one example that the current concerns are not just recent.

### Insurance Overpayment of Premiums

Over the course of several months I have been trying to get the FO to reconcile the issue where she made payments for insurance premiums for those who were not on the plan. Finally, in January of this year I set out to resolve 'her' issue because refused to or did not know how to do it. This week I heard back from Delta Insurance Company addressing the overpayment of the insurance premiums. They are willing to discuss this with us; however, they want to be reimbursed for the benefit that was paid out to a former employee in 2015 in the amount of \$1,000. An email from our insurance agent is provided as back up to this request. I hereby ask that the FO make a personal check out to Delta Dental via Burnham and Flower Insurance Co attn. Michelle Crockett, to make restitution within one week of tonight's meeting so that we can move forward with getting the premium payments back. It is imperative that the Trustees be provided with evidence of this payment at the time it is made.

### Email from Anne Cyphert to Trustee Horn dated 10/20/2014

Terry, Please make sure the following email which as usual, was not acknowledged nor answered by your fiscal officer is made part of the official record for Walnut Twp. I respectfully request an immediate order to your fiscal officer for me to obtain what is legal, and overdue request for public information. The following is the most recent email I sent to her without any response. You may want to refer this to your legal counsel. Unfortunately, since both your township and my township use the prosecutor's office, it may be a conflict for their involvement. It is a shame to have to use taxpayer dollars to force the fiscal officer to do her job. Thanks, Anne

Lynn: Per my request from a month ago, I need to have paystubs that show what taxes you have paid and that you paid into my PERS. I must have this information by Monday, October 20, 2014. I believe I have been more than patient in asking for this information that is standard procedure for any employee in any business, or government, to receive a pay stub. Also, we checked our bank records and see you deposited \$97.56 on 6/6/14; \$1,059.48 on 6/6/14; and \$1,136.17 on 9/26/14. On the spreadsheet you sent to me on October 14, 2014, it does not make sense with the deposits that were made into my account. I think we have some serious bookkeeping issues here and I have been patient long enough, waiting for weeks to go by before I hear back from you, only to still not get the information I need. Again, I want a complete report on my pay including when you made deposits, what taxes and PERS were paid, and all other normal information included in a public employee's wages by October 20, 2014, at the latest. Thanks, Anne Darling Cyphert