

## Minutes of September 13, 2016

### Record of Proceedings

Regular meeting of the Washington Township Board of Trustees was held at the Washington Township Administration, 6200 Eiterman Road, Dublin, Ohio, on September 13, 2016, at 8:00 a.m. Meeting was called to order by Mr. Charles Kranstuber, Chair.

Roll call – Mr. Charles Kranstuber, Chair, - Present  
 Mr. Gene Bostic, Vice Chair – Present  
 Ms. Denise Franz King, Trustee – Absent

### Executive Session for Personnel Matters:

Motion by Mr. Kranstuber, seconded by Mr. Bostic, to adjourn into executive session for the discussion of Personnel Matters (Disciplinary Matters of a Public Employee) per the request of the Township Administrator and per the Ohio Revised Code Section #121.22 (G)(1) at 8:00 a.m. The roll was called on and all members of the Washington Township Board of Trustees who were present, voted aye. Motion passed. #2016.09.13.001

### Reconvened Meeting:

Meeting reconvened at 8:12 a.m.

### Disciplinary Matter:

Mr. Kranstuber disclosed of Full Time Firefighter/Paramedic Douglas Hyland's attorney Mr. Henry Arnett was his former law partner; however this was a long time ago and they have no financial or other relationship to each other at this time. Mr. Arnett acknowledged this fact and had no objection to M. Kranstuber participating in this discussion.

Ms. Catherine Grossman, Washington Township's Human Resources Manager, presented a summary of the findings of the investigation of FF Hyland as follows:

Fire Chief Alec O'Connell received a complaint regarding concerns of FF Hyland's Facebook postings that potentially violate the Washington Township Social Media Policy. With the nature of the complaint, Administrative Team felt it necessary to place FF Hyland on paid administrative leave pending an internal affairs investigation. After receiving this information FF Hyland's Facebook posts were retrieved, printed, and reviewed, by the Administrative Staff. In summary it was found that FF Hyland has a public Facebook account; he posts personal things about his family, his political views, etc. His Anti-Muslim posts violate the Township's Social Media Policy and the Township's Goals. FF Hyland and his attorney were contacted and an interview took place with FF Hyland, Mr. Arnett, Chief O'Connell, Township Attorney, Brian Zets and Ms. Grossman. At this meeting FF Hyland did not believe there was any harm done by his posts. FF Hyland believed these Anti-Muslim posts were just "something funny he shared" and not statements/photographs that reasonably could be viewed as threatening, intimidating or disparaging. The Board was presented with a packet of the posts in question and the investigation information.

Ms. Grossman presented the recommended disciplinary action requested for FF Hyland to the Board. The recommendation was based upon the nature of this policy violation and the historic pattern of policy violations over the course of FF Hyland's employment. The recommendation included;

- 240 hour unpaid suspension
- Psychological fit for duty exam
- Coursework in diversity and emotional intelligence within 2 months
- Last chance employment letter, outline that any further policy violations would result in advancement of termination proceedings

The Social Media Policy was reviewed by the Board.

The Section in questions;

- Ultimately, you are solely responsible for what you post online
- Before creating online content, consider some of the risks and rewards that are involved
- Keep in mind that any of your conduct that adversely affect your job performance, the performance of fellow employees or otherwise adversely affect members of the community, suppliers, people

who work on behalf of the Township or the Township's legitimate business interests may result in disciplinary action up to and including termination.

Mr. Arnett was given the opportunity to speak regarding FF Hyland's undisputed use of social media.

Mr. Arnett stated this is a different scenario than what he is used to when it comes to a disciplinary action case regarding a Firefighter but thanked the Board for allowing him the opportunity to speak.

Mr. Arnett stated with regards to the Facebook postings; we have the President and the US Military conducting plans of attacks on ISIS, both presidential candidate state their plans to destroy, wipe out ISIS, we have a Presidential candidate discussing temporary plans of banning certain ethnic religions from entering the United States, etc., with all this background we are discussing whether a public employee has a constitution right to be able to make posts regarding these same issues. Mr. Arnett stated he did not believe these posting have any adversely affects on FF Hyland's ability to do his job, on the Township and/or affect the performance of fellow employees of the Township. FF Hyland does have a Constitutional Right. Mr. Arnett stated the Disciplinary Action is inappropriate and does not feel it is warranted. Mr. Arnett explained FF Hyland will take the Anti-Muslim posts down and will not post anything of this nature in the future.

FF Hyland stated he did not mean to offend anyone and apologized if he did, his posts were directed only at the terrorist. He believes in what the United States stands for and what it is founded on. He stated he is not a racist. If someone would have said his posts were offensive he would have stopped posting them.

The Board reviewed and discussed the posts and how they believe they are offensive, violate the Township's policy and are not acceptable from a Township employee.

Attorney Zets stated these posts are not protected by the First Amendment and therefore can be the basis of discipline.

The Board of Trustees passed the following Resolution which outlines the disciplinary actions agreed upon as follows.

#### **Resolution Issuing Discipline**

Mr. Kranstuber introduced and moved the adoption of the following Resolution:

#### **A RESOLUTION ISSUING DISCIPLINE TO FIREFIGHTER/PARAMEDIC DOUGLAS HYLAND**

WHEREAS, in August, 2016 a complaint was received by Washington Township expressing concern that Firefighter/Paramedic Douglas Hyland's public Facebook page contains posts that maybe of concern to Washington Township; and

WHEREAS, on August 24, 2016 Douglas Hyland was placed on paid administrative leave pending an internal affairs investigation into the complaint; and

WHEREAS, Human Resource Manager Catherine Grossman reviewed Firefighter Douglas Hyland's public anti-Muslim Facebook posts which threaten violence and include discriminatory remarks, examined the Township's Social Media Policy, interviewed Firefighter Douglas Hyland, assessed Firefighter Douglas Hyland's prior discipline, and recommended discipline to the Fire Chief and Township Administrator in the internal affairs Employee Issue Response Report; and

WHEREAS, the Washington Township Employee Handbook states that "[t]he responsibility for administering discipline is the duty of the immediate supervisor through the chain of command, to the Washington Township Trustees, provided that the Board of Trustees shall be the authority responsible for discipline involving suspension, reduction in pay, and/or rank, or termination"; and

WHEREAS, the Board of Trustees of Washington Township reviewed the Employee Issue Response Report, including statements made by Douglas Hyland during his interview, discussed and deliberated this issue in open session, and now wants to issue discipline to Firefighter/Paramedic Doug Hyland that includes a suspension without pay.

NOW, **THEREFORE, BE IT RESOLVED** by the Board of Trustees of Washington Township, Franklin, Delaware, and Union Counties, State of Ohio:

SECTION 1: The Washington Township Trustees impose the following discipline to Firefighter/Paramedic Douglas Hyland:

Starting at 8 a.m. on September 16, 2016, Douglas Hyland is suspended, without pay for 120-hours (5 consecutive duty dates). As such, Douglas Hyland will not report to work again until 8 a.m. on October 1, 2016.

During this time, Douglas Hyland may use/supplement accrued, but unused, vacation and/or earned-leave. He is not to report to work. Likewise, during this leave, Douglas Hyland is not permitted to act on behalf of Washington Township in any manner, unless specifically directed to do so by Fire Chief O'Connell or Township Administrator Ott. During this period, Douglas Hyland shall not have contact with any Township employee and is restricted from entering the Township Administrative Office and all Fire Station properties.

- SECTION 2: In addition to the discipline set forth in Section 1, a professionally licensed psychiatrist or psychologist must evaluate and opine whether Douglas Hyland is fit for duty as a firefighter/paramedic. The Township Administrator is directed to work with Doug Hyland to make this appointment occur as soon as reasonably possible. The Township will pay for this appointment and evaluation. Douglas Hyland will be compensated at his standard hourly rate for his time to attend this appointment.
- SECTION 3: In addition to the discipline set forth in Section 1, within the next two (2) months, Douglas Hyland must attend and successfully complete a training course in diversity, and a training course in emotional intelligence. The Township will select and pay for these courses.
- SECTION 4: Douglas Hyland is hereby placed on probation for the remainder of his employment for any violation of the social media policy.
- SECTION 5: It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board and that all deliberations of the Board and any of the decision making bodies of the Board of Trustees which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Mr. Bostic seconded the motion, and the roll was called on with all the Washington Township Board of Trustees that were present voted aye. Resolution adopted.

#2016.09.13.001

Appended #001

**Resolution Terminating Michael G. Habak:**

Mr. Bostic introduced and moved the adoption of the following Resolution:

**A RESOLUTION TERMINATING MICHAEL G. HABAK'S EMPLOYMENT AS A PART-TIME FIREFIGHTER**

WHEREAS, the Board of Township Trustees of Washington Township hired Michael G. Habak on September 9, 2014 to work as a Part-Time Firefighter; and

WHEREAS, the Board of Trustees for Washington Township recognizes that Michael G. Habak has communicated his intention of resigning to accept other employment.

NOW, **THEREFORE, BE IT RESOLVED** by the Board of Trustees of Washington Township, Franklin, Delaware, and Union Counties, State of Ohio:

SECTION 1: The Board of Trustees hereby approves the termination:

Name: Michael G. Habak  
 Position / Department: Firefighter/Fire  
 Classification: Part-time  
 Effective date: August 26, 2016

SECTION 2: Michael G. Habak is eligible for rehire;

SECTION 3: It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board and that all deliberations of the Board and any of the decision making bodies of the Board of Trustees which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 4: All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.

Mr. Kranstuber seconded the motion, and the roll was called on with all the Washington Township Board of Trustees that were present voted aye. Resolution adopted.

#2016.09.13.002  
Appended #002

**Approval of Printer Purchases:**

Motion by Mr. Kranstuber, seconded by Mr. Bostic, to approve the purchase of new printers for all the Washington Township Fire Stations as recommended by the Township Administrator and the IT Department in the amount not to exceed fourteen thousand dollars (\$14,000) and to approve entering into a service maintenance agreement with Staples Office Supply and authorizing the Administrator to sign the agreement. Motion passed.

#2016.09.13.003  
Append #003

**Approve Refurbishment of Medic #95**

Motion by Mr. Bostic, seconded by Mr. Kranstuber, to approve the refurbishment of Medic #95 per the recommendation and authorize the Township Administrator to enter into an agreement with International (Rush Truck Centers) to purchase a new 2017 International 4300 Series chassis at the discounted price and trade-in the 2012 International Terra Star chassis for an allowance towards the purchase price in an amount not to exceed eighty four thousand, five hundred ninety two dollars and fourteen cents (\$84,592.14) from the Fire Fund. Additionally, authorizing the Township Administrator sign agreement and to agree to have International (Rush Truck Centers) facilitate with Horton Emergency Vehicles to transfer the patient care compartment and all accessories (listed in proposal from Rush Truck Centers) from the 2012 Terra Star to the new 2017 4300 Series chassis. Motion passed.

#2016.09.13.004  
Append #004

Noting: The 2016 capital budget does not reflect the funds for this project.

**Approval to Adjust Washington Township Boundaries:**

The Township Administrator advised the Board of approximately 54.41 acres of land in Washington Township that is also located within the City of Hilliard. This land is located south of Hayden Run Road and west of Baldwin Road. A majority of this acreage is under development by Pulte Homes of Ohio for a single family subdivision. In previous discussion with the Board, an interest was expressed to consider a boundary adjustment to allow Norwich Township to remain the fire and EMS service provider within the City of Hilliard. Preliminary discussion with the Norwich Township Administrator indicates Norwich would be open to discussing a boundary adjustment to take over this service area. Additionally, the City of Hilliard is willing to discuss what may be the City's perspective on adjusting township boundaries now or in future annexations.

Motion by Mr. Kranstuber, seconded by Mr. Bostic, to direct the Township Administrator to work with the City of Hilliard and Norwich Township in regards to adjusting the Washington Township's Boundaries, to be consistent with the service areas within the jurisdictions and as per the previous discussions by the Board of Trustees, and to work with the preferred legal counsel regarding this matter. Motion passed.

#2016.09.13.005

Append #005

**Resolution Accepting the Amounts and Rates Authorizing the Necessary Tax Levies:**

Mr. Kranstuber introduced and moved the adoption of the following Resolution:

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR (BOARD OF TOWNSHIP TRUSTEES) OHIO REVISED CODE, SECTIONS 5705.34, 5705.35**

RESOLVED, By the Board of Trustees of Washington Township, Franklin County, Ohio, in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2016; and

WHEREAS, The Budget Commission of Franklin County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Board of Trustees of Washington Township, Franklin County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted: and be it

RESOLVED, That there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within and without the ten mill limitation for tax year 2016 (collection year 2017) as follows:

#### SCHEDULE A

#### SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY THE BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount to be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Full Tax Rate to Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
General Fund		\$1,400,102.60	0.50	
Road & Bridge Fund				
Cemetery Fund				
Police Fund				
Fire Fund	\$19,954,747.53			14.95
Road District Fund				
General (Note) Bond Retirement				
<b>TOTAL</b>	\$19,954,747.53	\$1,400,102.60	0.50	14.95

And be it further

RESOLVED, that the Fiscal Officer of this Board be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr. Bostic seconded the Resolution and the roll being called on with all the Washington Township Board of Trustees that were present voted aye. Resolution adopted.

#2016.09.13.006  
Appended #006

#### **Approval of the Minutes:**

Approval of the Minutes were deferred until next meeting

#### **Approval of Bills, Payroll and Transfers:**

Motion by Mr. Kranstuber, seconded by Mr. Bostic, to ratify the bills for the Township, and to include all the now and then certificates, dated August 30, 2016, in the amount of \$319,824.43. Motion passed.

#2016.09.13.007  
Append #007

Motion by Mr. Bostic, seconded by Mr. Kranstuber, to ratify the ACH Bill Payments for the Township, and to include all the now and then certificates, dated August 2016, in the amount of \$1,148,838.26. Motion passed.

#2016.09.13.008  
Append #008

Motion by Mr. Kranstuber, seconded by Mr. Bostic, to ratify the payroll for August 26, 2016, in the amount of \$402,473.15. Motion passed.

#2016.09.13.009  
Append #009

Motion by Mr. Bostic, seconded by Mr. Kranstuber, to ratify the payroll for September 2, 2016, in the amount of \$8,780.86. Motion passed.

#2016.09.13.010  
Append #010

Motion by Mr. Kranstuber, seconded by Mr. Bostic, to ratify the payroll for September 9, 2016, in the amount of \$400,405.08. Motion passed.

#2016.09.13.011  
Append #011

Motion by Mr. Bostic, seconded by Mr. Kranstuber, to ratify the Transfers for July 2016, as presented in the amount of \$2,500. Motion passed.

#2016.09.13.012

Append #012

**Round Table:**

**Adjourn Meeting:**

Meeting of September 13, 2016, adjourned at approximately 9:24 a.m.

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Mr. Charles Kranstuber, Chair

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Ms. Joyce E. Robinson, Fiscal Officer