

ST JOSEPH COUNTY

Union Township Trustee Advisory Board

Meeting Minutes

Meeting Date: June 20, 2023, 5:30pm at Trustee's Office

Members Present: Kelly Carrico, Trisha Carrico, Mike Wozny, Attorney Marcel Lebbin

Meeting called to order at 5:30 pm by Trisha Carrico, Advisory Board President.

Minutes from June 12, 2023, Advisory Board Meeting were tabled for approval due to Ryan Schafer, Secretary not being present. Mike made a motion to table, and Trisha seconded. All in favor.

Old Business – Majority Builders will start the demolition project for Harrison Street in the next couple of weeks. At this time the parking lot will not be paved. Also, at the end of June the Trustee will begin working on the 2024 Budget.

New Business – Pamela Urbanski, Beacon Health Care, provided information on CPR/AED/1st Responder training. Also, discussed EMR class, which would take approximately sixty-two (62) hours training, the cost would include books and equipment. Working on reducing per person cost, which is approximately \$450/person. Chief Reeves will need to discuss with firefighters and set a date for training. Pamela also provided information regarding medical review for each firefighter; to include SCBA instead of respiratory test, blood testing (PSA/men), A1C, blood profile, eye exam, hearing, urinalysis, EKG, and a possible chest X-ray. Chief Reeves approved the requirements to be sufficient for medical testing. Pamela will move forward with a price estimate to present at the next meeting. Trisha made a motion to move forward with the price estimate, Mike seconded. George Schafer questioned if physicals would be compliant with NFPA Standards (Indiana is not a NFPA state), which Chief Reeves confirmed they would be.

The Trustee provided the current roster of Union-Lakeville Volunteers, there are currently fifteen (15).

Public Question: Who decided on the roster? The decision was based on the applications, certifications, and recommendation of Chief Reeves, which were voted on by the Union Township Board. The Trustee clarified that she does not have a vote, unless there is a need to break a tie, which was not the case in voting on the rostered firefighters.

Public Question: Do those who didn't make the roster have a second (2nd) opportunity? Attorney Lebbin stated that applicants could reapply, and it would again be voted on by the board. Trisha Carrico stated that the board would take into consideration those who reapply with the Chief's recommendation at that time.

There was discussion from attendees on why the Chief doesn't have a final decision on approval of applicants. Why did we pick and choose the applicants and let go volunteers? The Trustee stated that no one was terminated, there were just some applicants that were not accepted. Attendees wanted to know why? Due to being an at-will employment state and privacy of applicants the board could not disclose the reason. All former LVFD, Inc members were given the option after the March 27, 2023, Fire Territory meeting to become volunteers through Union-Lakeville Fire Territory. There was great

resistance from the LVFD, Inc members to comply with the new employee/volunteer relationship with Union Township as providing unit.

To clarify, the Trustee explained that LVFD, Inc is an entity separate from Union Township and Union-Lakeville Fire Territory. This entity (LVFD, Inc) had contracted in the past with the Union Township and Union-Lakeville Fire Territory to provide the manpower for fire protection. The township is the governing unit, which must provide fire protection to the residents. The Trustee stated that we are not against volunteers, we just cannot contract with LVFD, Inc. due to their non-compliance with the IRS. At the March 27, 2023, Fire Territory meeting it was brought to the attention of members of LVFD, Inc and members of the public that the entity, LVFD, Inc., was not registered with the IRS as being a non-for-profit 501(c)3 (LVFD, Inc had previously been questioned in December 2022 of their non-for-profit status) which posed an issue with the entity being legal and the township being able to contract with them per the advice of legal counsel. On March 27, 2023, the Fire Territory Board presented the men the option to move forward as township/territory volunteers and that everything would remain the same except that the compensation would be provided from the Township Trustee (due to the township being the providing unit) instead of LVFD, Inc and that a W-2 would be issued. Note: Representation at this meeting for LVFD, Inc. included: Chief Ben Kane, Asst. Chief Braxton Jones, Mike Wozny, Secretary/Treasurer of LVFD, Inc., Captain Brad Sherman, firefighters; Ron Baker, Jason Casad, George Schafer, and Brandt Carrico. At this meeting the Trustee provided Mike Wozny and Brad Sherman with information from the IRS and the board stated that we would move forward with men as employee/volunteers of township/territory until they could fix their issues. Had the men complied in December 2022 in fixing their non-for-profit issue and accepted the board's recommendation to move forward as township/territory volunteers there would have been no interruption in fire protection services. Due to many of the LVFD, Inc volunteers refusing to submit requested information the Trustee was forced to close the station on April 12, 2023, for legal and insurance liability purposes. Trisha stated that due to the men's reluctance we, the township, could not be legally or liable for allowing them to continue. Attorney Lebbin reiterated that at this time there was no employment relation or contract which posed risks for the township. The Trustee explained the issue began when the secretary/treasurer of LVFD, Inc. took past contractual payments from former Union Township Trustee and cashed monies to pay the volunteer firemen in cash. There was no proof of tax reporting or accountability to the IRS in conversation with both the non-profit division and for-profit division of the Internal Revenue Service. With this knowledge, the current Trustee could not issue a payment to LVFD, Inc knowing they were non-compliant with the IRS. We could not legally contract with a non-compliant entity with the IRS. LVFD, Inc. members refusing to provide after multiple requests for completed applications, certifications, and other documents is what led to the closure of the Union-Lakeville Fire Department.

Public Question: Why did the two (2) best firemen not get accepted? Trustee questioned in return what knowledge she had on these two (2) being the best? The Trustee did provide statistics on the two (2) firemen in question. The Trustee stated that the statistics were not used in determining the acceptance of the volunteers by the board. The statistics were 11/119 calls (9.2%) and 15/119 calls (12.6%). Attorney Lebbin stated that the range in statistics were 60% for some men and lower for others. Chief Reeves will be setting the standards for the firefighters and his requirements. Assistance Chief Kane asked if 15% is adequate and if it would be determined by month or annually.

Public Question: Will each member of the department receive an employee manual? And when? Chief Reeves stated that there is a current manual in the radio room, and he is working on revising the manual,

but will probably not be making huge changes. Chief Reeves noted he has only been in the office for three (3) weeks and is still working to get things moving forward. The past SOGs are what we are using until a revised copy can be completed.

Public Question: Why doesn't the Chief have a vote? The attorney explained that he is not on the board and the vote is up to the township board.

Public Question: Who voted on applicants' approval? The Union Township Board, which consists of Ryan Schafer, Trisha Carrico, and Mike Wozny. Mike Wozny had to recuse himself due to conflict of interests.

Public Question: How could the fire department be put back in service with dispatch on May 24, 2023, without signatures from township board? The firefighters put back in service had already been approved by the township board in a prior meeting on May 19, 2023. Those who completed and returned the employment agreement to Chief Reeves on May 24, 2023, were accepted for the roster. All others would have to be presented to the board for approval. Trisha stated that the two (2) applicants in question did not submit employment agreements and one (1) had not submitted a completed application.

The Trustee stated that there was liability coverage for the firefighters that were put back in service on May 24, 2023.

Public Question: Who is the insurance company for Union-Lakeville Fire Department? McNeill & Co.

Public Question: Why didn't LVFD, Inc. have insurance coverage or requested files of volunteers? LVFD, Inc is a separate entity from the township so they would have possession of all the records of their personnel (volunteers). LVFD, Inc. did not provide insurance for their own entity.

Public Question: Is everyone on the roster certified? Do they have FF1/FF2? Chief Reeves stated there was one (1) member who had the mandatory thirty (30) hour training which is accepted by the State of Indiana and the others had at minimum FF1/FF2. George Schafer, past chief, stated that according to the State of Indiana you do not have to have FF1/FF2 to serve as long as the chief feels confident that the fireman has been adequately trained and prepared for service. The chief can sign off on the fireman if the required training has been completed. With no FF1/FF2 the firefighter can do exterior fire and no mutual aid. This is according to MAVIS 201. Elton Schafer, IVFA District Chairman, confirmed that the thirty (30) hour training is adequate.

Public Question: Is training done annually? Training is done all the time to remain current.

Mike Wozny stated he resigned as a volunteer fireman. He is tired of being on both sides and receiving phone calls. Trisha stated she also receives calls, texts, and messages and that she is there to listen to the concerns.

Public Question: Will Mike Wozny be able to vote now that he has resigned? Yes, he can vote. He will need to provide a letter of resignation to Chief Reeves and the board.

With no other questions or comments, Trisha made a motion to adjourn the meeting at 6:08pm.

Christa N. Caruso

13/12/12

Mike Wynn

Angela Caruso