

0327
RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee Special

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

January 24, 2006

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The Etna Township Board of Trustees met on January 24, 2006 at the Etna Township Hall to hold a special meeting. President Burkholder called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited.

Roll call showed President Burkholder, Trustee Knapp and the Fiscal Officer Digel-Barrett present. Trustee George was absent.

The motion to adopt the agenda was made by President Burkholder, seconded by Knapp and the vote in favor was unanimous.

PUBLIC HEARING

President Burkholder moved to open the public hearing to consider disciplinary action pursuant to Article 5, Section 500 of the Etna Township Zoning Resolution and the provision of the Etna Township Employee Manual against full-time zoning inspector, Dallas Maynard. Mr. Knapp seconded and the vote in favor was unanimous.

President Burkholder said the public hearing was being heard before the Trustees of Etna Township, Licking County pursuant to Resolution 05-11-29-02. That public hearing could not be held due to a lack of a quorum. A motion was passed on January 3, 2006 to reschedule the hearing for tonight.

The notice for the public hearing was timely advertised and a copy of the notice was mailed to Mr. Maynard. Confirmed receipt of notice from Mr. Maynard was received. The hearing was audio and video taped. Above items were entered into the public record.

President Burkholder announced the procedures that would be followed. Order of speakers: 1) Burkholder as president would speak first, 2) any person in attendance who would like to speak, 3) each trustee, 4) Mr. Maynard and his counsel, if present would be given the full opportunity to address the Board 5) any trustee or person in attendance who would like to speak, 6) Mr. Maynard and his counsel, if present would be given further opportunity to respond. Any speaker may present written information or documents the speaker wants added to the record of the public hearing. The Board will determine what and if any documents will be presented to the record.

Mr. Maynard read a letter citing this hearing was "out of order and invalid by process" and that he would not participate. Maynard wrote "that these proceedings are being initiated against said zoning inspector as retaliation for his action of filing a number of grievances against Gary Burkholder and Paul George, both trustees of Etna Township". Maynard alleged that an outline of charges were not provided to him or his attorney and that the filed grievances by him were not addressed or resolved nor had an attempt at negotiations been made. Maynard said he would participate in hearings concerning this matter when the proper legal and ethical procedures were followed by the Board. Mr. Maynard left the hearing.

President Burkholder said he had reviewed the information and documents regarding Mr. Maynard's actions and performance. This public hearing is to consider discipline of up to three days suspension for alleged failure to perform prescribed duties and violations of provisions and the Standards of Conduct as set forth in the Etna Township Employee Manual.

President Burkholder read a list of charges that should be considered and alleged conduct and actions such as citizen's complaints; failure to properly maintain zoning records and files; insubordination; failure to follow procedures and poor performance. Burkholder requested that the documents and the two audio tapes of the 2/18/04 zoning meeting and the 3/18/05 conversation tape be entered into the public record. Mr. Maynard and his attorney were provided with copies of the documents.

PUBLIC COMMENTS

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Jim Van Dyne, 7173 Refugee Road, questioned if Mr. Maynard was provided with a list of the alleged complaints before the hearing. Burkholder replied that Maynard was provided with a copy of the complaints and allegations as part of his public records request and will be provided with a copy of the documents from this hearing.

David Weber, 232 Purple Finch Loop, said he took exception to Mr. Maynard calling his complaint and this public hearing a "witch hunt". Maynard violated Section 307 when zoning records requested by Weber were not available and accessible on two separate occasions, records could not be found at the hall. Weber believes that Maynard showed insubordination and poses a safety risk because of his removal from the township hall by a deputy sheriff. Weber suggested anger management classes for Maynard. (refer to document #5)

Vince Colburn, 48 Georgian Drive, said the incident he witnessed did not pertain to the trustees. Colburn alleged that Maynard harassed Neil Ingle after a zoning meeting, trying to provoke a physical fight. Colburn has heard many complaints from citizens at zoning commission meetings regarding Maynard's competency. (refer to document #4)

Neil Ingle, 71 Trail East, read a letter he wrote 7/21/05 complaining to the trustees of Mr. Maynard's conduct on 7/20/05. Ingle said he felt the incident was a threat to his physical safety. His complaint was lodged before Maynard filed a grievance against two trustees. (refer to document #1)

Mr. Weber said the incidents should be treated as separate cases and the suspensions should be applied to each case. A decision should be made tonight and resolved.

Mr. Van Dyne said the alleged 52 violations should be read and addressed individually and not be considered in totality. Maynard should have right to dispute each allegation.

President Burkholder said Maynard received a below average and below performance rating on his Performance Evaluation dated 5/20/05. Burkholder recapped numerous other documents such as the zoning commission meeting of 2/18/04, an audio tape from a 3/18/05 phone conversation between Burkholder and Maynard and a 1/30/05 memo prohibiting Maynard from driving while on township business.

Dick Knapp said he had worked for 32 years in labor relations and the allegations presented were serious. A public hearing should have been held immediately.

Burkholder said the zoning inspector could not be disciplined or given a warning without a public hearing and it was difficult for the three trustees to arrive at a consensus to hold a hearing.

Vince Colburn thanked the Board for proceeding with the public hearing on the complaints and recommended disciplinary action.

Claudette Van Dyne said she believes Maynard has not performed some of his job duties, a decision needs to be made and the process has gone on for too long.

Neil Ingle said there was endless foot dragging by a former trustee in resolving this matter.

At 8:28 p.m., Mr. Knapp moved to close the public hearing. Burkholder seconded and the vote in favor was unanimous.

President Burkholder announced there would be no executive session

Mr. Knapp said he was opposed to a three day suspension and would like to make a record of the documents for future reference. Maynard's appointment will end March 17, 2006. The allegations are serious and the issues should have been dealt with immediately.

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President Burkholder said he would like to impose a three day suspension. Information was collected but Burkholder did not have the support of the Board for a public hearing. Because Maynard's remaining appointment is short, it should not preclude disciplinary action.

President Burkholder moved to impose a three (3) day suspension without pay for the full time zoning inspector, Dallas Maynard to commence at 8:00 a.m. Tuesday January 31, 2006, February 1, and February 2, 2006 and for Mr. Maynard to return at 8:00 a.m. Friday February 3, 2006. There was no second to the motion.

President Burkholder said he would confer with legal counsel to see what options the Board has.

At 8:48 p.m., President Burkholder moved to adjourn. Knapp seconded and the vote in favor was unanimous.


Fiscal Officer


President