

## Regular Meeting of Bethesda Village Council

October 24, 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, Dave Green, Fred Thompson, Robert DeFrank, Iris Russell, Katina Emory, Chris Emory, Connie Lucas, Daniel Lucas, Bill Cox, Gage Goulding, Debbie Mason, Joni Davis, David Allar, Dick Quinlin, Joel Braido, Theresa Thornberry, Curtis Holstrum, Derek Roby

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

### Regular Council Meeting Minutes

Administrator Dirk Davis presented his monthly report:

- 1) The street signs that were damaged have been reinstalled
- 2) Two new catch basins were replaced on North Main Street by Epworth park entrance. A new 10” curb will be put in by the Goshen TWP garage lot. Dirk commended the public works crew for this work they did for the village.
- 3) The public works crew did a three day repair to a sewer line on Second Street.
- 4) A large oak tree in the park was taken down by LaRoach Tree Service and paid for by the cottage owners association and the street was shut down to accommodate this removal.
- 5) We need to decide on a new badger meter system to upgrade to a Beacon AMA portfolio, the quote is \$15,475 to make these upgrades. Dirk recommends we use oil and gas money to pay for this so that we don't put more of a burden on the water and sewer customers.
- 6) Chuck asked for a larger “Do not enter” sign by the pizza shop and it will be installed.
- 7) The basketball court in the park and the city building parking lot have been sealed and repainted by Mid Atlantic who donated the striping of the basketball court.

Officer Pete Busack stated that there were 10 citations in October, six in Bethesda and four in Morristown. Pete stated that 13 complaints were responded to and 8 arrests were made. Pete stated that there was an investigation which took a lot of time for him.

Mayor Lucas reminded residents that Trick or Treat is October 31<sup>st</sup> and the parade starts at 5:00 at the Epworth Center. The Costume contest will be at the plaza after the parade. The Lodge is also doing a chili cookoff. Mayor Lucas thanked the park board (Debbie Mason, Joni Davis, and Samantha Burkhead) for their hard work this year to get the park trail paved and a new shelter constructed. Debbie thanked the community and those that donated to these causes to make them possible.

Fiscal Officer Burkhead asked for approval to transfer \$5000 from General Fund to the Police Fund. Jordan made a motion to authorize the transfer, 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 he would like to organize a finance meeting to go over the 2020 budget. Rick stated that the gun bash on November 2<sup>nd</sup> and thanked all of those who donated and contributed work to pull this off again this year. Rick stated that without the local businesses who help us each year, we would not have a successful event.

Mayor Lucas read a letter from Judy Phillips that was a letter to the editor. Mayor Lucas also read a letter of support for Pete from Bethesda Christian Church Minister Tim Snyder from April 2019. Mayor read a letter of satisfaction from the Goshen TWP trustees supporting Pete.

Linda Reeves stated that council's decision on Pete cannot be done for personal reasons. Linda stated that she has known Pete for many years and he does his job. Linda stated that he is arrogant. Linda stated that this can't be personal and we don't want to go through what we went through last year. Linda stated that if we lose Pete, we won't have a Police Department.

Mr. Hallstrom stated that Pete came into his role rapidly and that he went through the requirements that needed to be addressed and made sure everything is right with the village.

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Officer Pete Busack stated that he got the evidence room in order when he came on board. Pete stated that he used his contacts with law enforcement to help him create an electronic system at no cost, to do logs for the police officers who work here. Pete stated that he made contact with the State of Ohio and had them set up the OLEG system. Pete stated that he received donations from EQT for body cameras. Pete stated that he got two of the police cruisers sold. Pete stated that he took advantage of a grant for the surveillance system. Pete stated that he got us signed up for a program for surplus equipment. Pete stated that he established a direct link to the AG's office in the form of a liaison. Pete stated that he retained Curtis to be our armorer for the police firearms.

Fred Thompson stated that he has known Pete since the 80's. Fred stated that Pete was his dispatcher on his crew. Fred stated that he has never seen any real problem with Pete. Fred stated that since Pete came to Bethesda he has seen a lot of improvement and his communication with the public has improved greatly. Fred stated that Pete is always here and that considering the last council meeting, if it were him he wouldn't even have come back to work. Fred asked if the JAG Grant is gone by the wayside. Dirk stated that we do not have to have a police chief, but it hurts our chances to get it. Fred asked if we would have received \$50,000. Rick stated that in years past we have received \$10,000-\$16,000. Fred stated that he has heard rumor of contracting with the sheriff's office. Fred stated that was good but the amount of patrols would decrease drastically. Fred stated that when he was sheriff the Village of Holloway contracted for 20 some hours a week and that never happened and they were luck to be there two hours a week. Fred stated that council needs to reconsider their vote or lack of vote at the last council meeting. Fred stated that he would like to stay into law enforcement but he has some physical limitations that prohibit him from doing so. Fred stated that Pete has come a long ways since coming to Bethesda.

Dan Lucas asked how we went from so many officers to only a couple. Rick stated that we had several contracts in place that required us to have so many officers, and now those contracts were cancelled. Rick stated that the General Fund has also helped the police over the years. Dan asked if the current situation had to do with money. Rick stated that the hours that we work our officers is dependent on the money we receive. Rick stated that we net around \$33,000 a year from the Police Levy. Dirk stated that the General Fund has to help subsidize the Police Fund and Fire Fund if it is needed. Dirk stated that we are not using money from the General Fund now. Rick stated that we used from the General Fund close to \$35,000 since the beginning of last year. Dan stated that he has heard a lot of positive and a lot of negative and that we have to have someone and unless there is a big reason to not have Pete then we should consider him. Mayor Lucas stated all negative things are hear say and that Pete has demonstrated home town policing and that he stands by his recommendations. Marty stated that it's up to these six people to change their mind or continue the course.

Theresa Thornberry stated that she works in the office and that Pete is always here and if he gets a call, he always does his best to go help. Theresa stated that he is arrogant, but he does his job.

Derek Roby asked Pete if he wanted a job. Derek told council that Pete still wants a job and asked what council intends to do about it. Derek stated that he keeps hearing that he still wants the job.

Mayor Lucas stated that with all of the good works said about Pete tonight that he wants to ask council to reconsider their vote to demote him.

Councilman Jay Van Horn stated that he would like to have a word. Jay stated that he would like to address quite a few people. Jay addressed Linda Reeves and stated that everyone is saying this is personal, this is not personal, this is about business, and he made a business decision. Jay stated that he took an oath to do this job and he took it seriously. Jay stated that he came on a year and a half ago and he was sitting right where the audience in now two years ago when things were going on and he listened to what was happening. Jay stated that most days he is disgusted with the type of things that go on in this building some of which he may bring up tonight and personally he doesn't care these things need to be said. Jay stated that he is tired of council constantly being pushed around. Jay stated that he has listened to Pete and that he has done his due diligence. Jay stated that he is the only council member who actually did a performance review for Pete. Jay stated that he is a very approachable person and he knows most people in this room and he will gladly show everyone the truth about what's going on. Jay stated that he has had about 20 employees under him for the last ten years and he knows how to do a performance review. Jay stated that none of this is personal its business. Jay stated that in the past he has had to fire his friends and that's the decision that had to be made because it's about business. Jay read from the review he wrote on Pete. Attendance and punctuality, Jay stated Pete didn't have any issues. Time management, the review read that Pete needed to spend more time in the field and not in the office. The review read that Pete had taken initiative to organize the department and get it back to a working level. Pertaining to oversight of other officers the review read, that it had been lacking but was noted that at the time Pete wasn't technically in charge of the department but was so to speak. The review read that Pete was a little overzealous. Jay noted that Pete tried to sell the police cruisers without going through the proper procedures. The review read that Pete does strive to please people, as he has done to everyone in this room. The review read that Pete strives to learn more, but needs to prioritize his time to be more effective when we have a crime in town. The review read that Pete needs to watch what he says and who he says things to as some people are offended by off the cuff discussion but this is a business not a locker room. The review read that at the time Jay thought Pete was a good officer and was trying to do the best with what he had to deal with. The review read that Pete had made positive steps to reach out to the community and regain their trust but trust will be gained by a doer and not a salesman. The review read that Jay had concerns with Pete's ego as they are non productive. Jay said that all of this was written almost a year ago. Jay stated that he knows that Pete runs around telling people that Jay doesn't like Pete and Pete doesn't like Jay. Jay stated that recently Pete was communicating with someone and stated that "they are going to Jay and they are going to get Ruth, and they don't like Van Horn in that building up there" Jay stated that he wants to know now who up here is after him? Jay stated that these are comments that he has heard more than once and that's a personal attack on him.

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Jay stated that last meeting he made a decision and it was based on some of the stuff he is about to bring up. Things that are not executive session material but things brought up in public committee meetings. Jay informed the audience that there are committee meetings once per month and they are open to the public, but unfortunately they change the days of them. Jay stated that the public should come to these committee meetings and sit in them and see what goes on. Jay stated that he did once but was told he wasn't allowed to even though he came as part of the public and did not discuss anything. Jay stated that he wasn't allowed to come and learn, he wasn't allowed to sit on the police committee or the personnel committee for obvious reasons. Mayor Lucas asked anyone here to look at the sunshine laws. When you have a committee meeting the sunshine law dictates that more than three council members are not permitted. Fiscal Officer Burkhead stated that he was just at training and they stated that council members are permitted to attend the committee meetings as long as they are not part of the discussion nor offer any input. Jay stated that this is part of the open meetings act and he told Marty and was still not permitted to attend. Jay stated that per the open meetings act a council member can attend the meetings but they are not permitted to speak or offer input on issues. Mayor stated that he stands corrected. Jay stated he came to learn because he knew that he would never be allowed to be a part of things. Jay stated that it is rough coming into this place when you are not allowed to see things and learn about how things work. Jay stated that council members have been kicked off of committees because they don't agree with people. Jay addressed Fred Thompson. Jay stated that he had a lot of respect for Fred coming in to help us out when we needed it. Jay said that he did mention about police contracts. Jay stated that we had a Union TWP and Sheriff Lucas was going to come to us and rip us a new one because Pete went to a bunch of businesses in Union Twp to get support to expand the contract telling them that the county can't respond to their calls all of the time. Jay stated that after Pete intervened with that, Union Twp cancelled their contract with Bethesda, which brought us in revenue and officers on duty. Jay stated that these things lead him to the decision he made on Pete. Jay stated that he didn't vote for Pete the first time he was put in as chief and he didn't vote for Pete the second time and it is because of all of the things he has seen over the last year.

Jay addressed Pete about selling the cruisers. Jay stated that there is a procedure for selling vehicles and that Pete went and took bids from people, after the bid period was closed and the bids already opened, and then presented those bids to council. Jay stated that there is a procedure that has to be followed. Jay stated that everything he is saying, he has physical proof of and can prove it if anyone here wants it. Jay stated that all bids were opened up at noon when the bid period closed. Jay stated that later in the evening another bid showed up that Pete went and solicited. Jay stated that we turned that bid away. Jay stated that there are laws that govern bidding procedures and Pete deliberately did not follow them. Jay stated that we have to do things by the law and correctly. Jay stated that he knows Marty and he have had fights and that Marty always says things are hearsay. Jay stated that an officer was let go on hear say. And he was reinstated after that because it wasn't here say. Jay stated that he and Carol Merritt went to the source and got the real story, and we brought the officer back. Jay stated that leadership should have fought for that man, but they didn't and Jay did because the officer was wronged. Jay stated that if we want to bring up drugs in town. Jay showed the audience the book on proper disposal of drugs in the state of Ohio. Jay stated that they do not go home with you and burnt in your fire pit. Jay stated that you are to have two officers present to do something like that. Jay stated that Marty said "if Pete takes drugs home and burns them, then I believe him". Jay stated that regardless, that is not the proper procedure for disposing of drugs. Jay asked Theresa what if that was ever done in the past. Theresa stated that once she had to go with them to be the second person. Jay stated that there always has to be witnesses and that everything should be about CYA and not leaving loose ends because it gets you into trouble. Jay stated that he probably does trust that Pete destroyed the drugs, but that isn't the proper procedure for doing do.

Jay stated that we had an incident where body cameras were not used and we still don't know how that situation is going to turn out. Jay stated that we are fresh out of issues and about to be right back in it again because we don't follow rules. Jay stated that we have body cameras and they need used. Jay stated that we have a state of the art security camera system for the park and village. Jay stated that he hears a lot of complaints if they are not working. Jay stated that the cameras are not there for him to sit and watch all day long. Jay stated that he expects to see police out on the road not sitting in front of a TV watching cameras. Jay said we have people coming to meetings about the speeding in town and we need to have our officers out on the streets. Jay stated that the mayor had his recommendation and he knew he would stand by his recommendation, but Jay stated that he made his decision and he is standing by it. Jay stated that he could go on further than this information as to why he made that decision. Jay said that he has people ask him why we recently had five different chiefs in this town. Jay said it seems to be an issue but it is not always council. Jay asked if we push these people into jobs to fast. Jay stated that he was hounded and told last year that no one other than Pete would be put into the chief's job. Jay stated that he isn't mad at anyone in this room because he doesn't take this personally. This was a business decision. Jay stated that if people in this building keep running around saying they are going to "Get him" that he would take that personal and he would like to know who these people are who are going to get him. Jay stated that everything has been about look into Ruth, and look into Jay. Jay stated that Pete Busack went straight to the Fire Chief and told him that no one up at that building like him and that they are going to get him and Ruth. Mayor asked who "they" are. Jay told Marty to tell him because Pete is the one running around saying it. Jay asked Pete who they are. Pete stated that he has no idea. Jay asked Pete if he didn't say that. Pete did not deny that he said that. Mayor said that it is the first he has heard of these comments. Jay stated that it is because Marty doesn't talk to him and that it has been that way since they day he took the council seat. Jay stated that he gets that he was appointed but he spent seven months watching what was going on and was asked if he would like to have a council seat. Jay stated that he thought he could make a difference. Jay stated that he is about what is right and what is fair. Jay stated that Marty and Chuck have a nickname for him, "The Fact Man". Jay stated that he is absolutely about the facts and if you can't show him the facts, then don't bring it. Jay stated that what he has said tonight will be scrutinized and torn apart but he will show anyone here the facts. Jay stated that he doesn't get rid of anything. Jay apologized for being a little rough, but this has been his life for the last 18 months.

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Jay stated that it is to the point that he doesn't even know why he does this. Jay stated that he knows why, it is because he has lived in this town for 45 years. Jay stated that this isn't his town, this is our town. Jay stated that he came here to fight for what's best for this town, not be some snake in the grass or have an agenda. Jay said that the first comment from Marty after Jay was put on council was "so what's your agenda" Jay stated that he turned around to

him and probably wasn't nice, but told him that he doesn't have an agenda. Jay stated that his agenda is to do what is right and what is fair. Jay stated that he has probably made a few people mad along the way, but this job isn't always easy. Jay said that there are three people in this room running for mayor and they will be in the same position, it won't be easy. Jay said the he has heard the rumors, but stated that he would be treating any of the three candidates any different that he has treated the current mayor, if you're wrong, then you're wrong. Jay said but if you're right then he will back you 100%. Jay stated that he doesn't know everything and that sometimes he doesn't agree with Marty and Marty may not agree with him, but he has always listened to the other side of the discussion in hopes of seeing something that he didn't see before. Jay stated that he didn't know if he was hopeful that this town would get turned back around, but stated that it has to start somewhere. Jay offered everyone in the room his phone number and told everyone that he lives on Second Street.

Carol Merritt stated that she was elected to hear from the residents and take care of the town and to support the people. Carol stated that the people need to voice opinions to council.

Ruth Saffell stated that she made her choice and looked at all of the information. Ruth stated that she wanted to be extra cautious as it is difficult to remove a police chief if they are appointed off of probation.

Jordan Castello stated that council members are here to do good things for the residents. Jordan stated that sometimes you have to make a professional, not a personal, decision. Jordan stated that we need to have someone lead the department that will be a mentor to the younger officer and guide them and not treat them badly because they were taught differently. It doesn't mean that they are wrong they are just taught something new. Jordan stated that from what we have seen, Pete likes to do the job his way, but sometimes you need to be more open. Jordan stated that the decisions that council sometimes has to make are not easy. Jordan stated that sometimes the public isn't informed about everything. Jordan encouraged everyone to check the public records as sometimes they are very enlightening.

Chuck Little stated that he heard a lot that he like and some things that he didn't like. Chuck stated that this is not an easy job. Chuck stated that this is the most people he has seen at a council meeting in a long time. Chuck stated that we need people at these meetings. Chuck stated that he thinks Pete would do a great job and that yes he is arrogant but a lot of people are. Chuck stated that we all have got lots of phone calls about the last decision. Jay stated that he wanted to correct Chuck. Jay stated that he hasn't received any resistance with his decision to demote Pete. Chuck stated that when council makes a vote, they make that vote for what each person thinks is best for the town. Chuck said that there is too much hear say and not enough facts. Chuck said that you hear a lot of stuff and that's what council voted by and that's not right. Chuck said that he has heard a lot about Pete, of which 90% was good and 10% wasn't good. Chuck said that no one is perfect and that it Pete is wrong, he will come to you and tell you to your face that he was wrong. Chuck said that he is sticking with his vote and that he wished that we could reconsider. Chuck stated that there isn't anyone else out there that will do this job for what we pay Pete. Chuck said all we will find is a new recruit and then we will be babysitting. Chuck said that it won't work. Chuck said that we are going down the wrong track now and he doesn't see any daylight soon. Chuck said we need to get on the ball.

Cindy Foose stated that she was appointed to her seat and she took it. Cindy stated that she took office in her last term to learn more about the village. Cindy stated that any decisions she made or continues to make, she does not take lightly. Cindy stated that she takes her time to make decisions and they are her decisions and she tries to do the best she can. Cindy stated that she depends on being able to talk to other council members when she has questions and needs extra advice. Cindy stated that she doesn't want to be told that what she is doing is wrong, because she calls or talks to any other council member for help. Cindy stated that it is very important to her to make informed decisions and to make them on her own.

Mayor Lucas stated that again it is his recommendation to council is to consider rescinding their vote at the last council meeting. Rick stated that the proper way to deal with this would not be a revote, but a reappointment and a confirmation vote. Solicitor Jeff Menoski agreed that was the proper procedure. Mayor Lucas appointed Pete to the position of police chief. Chuck Little made a motion to appoint Pete Busack as police chief. There were no seconds. Mayor Lucas informed Pete that he is still Lieutenant at this time.

Jay Van Horn presented an application for Shannon McCoy for Fire and EMT pending a background check. Chuck Little made a motion to approve the application, seconded by Carol Merritt, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Jay presented an application for Devin Lucas for EMT pending background check, Jordan made a motion to approve the application, seconded by Cindy, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Jay presented an application for Nicole McCollum for EMT pending background check. Jordan made a motion to accept the application, seconded by Carol, Jay Van Horn - Abstain, Ruth Saffell - Yes, Jordan Castello - Yes, Chuck Little - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Pete thanked everyone who came out to show support for him and thanked council for listening. Pete said that in 18 months there was only one council person come into the office and asks him how things were going and that was Chuck Little none of the other ones and people need to know that. Carol stated that she talks to him.

Motion to pay bills by Jordan Castello, 2nd by Ruth Saffell, with a unanimous vote.

Motion to adjourn by Jordan Castello, 2nd by Ruth Saffell, with a unanimous vote.

**The next meeting will be Tuesday November 19<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.