

## Regular Meeting of Bethesda Village Council

November 19, 2019

Mayor Marty Lucas called the meeting to order, Mayor Lucas led the Pledge of Allegiance.

### Roll Call

Present: Mayor Marty Lucas, Fiscal Officer Ricky Burkhead, Ruth Saffell, Jay Van Horn, Solicitor Jeffrey Menoski, Jordan Castello, Administrator Dirk Davis, Chuck Little, Cindy Foose, Carol Merritt

Absent:

### Guest(s)

Stephanie Castello, Pete Busack, Phil Castello, Samantha Burkhead, Linda Reeves, Bill Cox, Rod Miller, JR Whiteley, Dave Green, Allen Stonebreaker, Theresa Thornberry, Fred Thompson, Joe Braido, Dave Schaffer, Dan Lucas

### 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. Jordan Castello made a motion to approve the October 2019 Meeting Minutes, seconded by Chuck Little, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

### Regular Council Meeting Minutes

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Chuck Little made a motion to go into executive session to discuss pending litigation and purchase of property, at 7:31p.m., seconded by Ruth Saffell, Jay - Yes, Ruth - Yes, Jordan - Yes, Carol - Yes, Cindy - Yes, Chuck - Yes.

At 7:51 p.m. Mayor Lucas declared executive session over.

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Solicitor Jeff Menoski presented Ordinance 2019-6 which states that the United Methodist Church Conference is donating the lake and park property (8.392 acres) to the Village of Bethesda. Jordan Castello made a motion to suspend the rules, seconded by Cindy Foose, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Jordan Castello made a motion to approve Ordinance 2019-6, seconded by Ruth Saffell, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Administrator Dirk Davis presented his monthly report:

1. Dirk stated that the Christmas street lights will be put up on November 26<sup>th</sup> and the fire department will be helping with their equipment. Dirk suggested that we look into purchasing new Christmas lights next year as the ones we have are in very bad shape. Dirk stated that it will cost between \$17,000 and \$20,000 to do this. Dirk stated that perhaps we can get a committee together to work on this.
2. Dirk stated that we need to look into the Badger Meter upgrade. Dirk outlined a detailed packet and asked that council look it over so that we can make a decision at the December council meeting. The total cost of the upgrade is \$15,475 and an annual fee of \$1,935 for the new system.
3. Dirk stated that two new sets of Do Not Enter signs have been placed by the pizza shop and the VFW.
4. Dirk stated that there are rumors of a Dollar General being established where the old gym parking lot is. Dirk stated that if this becomes fact, he will announce it.

Solicitor Menoski presented Ordinance 2019-5 for the third and final reading. Ordinance 2019-5 is an updated version of the litter and junk ordinance. The changes stated that the mayor will inspect the property and that the solicitor would send a letter giving residents 30 days to clean up and then council would have the option to clean the property of assess the taxes. Carol Merritt made a motion for the third and final reading, seconded by Jordan Castello, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Jeff presented Ordinance 2019-7 which adopts a procurement policy for the village. Chuck Little made a motion to suspend the rules, seconded by Ruth Saffell, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Ruth Saffell made a motion to approve Ordinance 2019-7, seconded by Cindy Foose, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Pete Busack informed council that there were 15 citations, of which 7 were in Bethesda and 8 in Morristown. Pete stated that 6 warnings were given and 5 complaints were responded to. Pete stated that the cruiser went to Ed & Jacks for radiator repair. Pete stated that in December, the Explorer will be restriped at Logotek.

Fiscal Officer Burkhead informed council that Jimmy's probationary period was up in October. Jay Van Horn made a motion to approve a \$1 per hour increase for Jimmy retroactively to the probationary period end date, and to end Jimmy's probation, seconded by Ruth Saffell, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Rick asked for approval to order the Riesbeck's gift cards for the employees for Christmas and to purchase hams for the employees if he was able to get a good deal on them. Jay Van Horn made a motion to approve the purchases, seconded by Ruth Saffell, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Rick stated that the next council meeting is December 17<sup>th</sup>. Rick stated that we discussed doing a uniform allowance of \$400 for the full time and the \$200 for part time employees. Ruth made a motion to approve the uniform allowance, seconded by Carol, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

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Linda Reeves stated that she wanted to know what the problem with Pete is. Linda stated that she wants a different answer than what was given last meeting because what was said didn't make sense to her. Linda stated that Pete also isn't paid enough. Linda stated that she has a paper with 110 signatures on it of people who want Pete back in as chief. Linda stated that she doesn't understand what we have against him. Jay stated that he informed everyone at the last meeting of exactly what his problem is with Pete. Linda stated that what Jay said at the last meeting didn't give her an idea of what is wrong. Jay stated that he said it very clear. Jay asked if he could have a copy of the paper with the signatures. Chuck stated that he could not have a copy of them right now. Chuck stated that he can't have them until next month. Chuck said that these are people from the community that want him back in there.

Derek Roby stated that last month everyone said they would do what the community wanted but yet he was still voted down. Derek stated that it is on paper now and he didn't know what happens next. Derek stated that the people have spoken.

Allen Stonebreaker asked what the village is going to do about the speeding through town. Allen stated that as soon as the sun goes down, people go crazy. Allen asked when we are going to start patrolling the town. Pete stated that he never catches any speeders down there by his house. Allen stated that is because Pete is never there. Pete stated that there are more places in this town that right beside his house. Pete stated that he didn't know how to help him. Allen stated that he could do his job and that would be best. Pete stated that he has 19 months of documents that shows he does his job. Allen stated that he must be invisible then. Allen asked why everyone wants him back in there as we already had one issue with a previous person. Allen stated that a lot of other people don't think he does his job either. Mayor Lucas stated that he would try to get more traffic control in his area.

Cindy congratulated everyone on a successful gun bash.

Jordan Castello stated that month after month council sits here and tries to do the best job they can and what is right for the village. Jordan stated that every month at the meetings there are nothing but empty seats unless water bills go up or if there is a decision made that residents don't agree with. Jordan stated that this is everyone's village and that people need to participate in it. Jordan stated that people need to come to the committee meetings and council meetings and listen to what is going on and offer input. Council's job is to listen and do what is right for the village. Jordan stated that the chief's position is the current line of contention. Jordan stated that 8 months ago Pete was appointed to chief's position with 6 months probation. Jordan stated that during that time a few things have come up that would make anyone question his professionalism. Jordan stated that many of these things were discussed at the last meeting by Councilman Van Horn. Jordan stated that though all of those things are true, she believes that we must also listen to the residents wants. Jordan stated that she doesn't disagree with things said at the last meeting but that there are also things going on right now that the public doesn't know about. Jordan stated that at some point everyone on council has had a complaint about Mr. Busack. Jordan stated that upon his appointment Pete agreed to the terms of probation and it is clear that at the end of the time a majority of council didn't see fit to put him in the position permanently. Last month another motion died as well. Jordan stated that while the signatures brought tonight are nice in theory, they are a day late and a dollar short. Jordan stated that this support should have been shown to council long ago. Jordan stated that it is council job to weigh all options and make the best decision for the village and remove personal opinions. Jordan stated that in doing that she is making a motion to approve Mr. Busack back to chief with a 6 month probation and a few conditions such as attend a character and teamwork training, work on weekends, and to stop discussing ongoing cases with the public. Chuck seconded the motion. Jay Van Horn - No, Ruth Saffell - No, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - No, Carol Merritt - No.

Joel Braido stated that he doesn't quite grasp how council asked for input from the community and there is clearly strong public support for Pete, but council won't vote to put Pete back in as chief. Joe asked what their involvement is if they won't validate the public's support with an affirmative vote. Carol stated that there is but a handful of people here and there are many people in this village. Carol stated that while she has heard support for him she has also heard people who do not support him. Carol stated that we need to see more representation. Jay stated that there is maybe two more people here than last month. Jay stated that he asked to see the signatures but was told he couldn't. Jay stated that Joe walked out last meeting before Jay gave his discussion of his issues with Pete. Jay asked if Joe was able to get a copy of the minutes from last month's meeting. Joe stated that he was well aware of Jay's presentation. Jay stated that he gave his reasons at the last meeting and those reasons have not changed. Dirk stated that while there are 1200 people in the village only 270 of these are active voters and what Chuck has is a paper with 130 signatures. Derek asked what the legal process would be to have a public vote for the Chiefs position. Jeff stated the mayor has to appoint and council confirm so there is only one way.

Stephanie Castello stated that only Jordan and Carol were elected to a council seat and that they won't set another term as they were not duly elected. Stephanie stated that people need to think about this if they want to be re-elected. Carol stated that people need come to her and let her know how they feel. Stephanie stated that there is a petition right there. Carol asked if there were addresses on the paper or not, Jay stated that there are no addresses on the petition. Jay stated that at a glance there are already a few on there that do not live in town. Chuck stated that Goshen TWP residents count as we have a contract with them.

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Joe stated that his question was not answered satisfactorily. Joe stated that he can assure council that we could gather up a few hundred people to come to the next meeting. Chuck stated that he is trying to avoid having to do that again.

Joe stated that all he is not trying to tell council how to do their job only to help with the input from the community. Joe stated that he is neutral in this and is listening.

Theresa stated that people are saying that it isn't personal, but to her it looks personal. Jordan stated that Pete is not her favorite person but he is doing a job and she doesn't have to like him. Linda stated that we won't find anyone else out there to be chief for what he is being paid. Mayor stated that he wants the position. Linda stated that she still hasn't been given a reason as to why he won't be voted in. Linda asked if he did something wrong. Mayor stated asked why we can't put him in for a 6 month probation and see how he does and if he doesn't do a satisfactory job then you deal with him. Marty stated then after that if he screws up then we write him up and go through the removal process. Marty stated that Jay says he has had to fire friends, and then why not go through the process. Jay stated that after the probation, he would not have that control and that the mayor would have to write him up for what he does and that if the mayor doesn't write him up then it never gets to council. Mayor Lucas stated that yes it is the mayor's responsibility to write up the police chief. Jay stated that there are other things going on that can't be discuss in the public. Jay stated that his decision isn't changing tonight. JR asked if there are any documented offenses in the probationary period. Mayor Lucas stated that only one thing and some allegations but nothing credible. JR stated that with nothing documented what choice to we have but to hire him.

Fred asked if there is continued inaction of council, is there any charges that can be filed for improper use of authority. Fred stated that council needs to do something. Fred stated that we have no reasons other than council stating that they are not allowed to talk about it because it's a deep dark secret. Fred asked if there are big top secret things that people don't know about. Fred asked if there was a timeline for appointing a police chief. Jeff stated that there was no timeline and he was in contact with the AG's office and they didn't know believe there was any timeline issue. Derek asked if people have to be voted out to have council vote for Pete. Jay stated that right now we have a police officer in town. Marty stated that we have a guy that is not good enough for chief but good enough for officer. Linda asked if his pay has changed. Marty stated that his pay is the same. JR asked if major public participation was at the next meeting will it change councils vote. Ruth said that yes it could. Jay stated that he is the only one that has not changed his mind from the beginning. Jay stated that he was clear at the last meeting as to why he cannot vote for Pete. JR stated that he didn't hear what was said only second hand. Jay stated that this all goes back to people not being disciplined when they should have been. Jay stated that based on what he gave at the last meeting he would not have hired him. JR stated that Pete should have been fired then. Jay stated that decision is not up to him.

Pete stated that this is all a joke. Pete stated that he was looking at everyone but Jordan and Chuck. Pete stated that they have nothing. Jay referred to the comment that Pete made to the fire chief that "They were going to get him and Ruth". Jay stated that he was still here and that "they haven't gotten him yet. Pete stated that they have nothing. Joe told Pete not to give them anymore. JR stated that we should all come back to December and go from there. Cindy stated that she looked through everything and she feels that he did not feel Pete completed his probationary period satisfactory and that this was her decision and no one has given her any information that makes her change her mind.

Mayor Lucas stated that the Christmas parade and activities will be December 7<sup>th</sup> at 7:00pm and that Fred Thompson is the grand marshal. The tree lighting will be at 7:30 and we will have cookies with Santa after that. Mayor Lucas stated that the new mayor for 2020 is Samantha Burkhead. Mayor Lucas congratulated her and thanked the other two participants.

Jay Van Horn presented an application for Dillon Clark for firefighter. Jay Van Horn made a motion to approve the application pending background check, seconded by Chuck Little, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Joel Braido stated that since we are starting a new regime and about to start a new year he would like to share things he hears in the public. Joe stated that eventually this dilemma with the police chief will be resolved and everything will go back to normal. Joe stated that many residents are not in favor of Bethesda Police Department serving as peace keepers of western Belmont County. Joe stated that previous council members did a disservice to the community for allowing multiple contracts and all of the employees and equipment that they had. Joe stated that we should not have been in any school and that we should leave these jobs to the sheriff's office as they are professionals. Joe stated that our position as a small community isn't this and isn't contract battles. Joe stated that Bethesda police department needs to be a department that protects Bethesda and do it within the budget that exists. Joe stated that we don't need to be trying to get other income by providing service to other communities because this exposes Bethesda residents to a huge unreasonable liability. Joe stated that this jeopardizes the future existence of Bethesda by possible becoming uninsurable if there were catastrophic loss due to performance or lack of performance by the police department. Joe stated that we should allow the Belmont County Sheriff's Department do these jobs and stop the duplication of service and let them take care of the schools, townships, and other communities. Joe stated that they are the professionals and they have the county budget to take care of this. Joe stated that Bethesda should never be put to risk by ambitions of growing a large police department. Joe stated that Bethesda should worry about taking care of its own by perpetuating the future and not by self serving ego building practices. Joe stated that he hopes that council would seek input and that he would be glad to share his input and what he hears from the community.

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Jordan stated that we are doing a memorial tree this year at the plaza. This will be for people to come decorate and remember their loved ones. Jordan stated that we also need letters of interest for the empty council seat. Dan stated that he would like to see chuck see chuck have the seat.

Samantha Burkhead asked Pete a few questions. Samantha stated that she has had a lot of people say that we need more night and weekend coverage. Samantha asked if Pete agreed with that. Pete stated that we do need that but we didn't get a JAG Grant to help pay for that. Samantha stated she managed retail and that the easiest way to deter stealing is to be seen. Samantha asked if Pete believed being out in the public and being seen will help deter people from speeding and doing other things. Pete agreed that was true. Samantha stated that she knows that money is an issue but she asked Pete if we need other part time officer to help an assist him. Pete said yes and that the ultimate goal here is two full time people and two or three part timers to fill in the gaps. Samantha asked if anyone is looking for another chief right now. Samantha stated that if what's going on, continues, would he work under another person. Pete stated that no, he has 19 months of putting things together and that no it would be silly.

Dave Schaffer thanked Marty for the time and effort he has done for the village. Dave thanked him for a great job during tough times. Dave stated that he also supports Chuck for the empty council seat.

Motion to pay bills by Chuck Little, 2nd by Ruth Saffell, with a unanimous vote.  
Motion to adjourn by Jordan Castello, 2nd by Chuck Little, with a unanimous vote.  
**The next meeting will be Thursday November 17<sup>th</sup>, 2019 at 7:30 P.M.**

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Mayor Marty Lucas

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Fiscal Officer Ricky W. Burkhead Jr.