

Etna Township Trustees Special Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

November 22,

2016

Held

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The Etna Township Board of Trustees met on Tuesday, November 22, 2016 in the Etna Township Administration Building. The meeting was called to order at 4:00 p.m. by President Carlisle. Jeff Johnson led the invocation and Walter Rogers led The Pledge of Allegiance. The roll call showed Trustees Jeff Johnson, John Carlisle, Randy Foor, and Fiscal Officer Walter Rogers present.

Trustee Johnson moved to adopt the agenda as presented. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

Old Business

Disciplinary Action for Personnel

Trustee Carlisle stated this public hearing was requested by Mike Waller. Mr. Waller was given the opportunity to hold the appeal in executive session but chose to hold the hearing in public.

Mike Waller stated it breaks his heart to be here tonight being an employee of thirty-three years and a resident of the township for fifty three years. Mr. Waller feels that according to the handbook things were not done the way they should have been and is appealing the three day suspension from Mr. Carlisle.

Mike Waller feels this started after his shoulder surgery in April of 2016. Mr. Waller stated when he told Mr. Carlisle about his shoulder surgery Mr. Carlisle felt it was bad timing. Mr. Waller explained he needed to get it taken care of and it would not affect his supervisor duties. Mr. Waller returned to work four days after surgery and worked for two weeks. On May seventeenth Mr. Carlisle requested a doctor's excuse which Mr. Waller provided. Mr. Waller stated that Mr. Carlisle contacted his doctor without his permission and Mr. Waller missed three days of work during this time straightening the issue with the doctor's excuse out. This issue was brought to the full Board's attention in an executive session. Mr. Waller feels since then things between him and Mr. Carlisle have progressively gotten worse. Mr. Waller stated Mr. Carlisle micro-manages him and tells him how long it will take for certain things to get done. Mr. Waller has thirty-three years with the township and has been superintendent for at least twenty five years. Mr. Waller has been praised for his work ethic in meetings, his service and dedication to the township and the residents of this township and the attention to detail he pays to a job. Mr. Waller feels this is all over him questioning Mr. Carlisle over a pile of wood. The day before Veteran's Day, he had a conversation with Mr. Carlisle. Mr. Waller and Mr. Carlisle usually spoke everyday around 8:00 a.m. to review the day. This particular day Mr. Carlisle requested the wood be moved that has been collected for years. Mr. Waller hung up on Mr. Carlisle over the conversation regarding the wood. Mr. Waller tried to call Mr. Carlisle on Veteran's Day and on Saturday and Mr. Carlisle did not return his calls. On Monday Mr. Carlisle suspended Mr. Waller for three days. When Mr. Waller asked him why he was being suspended Mr. Carlisle replied "you know", Mr. Waller stated he did not know. Mr. Waller inquired if this was a Board decision and Mr. Carlisle stated he decided to suspend him. Mr. Waller then left Trustee Foor a message that he felt harassed and humiliated in front of his work force and that Mr. Carlisle had suspended him and he did not know why. Mr. Carlisle laughed at Mr. Waller and left.

Mr. Waller reviewed the Employee Handbook. He does not feel he ever received a verbal or a written warning prior to the suspension. Mr. Waller was able to reach Trustee Johnson who recommended that Mr. Waller leave the property and the Board of Trustees would discuss the issue at the Saturday's Trustee's meeting. According to the process in the employee hand book, Mr. Waller filed an appeal of the suspension to Mr. Rogers. During the three days that Mr. Waller was off he was told that Mr. Carlisle had been to the garage to discuss things with the three employees. In 2012 the Board of Trustees provided Mr. Waller with a township vehicle. The Board did not provide him with anything regarding what he could do in the truck. When Mr. Waller returned to work Mr. Carlisle put Mark Smith "Smitty" in charge and confined Mr. Waller to the garage property.

Austin Lecklider with the Licking County Prosecutor's Office provided procedure and advised that you could close the hearing or recess the hearing. The Trustees proceeded with the public hearing.

Mr. Waller stated Mr. Carlisle did not provide a written documentation at the time of the suspension and he did not receive the written documentation until 3:15 p.m. that same day because he stopped at the town hall. Christopher Waller provided me documentation when he came home from work later that day.

Trustee Carlisle stated in regards to the work excuse from Mr. Waller's doctor the township received a work excuse on May thirteenth that Mr. Waller could return to work on May sixteenth with restrictions, being to wear the shoulder sling for five weeks and no driving. The excuse said to feel free to contact the doctor's office with any questions. Mr. Waller was driving during this time. On May seventeenth the township received another doctor's excuse with a medical opinion regarding activities and one was

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regarding the use of heavy equipment or driving until he has discontinued the sling and all narcotics. Mr. Carlisle and Mr. Platte observed Mr. Waller running the backhoe. Mr. Carlisle instructed Mr. Waller that he was not to be in the backhoe because of the doctors restrictions while he was wearing the sling. Mr. Waller then went into the garage and threw the sling into the trash and said he was not wearing the sling. The township received another doctor's excuse permitting Mr. Waller to return to work as of May 20 allowing him to drive. Mr. Waller was taking the narcotics up to May 20, 2016. Mr. Waller did not provide the township with the doctor's excuse stating he was not permitted to drive. Mr. Waller did not feel that statement was correct.

Trustee Carlisle discussed the 9th of November when he directed Mr. Waller not to go to Taylor Road. The next morning, November 10th, when Trustee Carlisle called Mr. Waller and asked him what he was doing Mr. Waller was on his way to Taylor Road. Trustee Carlisle told him that there was nothing for him to do on Taylor Road and he did not need to be going there and was told he was going anyway. Then Mr. Waller brought up the gas line (At the new garage), Mr. Carlisle told Mike that the gas line needed to be done all summer and now you are going to twist it back to me. Then Mr. Carlisle asked him about the wood that he asked Mr. Waller to get rid of for the past four weeks. Mr. Carlisle agreed the wood was from various projects within the township. The employees asked if they would be able, on their own time, to cut and split wood to make extra money. Trustee Carlisle told them they could if it was on their own time. The wood has been there almost a year, Mr. Waller stated two years. Trustee Carlisle stated he has asked them for the past four weeks to deal with the wood. Mr. Carlisle and Mr. Waller had a disagreement regarding the wood. Mr. Foor explained there has to be an opportunity for both sides to present their facts. Mr. Waller left the meeting at this point. Mr. Carlisle stated he wanted the wood off the property after the two years. When Mr. Carlisle asked Mr. Waller about the wood Mr. Waller cursed at him regarding the wood, Mr. Carlisle told him not to speak to him that way and Mr. Waller hung up.

The following Monday Mr. Carlisle took over a letter to hand deliver to Mr. Waller but he was not there. Mr. Carlisle provided Walter Rogers, Laura Brown, and the other Trustees via email a copy of the letter.

Trustee Carlisle discussed overtime from Saturday, October 22nd, for working on the steel building. The township has a contract with the contractor to work on the building. Trustee Foor asked which offense this falls under. Trustee Carlisle feels this falls under 8.1.

Trustee Carlisle stated he advised Mr. Waller when he gave him the truck not to use it for personal use. He personally observed him using the truck to go to his mother's home. Trustee Carlisle was informed he used the township truck to pull his trailer and cleared a piece of his property and then took the brush and fence to the township property and buried it.

Trustee Carlisle was also told the wood he previously discussed couldn't be chipped because it had metal in it which was not true.

In May Trustee Carlisle noticed Mike Waller's personal motorcycle in the garage and requested it be removed. Mr. Foor reported the motorcycle was still in the building along with a bobcat and excavator parked behind the building belonging to Mr. Waller's.

Trustee Carlisle observed a handgun in the truck while touring the township with Mr. Waller. No weapons are permitted in township vehicles. This was observed two months ago.

Trustee Carlisle discussed RCD Sales on Lynns Road regarding an incident between Mr. Waller and Mario, a Superintendant for Arcon. Mr. Carlisle received a phone call from Steve Arend, the Architect for RCD Sales, stating Mr. Waller had observed that the contractor had taken the topsoil and pushed it up against the pavement. Mr. Waller got into a shouting match with Mario. Mr. Waller then called Ryan Haire with RCD Sales and told him that he would get back charged for the work. Mr. Waller then called Trustee Carlisle who told him that is not how the township works; the township gives them time to correct it. Mr. Carlisle spoke to Ryan Haire and was informed that Mike Waller was cussing at him, Mr. Haire asked Mike to calm down and let him make a couple phone calls. Mr. Haire called Mike back within thirty minutes to inform him that TLD would be back out on Wednesday to correct the problems. Mr. Waller replied by cussing at him and told him not to worry about it he is taking care of it and hung up on Mr. Haire.

Mr. Carlisle stated the Mr. Waller has also called Columbia Gas and threatened to revoke their bond which Mr. Waller does not have the authority to do. Mr. Carlisle stated there was an incident in the office regarding hats between Laura Brown and Mr. Waller.

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Trustee Carlisle discussed two employees working for the township who have felonies. The township has been working with them through this and Mr. Waller was told that they are not to be off the township property without Mike Waller or Mark Smith. When Trustee Carlisle asked where the employees were he was informed they were together touring the township which is in violation.

Trustee Carlisle state he did have a conversation with the employees and did tell them not to discuss their conversation with anyone because he did not want them to feel pressured from Mr. Waller. Trustee Carlisle did not mean the other two Trustees.

Mr. Carlisle stated that the road crew informed him that 75 to 80% of the wood did not have nails in it and that it was moved to the other side of the building which is not what he was directed to do.

Mr. Carlisle stated Mr. Waller on a regular basis bad mouths all of the employees, Mr. Platte; and Mr. Johnson to him and Mr. Foor.

Mr. Waller returned to the meeting.

Mr. Waller stated Mr. Carlisle asked the road crew if he has ever drank or had alcohol in the vehicle. Mr. Waller stated a resident on Taylor Road, after the township came behind the contractor with a punch out list and fixed some of the concerns, Mr. Trivett gave him two fifths of whiskey one for Mr. Waller and one for Mr. Carlisle. Once when he stopped by Mr. Carlisle's house he was given wine to take home. Mr. Carlisle stated in regards to the whiskey Mr. Waller did give him the whiskey. Mr. Carlisle called the Trivett's and told them he could not accept it and was told this was for helping their daughter-in-law with a right-of-way issue she was having with the City of Reynoldsburg.

Mr. Waller discussed two trees that were out of the right-of-way that were removed from Mr. Carlisle's rental property on Palmer Road.

Mr. Waller discussed a meeting that Mr. Platte and Mr. Carlisle were meeting with the business owner of RCD Sales. Mr. Carlisle strong armed the business owner. After the meeting Mr. Carlisle told them there were not to talk to the business owner.

Mr. Foor stated they have been advised by legal counsel not to keep going back and forth between them and asked Mr. Waller to review his notes.

Mr. Waller discussed a piece of property on York Road that Mr. Carlisle now owns. The township assisted on this property for a week pumping water. This property wasn't in the right-of-way but the township helped anyway. There was also a tile installed with a catch basin installed. This was prior to Mr. Carlisle purchasing the property.

Mr. Waller discussed personal property at the garage, which was an unwritten policy of Mr. Carlisle's. Mr. Waller had a trailer at the garage which was stolen, six or so months later the trailer was returned. The employees that work there have been permitted to bring their personal vehicles there after hours to work on them. On the same day that Mr. Waller received his suspension he received another letter saying they can no longer have stuff at the garage. Mr. Waller has removed all of his items. There are still items there belonging to the other employees.

Mr. Carlisle stated there were numerous trees on Palmer Road removed; he stated he told Mr. Waller to use his own judgement on removing the tree.

Mr. Carlisle stated he did not own the property on York Road until after the water issue was completed. There was a house on York Road that was flooding and the home owner was evicted from the home. The property owners and Licking County Soil and Water paid for the tile.

Mr. Carlisle stated every year the township goes through a meeting with KLA Risk Mangement, the township's insurance company, and this issue was brought up. They sent the township an email stating that all personal items be removed because of liability.

Mr. Waller stated two large walnut trees were removed and taken to Mr. Carlisle's house so they could go to the saw mill to be cut into slabs.

Mr. Waller stated they are still doing restoration work that is out of the right-of-way on Taylor Road and Mr. Waller discussed several residents' properties. Mr. Waller explained that there are two right-of-ways;

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the township and the temporary construction right-of-way. This work is outside of the temporary right-of-way. Mr. Waller stated that for one homeowner Mr. Carlisle would not permit the work at his property. Mr. Waller discussed driveways on Taylor Road where the driveways are supposed to be twenty feet.

Mr. Carlisle stated he is aware that the township is not done on Taylor Road but did not feel Mr. Waller needed to be on Taylor Road that day. As for the residents property he did not feel it was the township's job to use township equipment to make a decorative mound it was a MORPC job. Mr. Carlisle has worked with the residents on the driveway concerns.

Trustee Foor moved to recess the public hearing. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Trustee Carlisle moved to adopt the November 1, 2016 regular meeting minutes and November 9, 2016 Special meeting minutes as presented. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

John Albers Attorney Fees

Trustee Carlisle moved to spend up to \$5,000 for Mr. John Albers to oversee the creation of a JEDD3. The motion was seconded by Trustee Foor. Discussion: This would be for the CRG Property. This money will be reimbursed if the JEDD is formed. The motion passed by unanimous affirmative vote.

Alternates for JEDZ1 and 2 Boards

Trustee Carlisle moved to appoint Randy Foor as the alternate for John Carlisle on JEDZ1 & 2 and Walter Rogers as the alternate for Bob McNight for both JEDZ1 and 2 boards for the corresponding terms of the board member. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Trustee Johnson moved to adjourn at 5:10 p.m. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.


John Carlisle, President


Walter Rogers, Fiscal Officer

All the resolutions as presented are on file with the Fiscal Officer.