

PENFIELD TOWNSHIP TRUSTEES

January 4, 2022

The regular meeting of the Penfield Township Trustees was called to order at 7:30 PM. All officers were present. Twelve guests attended the meeting.

The minutes of the previous meeting were read and approved. A motion was made to approve BC #28-2021, the December Bank Reconciliation, and Monthly Reports as well as WH Voucher 51-2021 by Trustee Conrad, seconded by Trustee Flynn.

Fiscal Officer Denes read the correspondence which included the LC Recorder's fee schedule for 2022. Denes questioned the progress of the inventory which is due 1/15. Denes questioned the resignation of Keri Gordon as Recreation Board Treasurer. Rec Board Chair Theresa Seman reported that they would appoint a new Treasurer at their 1/12 meeting. Denes reported that registration for the OTA Winter Conference has been submitted for those attending. A letter of resignation was received from Ken Koubek, BZA Vice Chair. Koubek asked that his letter be read and entered into the minutes:

Kenneth J. Koubek
38667 Norwalk Rd
Litchfield, Ohio 44253

December 31, 2021
Penfield Township Board of Trustees
41012 State Route 18
Wellington, Ohio 44090

To Whom It May Concern,

I am writing to notify you, Penfield Township board of trustees, that I will be resigning from my position, Vice Chair on the BZA (Board of Zoning Appeals) effective December 29, 2021.

I am leaving for the following reasons, including, but not limited to:

Certain members, Duane Johnson excluded, of the board of Trustees, the body that appointed myself and the other BZA board members, has demonstrated time and again that they do not have the best interests of the BZA nor the residents of Penfield Township in mind. The deliberate and calculated removal of Jackie Johnson, BZA Chair, was yet another demonstration of their attempt to control the BZA board by not reappointing an experienced, trustworthy and dedicated leader and replacing her with inexperience and partisan politics.

When I specifically asked what the reason was that Jackie Johnson was discharged, I was given the answer, "we didn't like the direction the BZA was going so we wanted to change direction". When I asked what direction we were going in that needed changing, I was dismissed with no reason and told we were not going to discuss it any more. I said we most certainly will discuss it because I needed to know for myself where the BZA was going. I was given no answer by any trustee member, Duane Johnson recused himself from discussion. This action indicated to me that the trustee's felt they did not have control of the BZA and replaced Jackie with whoever they wanted when her term was up.

The inappropriate appointing of Colin Gordon BZA 2nd alternate, over Brad Niece BZA 1st alternate. Brad Niece has been the 1st alternate of the BZA for a number of years and has participated in BZA hearings due to board member absence. To the best of my recollection and board records, Brad has not missed a meeting in either capacity. Colin Gordon has been 2nd alternate for the same number of years as Brad. Colin made it well known that he is involved with 4H and may not be available for meetings. Colin has missed a number of regular BZA meetings and was not available to be in a hearing, which is the alternate's main responsibility, due to his scheduling conflicts. If the trustees were truly concerned for the BZA, they would have done their due diligence and gone with the 1st alternate, and in my opinion, better qualified candidate, Brad Niece, due to his exemplary track record. This is a clear case of cronyism. This needs to be questioned.

It is a well-known fact that trustees have been known to approach BZA board members before hearings and impress upon them the way the trustees would like to see the hearings go. This is a clear case of abuse of power and abuse of position, besides it being illegal (Ethics). Jackie Johnson has been an advocate of stopping this behavior. I have been an advocate of stopping this behavior. Results, removal of BZA board member by non-reappointment.

It was noted, by a trustee, that the trustees received a lot of flak recently, from township residents, regarding the BZA's latest hearing and decision on Foster road. It was also noted that this flack was the main reason for Jackie's removal. I indicated to the trustee that the flack they were receiving was coming from a fractional percentage of the township residents. The trustees were listening and reacting to the minority and making decisions that affect the majority. Not once polling the majority to see what their opinion is. If these trustees cannot take a little bit of flak from the fractional minority without making these kinds of knee-jerk drastic changes, they are not suited for this type of office. The fact is, that the trustees did not support the BZA's decision. The fact is, the trustees did not stick up for the BZA members. The trustees did not tell the whiny minority that the BZA is an independent body, appointed by the trustees and even though they may or may not agree with the BZA's decision, the trustees will support the BZA's decision. Instead, the trustees took it upon themselves to throw years of experience, knowledge, dedication and leadership away to appease a few whiners. As the BZA vice chair, at the time of that decision, I indicated to the trustee that I did not hear one FACT to support the whiners in attendance and that is why I voted the way I did. The trustees took those few whiny comments and terminated our chair person. **THIS** is the main reason I am resigning. This is the cowardice that betrayed the BZA and what it is supposed to stand for. Since the BZA is appointed by the trustees, I cannot and will not be part of an organization that is continually trying to undermine the BZA by the self serving individuals that are supposed to be protecting us. I did not make this decision out of haste.

For what it is worth, I personally grew as an individual serving on the BZA. At first, I did not know what to expect or what to do, but learned over the years how best to try and help the township. Trying to make the best decision with the information we were given at the time and the zoning regulations we are required to follow. I learned early on that no matter what decision we made, somebody wasn't going to be happy. But, we kept going, kept learning.

I am honored to know the 2021 BZA board members and to have served with them. We were, without a doubt, the BEST BZA board Penfield township has ever had. Jackie Johnson is a leader and a professional in her behavior at all times. As stated above, Jackie spent many hours researching an issue and attending seminars to be better, to do better. I cannot speak for the rest of the BZA board, but it made me do better. Jackie's non-appointment by the trustees was unjustified and unwarranted. It was deceitful, cowardly and above all unprofessional in its execution. The residents of Penfield Township need to ask why did this happen.

In closing, what is there left to say? I wish the BZA best of luck. Through no fault of their own have lost an experienced chair and vice-chair and have gained new inexperienced board members. I am sure the trustees will help guide you in the direction they want you to go. I am most concerned for the township. If it doesn't look right, question it. If it doesn't sound right, question it. If it doesn't smell right, get rid of it.

Kenneth J. Koubek
BZA board member and Vice Chair

Zoning Inspector Brett Linden fielded a call from Rick Cadwell regarding holding rustic weddings on commercially zoned property. Stefanie Denholm also called regarding this property and discussed concerts, rustic weddings, putt-putt golf, and a petting zoo at this property located at 43244 St. Rt. 18. Linden has requested a parking lot plan and approval from the LCPH Department regarding this usage.

Brad Niece, BZA 2nd alternate questioned the Trustees as to why, as 1st alternate, he was overlooked for appointment to the BZA and demoted to 2nd alternate while a newly

appointed member was appointed over him to the Board without even an interview. He stated that he felt the Trustees were throwing away a good board.

Trustee Conrad made a motion at 7:55 PM to go into executive session to discuss employment of a public employee.

Roll Call:

Chairman Johnson Yes

Trustee Flynn Yes

Trustee Conrad Yes

Chairman Johnson declared the meeting back in regular session at 8:35 PM.

Roll Call:

Chairman Johnson Here

Trustee Flynn Here

Trustee Conrad Here

Trustee Conrad made a motion to rescind his 12/29 motion appointing members to the BZA Board. Appointments will be decided after the Trustees interview Brad Niece, Colin Gordon, and Amy Younglas for open positions.

The following were in attendance but had no questions or comments:
Jerry Rathwell, Rachael Duling, Ken Koubek, Dave Lenzer, Tom Seman, Theresa Seman, Bill Albrecht, Bob Storms, and Lloyd Gordon.

Former Zoning Secretary Linda Albrecht made a statement regarding the 12/29 BZA appointments. She stated that she was very disappointed with the Trustee's decision. She said both Zoning Boards have very tough jobs to do. She felt that Jackie Johnson bore the brunt of all BZA decisions as their chair. She stated that all five Board members vote on these decisions. Albrecht questioned appointing a 2nd alternate to the Board over the 1st alternate. She stated that in all her years attending meetings and serving as Zoning Board Secretary she has never seen that done before. She questioned whether the Trustees would inform Zoning Alternates that they might never serve on their respective boards. She felt that some Foster Road residents that attended the Trustee meeting after the Foster Road flag lot hearing made some very nasty, disrespectful comments. This display factored into her decision to resign as secretary. She stated that the BZA has rules and regulations to follow in their decision-making process. She said that the comment regarding Trustee Johnson having a conflict of interest because of his wife's service on the BZA Board was unfounded as Jackie was appointed to the BZA two years prior to Trustee Johnson's election, and as such has served the board for 14 years. Albrecht questioned the appointment to the Board of a resident that has never attended a zoning meeting. She questioned why we have Board Alternates if we are not going to use them.

Chairman Johnson called an executive session at 8:44 PM to discuss employment of a public employee.

Roll Call:

Chairman Johnson Yes

Trustee Flynn Yes

Trustee Conrad Yes

Chairman Johnson declared the meeting back in regular session at 9:52 PM.

Roll Call:

Chairman Johnson Here

Trustee Flynn Here

Trustee Conrad Here

Trustee Conrad advised that he spoke with Miss Simmons regarding a memorial bench for Keith Kiser. He advised her to contact Fiscal Officer Denes. He reported that the interview with Amy Younglas has been postponed due to illness.

Trustee Flynn spoke with Matt DeVore regarding the new pickup truck purchase. The truck will be manufactured in the near future. Flynn spoke with Shawn Smith of MPW

regarding the Recreation Park parking lot repair. Shawn is out with Covid. Discussion was held regarding the possibility of job completion before spring. Zoning Board Chair Lubaski offered to send out emails in the event of a zoning board meeting before a new Secretary is hired. Flynn reported that the water wagon pump needs replaced and he will follow up on same. Flynn offered his assistance to Chairman Johnson in the continued installation of the new restroom partitions at the Recreation Park.

Chairman Johnson thanked Trustee Flynn for having the pond resolution changes recorded at the County Recorder's office. He continues work with Ilona on electronic records storage and an online policy manual. The Keystone Board had some concerns with the contract for usage of the ball diamonds and he is working to resolve same. Johnson reported the need for a Township representative to the LC Office on Aging Southern Satellite board of advisors in light of Jackie Johnson's resignation. Trustee Flynn stated that he would discuss this position with Sarah Poling and he may be able to attend the board meetings as the Township's representative. Fiscal Officer Denes advised that if he was unable, Joy Rathwell might be able to serve.

With no additional business to discuss, the meeting was adjourned at 10:03 PM with a motion made by Chairman Johnson, seconded by Chairman Flynn.