

# HEALTH & SAFETY COMMITTEE MINUTES

July 18, 2022

**In Attendance:** **Vermilion City Council:** *Monica Stark, President of Council; Pat Stein, Ward One; Teresa Mayle, Ward Two; Greg Drew, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five. Absent: Steve Herron, Council At Large*

**Administration:** *Jim Forthofer, Mayor; Chris Howard, City Engineer; Amy Hendricks, Finance Director; Chris Hartung, Police Chief; Bill Brown, Fire Chief; Tony Valerius, Service Director*

**Call to Order:** Barb Brady, Chairwoman, RESOLVED THAT this Health & Safety Committee comprised of the committee of the whole does now come to order.

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## **TOPIC ONE: Fire Chief's Report**

Chief Brown reported the total incidents for June was 25 and to date they have had 118 for the year. He said over the past month he has completed his individual meetings with the members of the department. They were all given a survey as they have some training things they want to hit on. They continue to train every Monday night and last week they trained on a new rope rescue technique. Assistant Chief Gates of Amherst Fire did some teaching for the department as he is head of the technical rescue team for Lorain County, so he is a great wealth of knowledge to have. He noted he met with Brownhelm Township and attended a meeting with the Erie County Fire Department two weeks ago as Sheriff Sigsworth was looking for some ideas on what fire departments in the county could provide for active shooter type incidents.

He reported last August they received an Assistance to Firefighters Grant through FEMA, and the total grant award was \$610,000 with \$61,000 of that being their portion as well as Lifecare because they went in together for the upgrade of their radio system. Last Thursday they opened three bids and the proposal was for 92 portable radios that would be distributed between Lifecare and Vermilion Fire, and 39 mobile radios which would be placed in each one of the vehicles. The Motorola bid came in at \$1.1 million and Cleveland Communications came in at \$602,000, and VASU Communications out of Avon came in at \$507,000. Next Tuesday the committee will get together to review the three bids and they should be making a recommendation to Council in August.

B. Brady asked the chief if the department was up to speed with manpower. Chief Brown said they are technically at 28 and he has received word that one of the officers will mostly likely resign. He said they can live with 27, but he would feel more comfortable around 32.

## **TOPIC TWO: Police Chief's Report**

Chief Hartung reported that last Sunday morning he was contacted by his on-duty shift sergeant who advised him that one of his officers was involved in a domestic violence complaint. The officer was subsequently placed under arrest for domestic violence and was taken to the Erie

County jail. He has a pre-trial the first week of September. He explained in this circumstance they have an administrative investigation that he conducts and then there is a criminal investigation. Officers in this situation have due process rights, so essentially when he brings this officer in and questions him about the incident, he must answer anything he asks him, and he must answer truthfully. If he doesn't, then he is terminated for insubordination. Because of the nature of this he cannot be involved in the criminal investigation. Essentially, they investigate it and then report their findings to the Safety Director to make a determination of what action they're going to take. Another question he has been asked is why it is a paid leave. He explained that when you stop paying them, then this immediately becomes punitive and it triggers their protections and processes under the Collective Bargaining Agreement, which is a huge mistake to do this because you end up losing cases this way. He anticipates he will have his findings to the mayor for determination of further proceedings. He can't get into this too much because things are pending and there are due process rights associated with this.

He addressed questions he has received on the railroads blocking crossings, especially Sunnyside. A few years back the court started ruling that the feds had the rights over municipality regulations and then municipalities could not issue citations for blocking the crossings. He noted they used to do this all the time and they would bring in a substantial number of fines from the railroads every year, but the courts effectively took this out of the city's hands. He said this case has made its way up to the Ohio Supreme Court. The 3<sup>rd</sup> District Court of Appeals said that if the courts could say that railroads could block any crossing at any time and there is nothing anything they can do about it, then the Ohio Supreme Court needs to be the one to say that, so oral arguments were held April of 2021 (Case No. 2020-0608 State v. CSX Transportation). They are still waiting for the Ohio Supreme Court to make a decision of whether the city can cite them or whether they cannot. The gut feeling after reading it is they are going to uphold these federal rights and it is going to be more of a legislation remedy that will have to come up a lot higher than what they are. He said this is a nationwide problem. He said when they were citing them in the past and they were paying \$40,000-\$60,000 in fines, it was a lot easier to get them to come here; their attorneys would come here, and they would go out to Sunnyside and ask them to park the train at a location that didn't cause any problems. He said there is nothing the city can do about the blocked crossings at this point depending on what the Ohio Supreme Court tells them.

He reported good news involving their Risk Management Assessment of the Police Department through Travelers. He said when he took over 12 years ago there was a lot of litigation cases they solved and they were in a bad place, but the results which include their policies and procedures, and training state there were no formal recommendations as it was evident during their call that the department is well run, and they perform their services to the public very well. B. Brady congratulated him.

Chief Hartung said he will have extra officers during Third Thursday. He said there was a fantastic turnout at Concerts in the Park, but there seems to be confusion about open containers. He said no open containers are allowed.

He expressed condolences to the family of former law director, Ken Stumphauzer on his recent passing. He was a great guy, and he went through a lot of issues with him through the department.

Pat Stein thanked the chief for getting an officer down in the parking lot of the old museum. It has made such a difference in the noise and the traffic in the wee hours of the morning. Chief Hartung said it will be an ongoing process.

Mayor Forthofer said the time he has worked with Chief Hartung starting in 2018, almost all their conversations pertaining to personnel or litigation were prefaced by him with an analysis of risk management. He thinks this has made a real difference to the exposure they have in the city and the favorable outcome of some of the issues they have had. The observation of Chief Hartung's risk management success is well played.

B. Holmes expressed condolences to Ken Stumphauzer's family as well. He had an opportunity to work with him in the city and in the Metroparks and he will be well missed. Regarding the blocking of the railroad tracks on Sunnyside Road – he reminded everyone to not forget that Highbridge is open.

B. Brady asked what happen on Liberty today and asked what fell. Chief Brown said today there was a vehicle accident, and they took out a pole. B. Brady said the Sunnyside crossing was blocked by a train today at the same time.

B. Brady adjourned the meeting after no further discussion came before the committee.

*Next Meeting: August 8, 2022 @ 7 p.m. at the Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, Ohio.*