

## Regular Meeting of Bethesda Village Council

July 8, 2020

Mayor Samantha Burkhead called the meeting to order, Samantha led the Pledge of Allegiance.

### Roll Call

Present: Mayor Samantha Burkhead, Administrator Dirk Davis, Solicitor Jeffrey Menoski, Fiscal Officer Ricky Burkhead, Ruth Saffell, Jay Van Horn, Jordan Castello, Rod Miller, Cindy Foose, Carol Merritt

Absent:

### Guest(s)

Stephanie Castello, Pete Busack, Phil Castello, Fred Thompson, Scott Blake, Mindy Blake, Dick Quinlin, Teresa Schafer, Joni Davis, Debbie Mason, Dave Green

### Reports

The Fiscal Officer E-Mailed Fund Status, Cash Summary by Fund, Fund Ledger, Payroll, Receipt Register & YTD Appropriation status reports to Council Members, Administrator, Fire Chief & Mayor. Cindy Foose made a motion to approve the May 2020, seconded by Rod Miller, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello – Yes, Rod Miller – Yes, Cindy Foose – Yes, Carol Merritt – Yes.

### Regular Council Meeting Minutes

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Carol Merritt made a motion to go into executive session to discuss pending litigation and personnel, at 6:31p.m., seconded by Ruth Saffell, Jay - Yes, Ruth - Yes, Jordan - Yes, Carol – Yes, Cindy – Yes, Rod - Yes.

At 7:58.m. Mayor Samantha Burkhead declared executive session over.

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Solicitor Menoski stated that the mayor must give her recommendation on the police chief, to promote, terminate, or return to an officer. Jeff stated that council would then make a voice vote to accept the mayor's recommendation. Jeff stated that council would need to vote in agreement with the mayor 4-2. Jeff stated that in the event of a tie there would be a status quo and Pete would remain on probation.

Mayor Samantha Burkhead thanked Pete for his service through the pandemic and stated that his probation was up on June 28<sup>th</sup>. Samantha stated that based on previous issues there have been with the police department and the community being upset with the treatment of them by officers of the department, and the current situation in the country on how police are treating people, she cannot promote Pete when the village is currently under pending litigation for poor treatment of residents and showing hostility to a citizen. Samantha stated that the village is also under litigation for negligent hiring of Pete. Samantha stated that she has been thinking about this decision for a long time and the right decision and always has been to not promote Pete. Samantha stated that fear has played a part in her recommendation. Samantha stated that she fears retaliation if she were not to vote for Pete to be promoted. Samantha stated that retribution is a fear of others on council as well. Samantha stated that is a person has to fear retribution from someone in power such as a police chief; that alone should be enough reason to not recommend for promotion. Samantha stated that had she let this fear win, and had he went on to do something to a resident of this village, and she had the information that she has and still promoted him, that would be on her. Samantha stated that she cannot and will not put the people of this village in a situation that could have been 100% preventable. Samantha stated that we should not have to worry about retaliation from a person in a position of power, and neither should anyone in this room or village have to worry about it either. Samantha stated that she doesn't know what that means for the police department right now, but no one on the administration wants to see the department go away. Samantha stated that she would do everything in her power to keep it running but we will keep it running correctly. Samantha stated that if we all work together it can be built back up to the status that it needs to be. Mindy Blake asked what the fear was. Samantha stated that Pete has made many veiled threats to her and members of council that are concerning. Samantha stated that he has made physical threats to Jay. Samantha stated that she doesn't feel she should promote someone who is fine threatening others. Mindy asked if there is proof of his threats. Samantha stated that have been witnesses to the threats. Jay stated that Carol and Jeff were actually in the room when Pete made threats to him. Samantha stated that this is on her and she feels that she is making the best decision for our village. Stephanie Castello asked Samantha if she would rather put the village at risk by not having a police officer when her speech stated that she wanted to put more police in this village. Samantha stated that she does want more police; in fact she has asked Pete to bring back our part time officer for more coverage. Stephanie asked if they are good enough to come back why Pete isn't. Stephanie stated that Samantha wants to terminate Pete for no credible reason. Samantha stated that she has credible reasons. Samantha stated that Pete is on probation and it is at the discretion of the mayor to determine if he completed is successfully. Samantha stated that she feels promoting him is not the right decision. Stephanie stated maybe the citizens need to rethink and have a recall vote on the mayor. Samantha stated that is fine if they feel the need to. Samantha stated that she feels she is making the right decision for the village. Scott Blake asked who the police committee is. Rod, Cindy, and Jordan are the police committee. Jordan stated that she doesn't agree with the mayor 100%. Jordan stated that she started off with a rocky start with Pete but she put him in his place and they fixed their issues. Jordan stated that yes there have been a few complaints come through about Pete but she is listening to the people who elected her. Jordan stated that until someone comes to the meeting with a complaint there is nothing she can do this Pete. Jordan stated that the sheriff's department would be 40 minutes away from us if we are lucky and that's part of her reason for not agreeing with it. Samantha stated that we want to have a police department just a department under other leadership. Scott stated that Pete has dedicated his life here for 2 and half years. Samantha asked if Pete feels like he has been mistreated. Pete stated that "oh my god yeah." Pete stated the last six months was a clean stated, and that he and Jordan have gotten a lot done. Carol stated that if there are threats out there that they need to stop because it puts tarnish on the village.

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Carol stated that if threats do come full circle that he will have to go and she would feel that way about anyone. Pete stated that there are two pending investigations that are going to be passed off to the sheriff's office that the village is involved in. Samantha asked if this investigation was against the village. Pete stated that it was and wasn't and that Jeff knows all about it. Pete stated that it is something that can never be discussed. Pete stated that the only person he talks about it with is Jeff. Pete stated that it doesn't matter and that the investigation will be completed. Pete stated that he has been working diligently with the prosecutor's office and the FBI. Scott Blake asked if everyone was bonded. Scott said those bonds have to be paid back. Rick asked why a bond would have to be paid back. Scott stated that if the village was sued that bonds would have to be paid back.

Samantha recommended that Pete be terminated. Jay Van Horn made a motion to approve the mayor's recommendation, seconded by Ruth Saffell, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - No, Rod Miller - No, Cindy Foose - Yes, and Carol Merritt - No. Jeff stated that we have a status quo and Pete would remain on probation until a decision can be made. Dirk stated that he thought the mayor broke ties. Jeff stated that this requires a majority of council. Rod stated that we have a difficult decision here and he would like to see Samantha work with someone she trusts and obviously she doesn't. Rod stated that he personally hasn't had an issue recently. Stephanie asked how it is fair to hold up a man's career because Samantha is afraid of him. Samantha stated that she has a right to her recommendation and fear is only one of the reasons. Other reasons to not promote him are because of things he has done, the misinformation he has given her and council, lies that he has told us, and the things he has done that are questionable. Samantha stated that looking back over everything; she doesn't feel Pete is the right person to lead the police department. Samantha stated that it is fine that Stephanie or anyone else wants to do a recall.

Fred stated that there are questions on both sides. Fred stated that an officer is going to get looked down on, in this day and age. Fred stated that when he worked at Barnesville PD, he had the NAACP come after him. Fred stated that he hasn't seen Pete do anything. Rick stated that he wished to speak as a resident of this community, not as the fiscal officer. Rick stated that Fred was in the room one time when Pete did do something. Rick stated that there was a time when we were selling police vehicles and we put them out to bid. Rick stated that the bids were opened at a meeting at noon on a Friday, and that Pete texted him and Mayor Lucas at 3:00pm and told him that he would contact the sheriff and the commissioners and "get it figured out." Rick stated that even the administrator admits that "at least we know he is a liar." Rick stated that he explicitly told Pete that the bidding time was over and that what he was trying to do was illegal and Pete responded that he would take care of it. Rick stated that a bid was slid under his door late Friday evening. Rick stated that at the council meeting Pete and Mayor Lucas acted as if the bid was received and just laying on Pete's Desk. Rick stated that he called them both out at the meeting where the bids were to be accepted, for trying to falsify a bid that was received. Pete stated that who cares it was two years ago. Rick stated that he cares and stated that the reason being is that Pete is a liar. Pete responded to Rick calling him a liar with "So?" Pete asked Rick what he was trying to say. Rick stated that there were other bids that were for the car and that the village could have been implicated legally by Pete trying to submit a fraudulent bid for council to accept. Rick stated that Pete's integrity is what the question is here. Pete stated that he did it because he wanted to get the most money for the village. Pete stated that he did make the village money to bail the village out of Eric's mess. Rick stated that he explicitly stated that what Pete was doing was incorrect and wrong, and Pete went on and did it anyway. Jordan stated that it eventually was done properly though and we fixed it. Rick stated that yeah but it was only done properly because Rick put an end to it. Pete stated that he did pick up the sheriff's bid three hours after the noon meeting because he was in court. Rick stated that Pete is in a position of integrity and has the power to arrest anyone, and if we can't trust that Pete will do the right thing. Jordan asked Rick if he has ever told a little white lie. Rick stated that there is a big difference in telling a little white lie and breaking the law. Rick stated that if anyone in the audience or this town wants to talk to him about his experiences with Pete he will gladly talk to them. Rick stated that he has worked for and given his life to this town for 16 years and Pete doesn't even live here. Rick stated that there are two sides to Pete. Rick stated that either he likes you and you get along or if he doesn't then you get the wrath and threats. Rick stated that there is a laundry list of stuff that this man has done and our past chief would be rolling in his grave if he knew Pete wore the same badge. Rick stated again that this is him speaking as a resident of the village and not as the village fiscal officer. Rick stated that as the fiscal officer he would work with Pete in any way that his job required him to. Jay Van Horn stated that yes he gave Pete a fair shake and a clean slate for six months. Jay stated that for six months he opened his eyes and sat back and watched. Jay stated that under the current pending lawsuit, if Pete would have done what he did initially, Jay would have backed Pete 100%. Jay stated that what he had a problem with is Pete slamming the steering wheel and getting out and reproaching the residents and that is where Jay won't back him. Pete stated that isn't what happened and that he was trying to get the siren off because he integrated the siren into the horn on the vehicle. Pete stated that he was pushing on the horn to get the siren to turn off. Pete stated that he approached them again because they couldn't hear him and they wouldn't put their windows down. Jay stated that on April 16<sup>th</sup> he was making an EMS call and Pete was also on the call. Jay stated that the patient was sitting there and Pete made the comment to the patient that "you behave yourself or this big F-ing gorilla will break you in half" Pete stated that he didn't use the F word. Jay stated that Pete is to be there to deescalate a situation not escalate the situation. Jay stated at that point Pete made the patient uneasy because they now think Jay is going to hurt him. Jay stated that he was there to help the guy not hurt him. Pete stated that it is all about perspective. Jay stated that if he is there to help the guy and Pete is telling him that Jay's going break him in half, it doesn't help the situation. Jay asked Pete if his job is to deescalate the situation. Pete stated that yes he is there for that. Pete stated that he told the patient that "if you misbehave in that van, this big gorilla is going to break you in half." Pete offered to pull the body cam video. Jay asked to pull it for him.

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Jordan stated in her experience, that Pete was probably trying to make light of the situation by making a little joke. Dirk stated that he has heard Tim make joke to help lower the situation down. Jay stated that we will never find another Tim. Dick Quinlin stated that when we had Tim here we didn't have the bullshit that has happened with the police for the last four years. Dick stated that the crap has to end one way or the other. Dirk agreed that the turmoil needs to stop. Samantha agreed as well. Rick stated that Pete even created drama when Samantha was running for mayor and then lied to everyone about it. Rick stated that Pete called the ethics board on behalf of the village to get an opinion. Pete stated that he doesn't even recall what this was about and asked Rick to refresh his memory. Rick stated that Samantha did her homework and checked several resources. Rick stated that Pete accused Marty of having him call the ethics board about Samantha running for mayor, and then he came clean and said he lied and it was his idea. Pete stated that it was actually kind of Marty's idea. Rick stated that Pete has even accused him of making up numbers to the police committee and the finance committee. Rick stated that we even fought about the contract finances. Pete stated that after the situation Pete understood and liked the idea better.

Samantha asked for an update from EQT pertaining to Main Street paving. Jeff stated that he is playing phone tag and will be sending out a letter.

Administrator Dirk Davis presented council with his monthly report:

- 1- Bethesda is not liable for resident's sewer laterals. Dirk stated that it is the home owners responsibility for their lateral sewer lines. Dirk stated that he thinks that the public works crew will be able to install the sewer line on Virginia Street Extension after we have engineering and permits completed. Rod Miller made a motion to proceed with planning and work on Virginia Street Extension sewer line replacement, seconded by Cindy Foose, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Dave Green gave advice on the use of garbage disposals. Dave stated that you should always flush them with water. Dirk stated that the later on Shelly Jones property has been squashed and is bent. Dirk said that the line was dug up and was found to be in bad shape.
- 2- Dirk is obtaining estimates for paving of Gail Avenue. AEP helped us by widening and building up the upper end of Gail Avenue road surface.
- 3- The Liberty Lane land bridge drain pipe is rotten and needs to be replaced with a larger pipe. Dirk is going to have the road but and a new pipe installed.
- 4- The alley between Chestnut and Maple is mostly downhill and needs some fixing. Pike paving estimated \$24,500 to pave the entire alley from Maple to Virginia 12 feet wide. The road has been graded but needs to have something more permanent done to it. Dirk stated that the asphalt will give it a much longer lifespan. Dirk asked what council wished to do. Jordan recommended tabling it. Dirk stated that CDBG will let us apply for dead end streets so he is going to begin and LMI for Gail Avenue residents.
- 5- The USDA Truck Grant and Loan has been file and we hope to hear soon if we receive it.
- 6- Theresa will be working from home for a few weeks. Dirk stated that Rick is going to get her setup to do that.
- 7- Dave Green stated that the drinking water report has been completed and it available online. Dave stated that Samantha got it posted to the new village website.
- 8- Dirk stated that the two new sewer lift station pumps have arrived. Dirk stated that we paid for these out of the General Fund as this situation has been nickel and diming the village for several years.
- 9- Dirk stated that the clock tower has some issues and isn't working correctly. The weights fell and caused some damage. Dirk stated that Mr. Murray is going to have the parts fixed. Dirk stated that Russ Larson found a clock in Chicago that is identical to the clock we have and there are only 4-6 in existence. Dirk stated that the clock is working and has never been in a tower. The person is selling the clock for \$7,500. Cindy stated that she had concerns of purchasing it due to some of the other issues we have but it would be something nice to have. Cindy Foose made a motion to purchase the clock for \$7,500, seconded by Jordan Castello, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Fiscal Officer Burkhead presented the budget for 2021. Ruth Saffell made a motion to approve the budget and to submit it to the county auditor, seconded by Rod Miller, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Rick stated that the audit is complete and there were no issues and he sent council a copy. Rick thanked Theresa and Donietta for doing awesome at their jobs. Rick presented the Union TWP fire contract renewal for 2020-2021 for approval. Rod Miller made a motion to approve the contract, seconded by Carol Merritt, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Rick reminded everyone that fireworks are this Sunday and encourage everyone to adhere to CDC guidelines and there are parking places at the Bethesda Christian Church, and the Shepherd barn and even center. Rick stated that there were probably around 100 raffle tickets for the gun to raise money for the fireworks. Rick stated that there are many people who are selling them.

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Debbie Mason addressed council and provided them a list of things that have been accomplished in recent years and a list of things that the park board wishes to accomplish. Debbie stated that we are currently clearing out a corner of the park that is overrun with bushes and trees. Debbie offered a shout of to Colby Rinehart for doing the equipment work. Debbie stated that the park board would like the village council to put a levy on the ballot so that residents can decide upon. Debbie stated that the levy would be for park maintenance, repairs, and improvements. Rick presented Resolution 2020-1 which is a 1.5 mil continuing park levy for the purpose of providing maintenance, equipment, park improvements, and infrastructure to the park. This would be voted on November 3<sup>rd</sup> and begin in 2021. Cindy Foose made a motion to approve resolution 2020-1, seconded by Carol Merritt, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello – No, Rod Miller – Yes, Cindy Foose – Yes, Carol Merritt – Yes.

Mayor Samantha Burkhead reminded everyone about the Bethesda Little readers club and encouraged kids and parents to participate. Samantha stated that she would like to organize a community cleanup day. Jordan stated that JB Green Team is going to plan something in the future too. Jay stated that he was concerned if someone brings hazardous materials, would the village be on the hook for the disposal. Mayor Burkhead stated that it was just a thought and we will wait and see what happens with JB Green Team. Mayor Samantha Burkhead stated that with the differences in opinion going on, she would like to stated that as of right now, she is making the police committee in charge completely of the police department and Pete.

Update on personnel committee. Rick is working to retype the handbook with the updated suggestions from the committee and Dirk.

Police Committee discussed funding and how to operate within the means we have.

Finance Committee discussed the USDA Grant and Loan, and paying off interest bearing debt.

Pete informed council that there was 13 complaints responded to, four were animal complaints and one domestic. Eleven citations were issued and three warnings. Pete stated that the condition of the village was stable and it isn't now. Pete stated that two more houses have been abandoned. Pete stated that the dodge is in need of tires for \$285 each. The explorer will need tires next spring. Pete stated that he served 26 complaints for the ordinance committee to individuals for property maintenance issues. Pete was off for two weeks for Corona Virus quarantine.

Jay Van Horn stated that Ladder 18 is on the road and functional. Jay stated that the fire department is going to hold a boot drive during fireworks but no food or refreshments this year. The fire department is going to look at doing some sort of fundraiser with the 245lb of sloppy joe that Jay donated the department.

Solicitor Menoski stated that he did not have any court hearings but stated that there would be several in August now that the courts are open. Jeff stated that he is working on a policy for people who do not come to mayor's court. Jeff stated that we need to have a way to compel people to come and plead guilty or not guilty.

Mayor Samantha Burkhead read a letter from Karen Taylor to the village pertaining to people speeding and driving recklessly on Lake Street. They are asking the village to post speed limit signs and monitor the speed. Samantha stated that a duck was killed recently also. Pete stated that putting in speed bumps is not legal, Jeff is going to look into it and report back.

Scott Blake presented a petition about the dogs on McKinley Avenue and them barking and the smells from the property. Samantha stated that the case has been sent to Judge Costine and it is out of the village's hands at the moment. Scott stated that area residents want something done. The human society is still monitoring them. Jay Van Horn suggested that they call the health department if there is an issue with smells. Jordan Castello recommended banning any future kennels in town.

Jordan asked if and when council approved the fireworks. Rick stated that it was approved by council and that he would provide her with minutes. Rick stated that if council was having second thoughts about the fireworks he would make a call to see about cancelling them. Mindy Blake stated that the fireworks are a great thing for the village, especially this year with people being cooped up in doors for half of the year.

Motion to pay bills by Jay Van Horn, 2nd by Carol Merritt, with a unanimous vote.

Motion to adjourn by Jordan Castello, 2nd by Carol Merritt, with a unanimous vote.

**The next meeting will be Thursday July 23<sup>rd</sup>, 2020 at 6:30 P.M.**