

# ***Record of Proceedings***

## Minutes of West Lafayette Village Council Regular Meeting

West Lafayette Village Council met in regular session on August 23, 2021 at 7:00 p.m. in the municipal building with Mayor Stephen R. Bordenkircher presiding.

Pledge of Allegiance

Prayer

**Roll Call:** Rich Wheeler, Tim Cheney, Christie Maurer, Ron Lusk, Bo Fortune and Craig Bordenkircher were present.

A motion was made by Ron Lusk and seconded by Christie Maurer to approve the minutes from the regular council meeting held on August 9, 2021. Roll call 5 yes. Councilman Bo Fortune abstained.

A motion was made by Tim Cheney and seconded by Ron Lusk to approve the minutes from the Special council meeting held on August 17, 2021. Roll call 6 yes.

### **Mayor's Correspondence:**

Mayor Bordenkircher reported not receiving any correspondence.

**Citizens' comments:** Bob Snavelly with Palmer energy presented the electric RFP results. The current aggregation agreement is set to expire in December 2021. The Village is currently locked in at .0506 with Dynegey. Energy Harbor is offering a rate of .04930 through December 2024 currently, though this may fluctuate slightly until the agreement is signed.

### **Zoom Log-in**

<https://zoom.us/j/96595775556?pwd=eVJlY04yaFFmbU9GSElSRU9kNnRjQT09>

**Or Dial: 1-301-715-8592**

**Meeting ID: 965 9577 5556**

**Passcode: 571265**

### **Department Reports:**

**Fire:** No report.

**Fiscal Officer:** Fiscal Officer, Amy Bourne reported Ordinance 2021-53 for the 2021 Pay & Benefit schedule is on the table to update wording throughout that relates to the Police Department changing back to an 8-hour work schedule from a 12-hour schedule. Resolution 2021-55 is needed to add funds to the General Fund in the amount of \$5,700 to replenish the Police Department uniform account with money received from a bullet proof vest grant received. Money is also needed in the General Fund to cover the Solicitor fees for the remainder of 2021 as well as \$12,000 into the Fire fund to cover the installation of the emergency lights in the new rescue truck. Resolution 2021-58 is needed to authorize the Fire Chief and Fiscal Officer to sign paperwork for the purchase of a new fire truck in the amount of \$690,833 on a 15-year lease. The July month end cash summary was presented to the Finance committee this evening and the bills were passed around for approval.

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**Police:** Mayor Bordenkircher read a statement regarding the Police Department. See attached.

**Solicitor:** Village Solicitor, Joel Blue, had no report.

**Village Administrator:** Village Administrator Chris Menapace was not present. Mayor Bordenkircher presented a report prepared by Menapace. See attached.

## **Committee Reports:**

**Building and Property:** No report.

**Community & Business Development:** No report.

**Community Relations:** Chairwoman Christie Maurer reported that Rotary will be holding a health fair on September 11, 2021 from 7-9AM at the First Baptist Church. The Chamber of Commerce Yellow Flag Sales will be on September 3<sup>rd</sup> & 4<sup>th</sup>. Registration and flags can be picked up at Statements by Shannon or registration can be done online. Cost is \$5.

**Finance:** Chairman Bo Fortune reported meeting August 23, 2021 and discussed tax credits, the new fire engine and reviewed the July month end cash summary. A motion was made by Christie Maurer and seconded by Tim Cheney to approve the July month end cash summary. Roll call 6 yes.

**Fire Dependency Board:** No report.

**Ordinance:** Chairman Craig Bordenkircher reported meeting on August 18, 2021 to discuss the Pay & Benefit ordinance as well as the residency requirements for Village officers, both on the table for approval.

**Park Board:** No report.

**Planning Commission:** No report

**Public Safety:** Chairman Craig Bordenkircher reported meeting on August 18, 2021 to discuss the Police Department and the K-9 program.

**Public Works:** No report

**Records Retention:** No report

**Rules:** No report

**Zoning and Building Codes:** No report.

**Introduction to ordinances and resolutions:**

## ***Record of Proceedings***

**2021-52 A RESOLUTION AUTHORIZING THE FISCAL OFFICER AND VILLAGE ADMINISTRATOR TO SIGN AND EXECUTE ALL DOCUMENTS NECESSARY WITH SWEEPING CORP OF AMERICA TO SWEEP VILLAGE STREETS, AND DECLARING AN EMERGENCY** Second Reading/Emergency

**2021-53 AN ORDINANCE ESTABLISHING 2021 PAY AND BENEFIT SCHEDULE FOR THE VILLAGE OF WEST LAFAYETTE AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH** First Reading/Emergency

A motion was made by Bo Fortune and seconded by Ron Lusk to waive the three required readings for Ordinance 2021-53. Roll call 6 yes.

A motion was made by Tim Cheney and seconded by Craig Bordenkircher to adopt Ordinance 2021-53. Roll call 6 yes.

**2021-55 A RESOLUTION TO AMEND THE 2021 PERMANENT APPROPRIATIONS ORDINANCE 2020-87, ADDING FUNDS** First Reading/Emergency

A motion was made by Bo Fortune and seconded by Tim Cheney to waive the three required readings for Resolution 2021-55. Roll call 6 yes.

A motion was made by Ron Lusk and seconded by Christie Maurer to adopt Resolution 2021-55. Roll call 6 yes.

**2021-56 A RESOLUTION TO AUTHORIZE AND DIRECT THE VILLAGE ADMINISTRATOR TO ADVERTISE FOR BIDS TO SELL TWO PASSENGER VEHICLES AND A STREET SWEEPER, AND DECLARING AN EMERGENCY** First Reading/Emergency

**2021-57 AN ORDINANCE WAIVING THE RESIDENCY REQUIREMENT FOR THE VILLAGE ADMINISTRATOR, THE FISCAL OFFICER, AND THE POLICE CHIEF INDEFINITELY, AND DECLARING AN EMERGENCY** First Reading/Emergency

**2021-58 A RESOLUTION AUTHORIZING THE FISCAL OFFICER AND FIRE CHIEF TO SIGN AND EXECUTE ALL DOCUMENTS NECESSARY WITH ATLANTIC EMERGENCY SOLUTIONS FOR THE PURCHASE OF A FIRE APPARATUS** First Reading/Emergency

### **Committee Meetings:**

**Building & Property-**

**Community & Business-**

**Community Relations -**

**Fire Dependency Board-**

**Finance-** September 13, 2021 at 6:30 PM

**Ordinance-** September 1, 2021 at 6:00PM

**Park Board-**

**Planning Commission –**

**Public Safety –**

**Public Works-**

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**Records Retention –**

**Rules –**

**Zoning & Building Codes –** September 8, 2021 at 6:00 PM

**Building Feasibility –**

**Other Business:**

Mayor Bordenkircher had no other business to discuss.

A motion was made by Ron Lusk and seconded by Tim Cheney to pay the bills. Roll call 6 yes.

A motion was made at 7:31 PM by Bo Fortune and seconded by Tim Cheney to go into executive session with the Solicitor and Fiscal Officer remaining to discuss personnel. Roll call 6 yes.

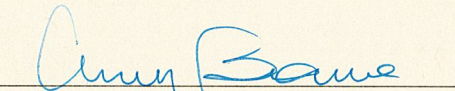
A motion was made at 8:06 PM by Bo Fortune and seconded by Christie Maurer to continue in open session. Roll call 6 yes.

A motion was made by Ron Lusk and seconded by Christie Maurer to adjourn until the next meeting on Monday, September 13, 2021, at 7:00 p.m. Roll Call 6 yes.

A full recording of this evening's minutes can be heard by visiting [www.westlafayettevillage.com](http://www.westlafayettevillage.com) and clicking on the recorded minutes tab.

  
Stephen R. Bordenkircher, Mayor

Attest:

  
Amy Bourne, Fiscal Officer

I think it is incumbent upon elected leaders to provide the citizenship with a candid and clear statement of the functions of the government to the extent allowable by law. Historically, the media has been helpful in both holding the government accountable and providing a method to deliver that information to the public.

As we all know a lot of that has changed over the years. Most people get their news from social media which often editorializes more than simply providing the information. Information from those sources are used for other sources, which also add their own spin and opinion. The stories we read are often retellings of retellings of someone else's opinion and what catches the eye is not the most accurate representation of the event but rather the hottest take or the most liked version. And so, a society's own feelings about the story drive the narrative of what version of the story is most commonly known, not accuracy.

I am aware of concerns many residents have about Chief Fohl and Officer Mans. I have been intimately involved in both of their careers at West Lafayette, as well the circumstances surrounding the conclusion of their time here. I expect both Matt Fohl and Laurice Mans will go on to continue their careers in law enforcement elsewhere, but that is in-part my own speculation.

Chief Fohl resigned on August 13, 2021. At the time of his resignation, I was engaged in an investigation of certain circumstances, which included Officer Mans and K-9 Officer Stryder. That investigation has not concluded and so on advice of Counsel, I am not at liberty to say anything beyond that. While I cannot stop others from speculating about that investigation, I will state that Chief Fohl has resigned after serving West Lafayette for 14 months, his resignation was done professionally and with integrity. And such false speculation can cause real damage to a person's life.

I am also aware of how important the K-9 program has been to the village. That program has very strict requirements. Failing to follow those requirements would render the hard work of Officer Mans and K-9 Stryder meaningless. While I was investigating alleged shortcomings with some of those requirements at the time of Chief Fohl's dismissal, it was the village's intention to work with Officer Mans to ensure all the requirements were fulfilled.

For reasons unrelated to the K-9 requirements, Officer Mans and the Village of West Lafayette have separated their employment relationship and while I cannot provide any additional detail at this time, I would caution anyone against spreading rumor or slander against Officer Mans.

There is a very real person that wore that uniform, trained with K-9 Stryder, and served the village of West Lafayette – a person with their own challenges, worries, and uncertainties. Like anyone else, he deserves to continue his career elsewhere and close this chapter of his life in West Lafayette.

On or about July 19, 2021, acting on information regarding the police department an investigation was started. The investigation remains open, as a result it is not subject to a public records request for legal and ethical reasons.

To dispel several rumors: 1.) The rumor regarding the theft of money is untrue. While a budget shortfall has been addressed following Chief Fohl's departure, at no time during that process or the investigation was there any evidence to suggest a theft in office had occurred. The budget shortfall has been addressed, and the budget is back on track. 2.) At no time, were any concerns regarding sexual harassment or discrimination of our female officers raised. 3.) The canine program has been suspended

due to shortcomings with the canine protocol and or policy. I know this is an very important program to the Village of West Lafayette, which is why strict compliance with those protocols and policy are required. It was the intention of the Village to work with Office Mans to address those shortcomings at the time of his professional separation for unrelated reasons. The canine program remains under evaluation.



Christopher Menapace  
Village Administrator  
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August 23, 2021

1. ODOT has completed their study of the intersection for the corner of Main and Kirk. We have been given permission to make the intersection a permanent 4 way stop. Since this change in the intersection, if approved, was going to be included in the SR 93 paving project that was postponed until next year, ODOT is still going to pay for changing the intersection including:

- a. Removing and discarding all existing overhead equipment and wires
- b. Supply and installation of 4- 30" in diameter stop signs.

After the installation of the new signs, the Village will mount the blinking red lights on top of each of the newly installed stop signs, This work is scheduled to occur at some point in the next two weeks.

2. We have taken inventory of the pools in the Village that do not comply with our ordinances regarding fencing. Each residence that is in violation with the ordinance will be receiving a copy of our "Safe Swimming at Home Initiative" and letter from the VA explaining what will need to occur to bring their property into compliance. These letters will be mailed out towards the end of this week.
3. We will find out if we received our CBDG and NRG grants by the end of this week.
4. Round 36 Paving requests are due next week, so we will be deciding on what streets to add to the paving list later this week. We need to verify whether or not we receive the NRG prior to determining which streets will be chosen to pave next year as some of the NRG components involve street paving.
5. Our Wastewater Plant Outfall Upgrade project was ranked #2 of the 14 submitted projects within our County and we have submitted the project to the Ohio Department of Development. The overall cost of the project is 3.38 million dollars and we will have less than \$15,000 in local funding if the grants that we applied for fall into place. I will provide more details of the project should it be chosen to be funded by the ODOD.
6. LEGISLATION:
  - a. 2021-52, just needs a second reading
  - b. 2021-53, please consider waiving the rules and take this to its third and final reading. The Fiscal Officer likely highlighted all of the changes that needed to be made relative to benefit hours for police department personnel. Items involving my personnel are
    - i. Removing the old title of Operator III and replacing it with Operator of Record
    - ii. Updating any reference to Operator III to reflect the new title of Operator of Record
    - iii. Changing the wording of sick time usage and when supervisors may require a doctor's excuse
    - iv. Updating the job classification descriptions in the appendix removing any reference to water department
  - c. 2021-56, first reading.....please make sure that if you interested in purchasing one of the vehicles, you properly submit a sealed bid as described in Exhibit A of the ordinance
  - d. 2021-57, first reading.....will eliminate the need to waive this rule each time someone is hired. The ordinance is no longer person specific, it is position specific

Thank you each for understanding my absence this evening. My son's surgery was a success and he is now at home. I will be returning to town at some point tomorrow and will be in the office late tomorrow afternoon, or Wednesday at the latest.