

The Harmony Township Board of Commissioners

Meeting Minutes

Wednesday, August 16, 2017, 6:00 PM

The meeting was called to order at 6:35 P.M. following the Work Session.

Pledge of Allegiance

ROLL CALL:

Board Members Present:

Glenn Angus, Chairman
Paul Kokoski, Vice Chairman
Bradley Payne
Michael Marticek
Donald Gunther

Other Township Representatives Present:

Rick Start, Damian, Amato and Start, P.C.
Chris Suehr, NIRA Consulting Engineers, Inc.
Tina Spragg, Township Secretary/Financial Administrator
Frank Presto, Road Foreman
Jim Ivancik, Code Enforcement Officer
Bob Sivewright, Police Chief
Michael Thomas, Road Crew
Paula Winne, Tax Collector/Treasurer

Absent:

Hedy Marinaccio, Administrative Assistant

Residents in Attendance:

Robert Shrum	Jack Bedalota
Victoria & Ric Capone	Linda Bucken
Cara Niderstros	Matt Costabile
Jack E. Lively	Bob Laney
Fabiola Gergerich	Cindy Schofield
Jason Thatcher	Jared Allar
Sue Palombo	John Krepps
Sandra Coon	Val Fitzpatrick
MaryJane McAdams	Bill & Marlene Gandjos
Cindie McCullough	John Cermak
Glen Sovich	Ben Fenchar
Ann Stranko	Chrissy & Dan McFarland

- I. Mr. Marticek made a motion to approve the July 19, 2017 Meeting Minutes. Mr. Kokoski seconded the motion. All in favor, motion carried.

- II. Approval of the following reports:
 1. Code Enforcement Officer Report
 2. Road Department Report

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3. Police Department Report

Mr. Payne made a motion to approve the above listed reports. Mr. Gunther seconded the motion. All in favor, motion carried.

III. Mr. Kokoski made a motion to approve the List of Accounts Payable from the General Fund, the Sewer Fund, the Police Pension Fund, and the Liquid Fuels Fund as of Wednesday, August 16, 2017. Mr. Marticek seconded the motion. All in favor, motion carried.

IV. Mr. Gunther made a motion to approve the Tax Collector/Treasurer's Report. Mr. Kokoski seconded the motion. All in favor, motion carried.

V. Public Comment on Agenda Items

William Gandjos asked about viewing the meeting minutes from the July 19, 2017 meeting and Mr. Angus answered that they were posted on the Township website.

VI. New Business:

1. Mr. Gunther made a motion to renew the State Workers' Insurance Fund (SWIF) Policy. Mr. Marticek seconded the motion. All in favor, motion carried.

2. Mr. Marticek made a motion to approve the quoted rates for the Police Professional Liability Policy and the MRM Package and Umbrella Policy for the September 10, 2017 renewal date. Mr. Kokoski seconded the motion. All in favor, motion carried.

3. Mr. Gunther made a motion to issue check #2567 for \$6,294.00 to Concrete Repair Specialists to settle the invoice for the Valley Road Bridge Repairs. Mr. Payne seconded the motion. All in favor, motion carried.

4. Mr. Payne made a motion to approve Ropon Tree Service to remove two (2) trees in the alley by 1106 Highland at a cost of \$1,100. Mr. Kokoski seconded the motion. All in favor, motion carried.

5. Mr. Marticek made a motion to approve the proposal submitted by KnightHawk Security Systems for updates to the building security system at a cost of \$900.00 and a monthly fee of \$28.00. Mr. Payne seconded the motion. All in favor, motion carried.

VII. Consulting Engineer's Report -Attached. Mr. Suehr commented that all the Valley Road Bridge repairs were completed at this point.

VIII. Solicitor's Report

1. Mr. Start stated that "at last month's meeting there was a great deal of discussion about the termination of one of Harmony Township's employees. Currently, it is still under review by the Township. Because it is a personnel matter, no further details can be discussed, but no action will be taken until after the review is completed possibly as soon as next month." Mr. Payne also commented "that the Board had met in Executive Session for discussion about the best plan of action. I am among those who very much want to bring the employee back with the Board exploring all options for the best and most reasonable way to do so. Presently the Township is paying for that employee's health benefits and I am very comfortable with what is on the

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horizon.” In response to a query by Jack Lively, Mr. Start clarified that “the employee’s formal arraignment is scheduled for September the 6th. His case will not be concluded on the 6th in the criminal division. There is another case pending in the civil division regarding the same incident and the hearing on that matter is scheduled for December 21, 2017. All of those matters are being taken into account by the announcement I made tonight. It’s a matter of personnel and I will not engage in any further back-and-forth about it this evening. The Executive Board has looked at it and continue to do so. His case is not going to be finally decided upon on September the 6th. A formal arraignment is a preliminary process; it is not the final process that will occur in criminal court.”

Attorney John Cermak, who is a Township resident, added that because of the charges of the employee’s arrest, he could lose his driving privileges, which would make his role as a patrolman impossible. He further stated that he agreed with the Board in their decision to wait until the Court’s final findings to make further comment.

2. Mr. Start stated that the second part of his report may take longer than the first part, unfortunately concerning “the publicity that has been surrounding a former officer of ours and some of the negative light that the Township was cast in regarding that former employee. I am going to explain what happened with that situation and I will be happy to answer any questions anyone may have after I am done with my explanation but I will insist on giving that explanation without interruption. It is not a short explanation.

On March 15, 2017, a Separation of Employment Agreement was signed by the Commissioners of this Township. Five (5) days before that, on March the 10th, it was signed by the former employee. He signed that agreement after his attorney sent a letter to the Township on January 26, 2017 requesting and advising us that that employee wanted to apply for a disability pension under the Township Pension Plan, the Collective Bargaining Agreement, and Act 600. Upon receiving that request from his attorney, who, I might add, is a very accomplished attorney and who has been practicing for the Fraternal Order of Police for many years, we engaged in a dialogue and discussion and exchange of proposed agreements that would govern the terms of that former employee’s separation.

It was stated yesterday or the day before or somewhere in the media that we now have heard quite a bit about that a doctor ruled that this former employee retire from the force over his objections; that’s what the media said, that is not correct. It was further said that he reluctantly signed the agreement for a Disability Pension and ten (10) years of health benefits. The word ‘reluctantly’ is not accurate. He willingly and knowingly signed an Agreement of Separation with the Township. Those terms were explained to him, I’m sure, at length by his attorney and by the staff here at the Township when they were asked questions about that agreement.

That former Township employee received medical compensation in lieu of health benefits during most of his employment with the Township. What that means is the employee had the choice of either having group health coverage provided to him and his family every month or he can elect to receive cash compensation in lieu of that coverage. This employee elected, as all employees have the election, to receive that cash compensation instead of that insurance. That employee, by the way, had been placed on short-term disability on November 1st, the year prior to this agreement and he was placed on that under the direction of his doctor. That disability began on

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November the 1st and ran through March 15, 2017 when he signed his Separation Agreement. Prior to that agreement being signed, that former employee was provided with an enrollment form for medical benefits when he had visited the Township building for other reasons. The Township had provided a memo to all full-time employees who elect to receive compensation in lieu of benefits stating that ‘those employees must present acceptable written proof of such other coverage by February 20, 2017. Failure to present that acceptable written proof of other coverage shall result in the suspension or termination of compensation in lieu of coverage.’ That memo was signed by that former employee and dated by that former employee on January 25, 2017. He knew what he was signing; he signed it and dated it. He didn’t ask any questions about it. It was available to his attorney for review. His attorney, as I said, is quite experienced and skilled. He told the Township that he may want to receive Township benefits and she [the Township Secretary] provided him with the medical enrollment document and clarified that he would have to wait until open enrollment or a loss in coverage.

The Separation Agreement that he signed on March the 10th, which was five (5) days before the Township signed it, so there was an opportunity even after he signed it to reconsider and consult with his attorney, had two (2) options.

The first option was to enroll in medical benefits beginning from the date of separation or retirement under the agreement and that he had thirty (30) days from that date to enroll which would take it to April 15th. That was the first option. The second option was to receive a stipend, compensation in lieu of that amount, upon submission of proof to the Township that he had individual medical coverage that he received through other means. He represented to the Township prior to that that he was covered by Tri-Care, which is available to military people. He was reminded by the Township that in Option Two, he would have to provide documentation and he replied that ‘I will just get the stipend because I have Tri-Care’.

On the morning of July 17th of this year, that former employee telephoned the Township and explained that he needed health coverage because he was sick. At that time, he said he lost his coverage with Tri-Care in April of 2017 because he could not pay the premium. At no time did he notify the Township prior to July 17th and certainly prior to April 15th, which was the enrollment period, that his insurance with Tri-Care had ended or that he desired enrollment in the plan prior to the deadline. Rather, it was on July 17th that he communicated a desire for coverage because he was sick and could not afford to pay the premium. Unfortunately for him, the enrollment period does not open until January 1st, 2018. He sent the Township further communication that day in which he indicated he was very upset and was threatening a federal lawsuit.

He sent another email to the Township one week later claiming that he spoke with our benefits group, which administers the healthcare plan, and that they were unaware of his retirement and that someone should have notified him because that would have created the thirty (30) day window for enrollment. That fact is not true. He was notified. In fact, that same medical group was notified by the Township on January 27, 2017 that this individual was applying for a permanent Disability Pension and that same group calculated his pension benefits and signed it on March 20, 2017. So, the allegations that this Township didn’t do everything conceivable to help him with his healthcare insurance is wrong, is false, and has cast people on this Board in a negative light that is completely unfair.

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I received an email last evening from his [Alan's] wife, Lisa Loskoch, whom I've never met and never spoke to in my life, and I'm choosing not to read it this evening because sometimes discretion is the better part of valor.

That concludes my report and I hope that those who held anybody on this Board in a negative light, thinking that the media had portrayed an individual who is not treated fairly, it's my hope that these facts, and they are facts, supported by documents and signatures, that these facts fairly and accurately portray how this Township dealt with that former employee.

That concludes my remarks and thank you for not interrupting me."

There were comments and questions from the residents in attendance that were responded to by Tina Spragg, Township Secretary/Financial Administrator, for clarification concerning the procedure of how the healthcare issue was addressed. On Alan's behalf, Mrs. Spragg had called the insurance company so she would have accurate information of their procedure. She carefully explained that the timeline was due to the enrollment period of the insurance company and that there are deadlines set by the insurance company that must be met. The required paperwork is of importance for sound accounting practices that Mrs. Spragg follows and backs up with detailed documentation.

IX. Elected Officials' Report

In response to a query about past accounting practices, Mr. Angus stated that a yearly audit has been in place. The auditor made several recommendations that will be put into practice including dual controls, stopping cash payments in all departments with the implementation of the availability of credit card payments online that has been in place through a secure portal directly to the Township's bank which is First National Bank.

When asked about the progress of enforcing property maintenance, Mr. Angus said, "we have adopted the 2015 BOCA rules and regulations to give us more validity." The Code Enforcement Officer, Jim Ivancik, has been diligent in addressing problem areas in the Township.

X. Public Comment

Sandra Coon expressed her gratitude that the issue with her property was attended to by Jim Ivancik, Harmony's Code Enforcement Officer.

Mr. Kokoski made a motion to adjourn. Mr. Marticek seconded the motion. With all in favor, the meeting was adjourned at 8:00 P.M.