

MINUTES OF BOARD OF TRUSTEES, JACKSON TOWNSHIP, FRANKLIN COUNTY

March 16, 2010

OPENING

The Board of Trustees of Jackson Township, Franklin County, Ohio, met in regular session on Tuesday, March 16, 2010, at the Jackson Township Administration Building, 3756 Hoover Road, Grove City, Ohio. Mr. Burris opened the meeting at 7:00 p.m. and invited those present to recite the Pledge of Allegiance. Mr. Burris gave the opening prayer.

ROLL CALL

David Burris	Present
Stephen Bowshier	Present
Daphne Hawk	Present
William Forrester	Present

RESOLUTION 2010-35

Mr. Burris moved to delete the reading and to approve the minutes for the March 2, 2010 regular meeting. Mr. Bowshier seconded the motion. VOTE: all yes.

RESOLUTION 2010-36

Mr. Burris moved to accept the following reports as prepared and presented to the Board by Fiscal Officer William Forrester: Fund Status, Expenditure Account Status, Warrant Register, and Memos of Expenditure. Ms. Hawk seconded the motion. VOTE: all yes.

RESOLUTION 2010-37

Mr. Burris moved to pay payroll, pay all bills and approve purchase orders for March 16 and March 30. Mr. Bowshier seconded the motion. VOTE: all yes.

NEW BUSINESS

RESOLUTION 2010-38

Mr. Burris read Resolution 2010-38 and moved to adopt a social media policy for the Township. Ms. Hawk seconded the motion. VOTE: all yes.

RESOLUTION 2010-39

Mr. Burris read Resolution 2010-39 and moved to authorize maintenance and service contract for HVAC and mechanical systems. Ms. Bowshier seconded the motion. Mr. Lilly explained that the

contract written last year had an automatic renewal; however, the change this year for two heaters at his request to include the two gas furnaces in the Township Administration Building revised the agreement, so it had to be presented for approval again this year.

VOTE: all yes.

PRESENTATION

Mr. Jeff Davis, Friends of the Southwest Public Library (SPL), a volunteer non-profit organization, gave a presentation. The library operating budget was \$665,000 in 2001; today it is \$175,000, which is almost a \$500,000 loss in the ability to put books and materials on the shelves. Staff has not had a raise in 9 years. Mr. Davis was present to raise awareness and to find new members. More magazines go off the shelf in Grove City than any other library in Franklin County since magazines are still not available on the internet. The SPL boundaries are the same as Southwest City Schools.

DEPARTMENT REPORTS

ZONING & ADMINISTRATION

Mr. Lilly presented the Board with a report in caucus and also a written report.

FIRE DEPARTMENT

Chief Sheets presented the Board with a report in caucus and also a written report.

RESIDENT #1

The employee of Automatic Temperature who was present at the March 2, 2010 meeting was present to inquire whether a ruling has been made as to the curb cut discussed at the last meeting. Mr. Burris drove it that afternoon and saw where Route 62 comes in. The mulch business creates traffic. Also located there is the model home and Automatic Temperature. His concern is for these guys (emergency personnel). Mr. Bowshier has another opinion that, if we give curb cut approval, we should force a left turn toward the railroad tracks. The business would have to establish a throughway behind the proposed establishment so that when they exit the station they would not go out onto 3C. They would be required to make it a left turn only, to put a road in the back. The pattern would be to go back that way over to Centerpoint Drive and go out at the traffic light. Resident spoke to several businesses down there. There were pros and cons but most had the same opinion as she, that sometimes you just cannot get in or out of there. Mr. Burris stated he had not heard from anybody out there. Mr. Bowshier stated that he has heard from one individual. Resident in attendance has spoken to Chris Roach, Trim Tech and another business. She is not opposed to Turkey Hill, stated that something is needed in that area. She is concerned about the traffic. Mr. Burris advised her to check back with Mr. Lilly in a couple days as to whether a decision had been made.

Mr. Lilly asked for clarification from Mr. Bowshier as to the requirement he mentioned. Mr.

Bowshier stressed that as yet there has been no decision on his proposal at all. Mr. Bowshier considers his option would be a compromise, to allow the business a curb cut while access for our emergency vehicles, and not increase the traffic going onto SR 62. This is in the discussion stage presently; no agreements have been made; no presentation of this sort has been made to the developer; no one has discussed it except for Mr. Bowshier. It was Mr. Bowshier's understanding that the developer for Turkey Hill was willing to make accommodations such as this if we had a legitimate traffic concern.

RESIDENT#2

Mrs. Patricia Sheets, 2442 Quail Meadow Dr.

Mrs. Sheets reported the following: On March 12 of this year Mrs. Sheets received from Jackson Township a letter, subject Breach Notification – Health Information Privacy. On February 13, 2010 Jackson Township paramedics were called to her home to help her with an injury. She was very shocked and disappointed to receive a letter from the Township on March 12 stating that her health information was intentionally taken from the Township computer system. It was also very disturbing to her to know that at least two firefighters had her medical health information in their possession and shared it with at least two citizens. After reading the breach notification document from the Township and doing research, it appeared that the firefighters involved have violated her HIPPA rights, civil rights and federal laws that were designed to protect her. It is her understanding that an investigation is going on, and she is fine with that, but she would like to know if the department has notified prosecutors or does she need to do that in order to file the necessary charges against all of the firefighters who accessed, had or shared her medical information and violated her HIPPA rights and civil rights. She has worked in the medical field for the past 14 years and is currently enrolled in the nursing department at the Columbus State community college. She has worked as a certified medical assistant in two doctors' offices, the Ohio State University health clinic, St Ann's Hospital, Nationwide Children's Hospital and Riverside Methodist Hospital. She has been trained in the HIPPA rights and laws and is well aware of her HIPPA rights and laws and patient HIPPA laws and the consequences if a patient's medical information is intentionally taken. She can assure the Trustees if she had violated a patient's HIPPA rights either accidentally or intentionally, she would have been fired on the spot. She addressed the Trustees, "You might not be able to respond right now, but do you know:"

1. Were the firefighters who had her protected medical information on the EMS call at her house?
2. Did they have a need to know her protected information?
3. Who accessed her medical information on the computer and distributed it?
4. Who had her protected medical information in their possession?
5. Who shared her protected medical information to civilians?
6. Requested a list of all the firefighters and civilians who looked at her personal records and discussed her protected medical information.
7. Would like to know what they (the firefighters) did with her protected medical information once they got it and how long did they have this information, did they turn it into the supervisors once they did have it; and if not, why didn't they?

In closing Mrs. Sheets said she is very disappointed that these firefighters who were sworn to protect the public, laws of the state and federal government HIPPA information, would intentionally violate her (not intelligible), her HIPPA rights and federal law.

Because these firefighters did this to her, they would do it to anyone, and how could they be trusted? She wants the firefighters involved to tell her why they did this to her. She feels very violated. She is a taxpaying citizen who called for help with an injury, and this is what she got. She is sure the Jackson Township Board of Trustees will take the necessary steps to make sure the firefighters involved will never do this to another citizen. She thanked the Trustees.

Chairman Burris assured her there is an ongoing investigation and stated we (the Township) think we know who some of the people are. He apologized to Mrs. Sheets and stated that no resident should ever have an EMS report or any personal information ever leaked. He assured Mrs. Sheets that the Trustees are not happy, and he promised we will get to the bottom of this. It will be severe. He is not at liberty to divulge the names right now because we are still investigating with IT people. It was done deliberately. He cannot tell her who did it. The federal government has already been notified. Mr. Lilly has filed that. It is a federal crime. We have notified them on her behalf. He again apologized. It will not go unpunished.

Ms. Hawk requested a copy of Mrs. Sheets' request in writing so that we can follow up.

Deputy Chief Dawson. We know how it happened and have taken immediate actions to limit that website and that information to immediate supervisors only, captains and above. They (Department) need to access that site to complete the report. It is a legitimate use of that information. So we have now limited the capabilities to immediate supervisors and chiefs.

Mr. Burris reiterated that it was done deliberately. Those people involved were not on the EMS run. They had no business with that information. He repeated that we will get to the bottom of this.

Mr. Lilly stated that if he finds there is any need to update the letter to her, he will send updates as we receive information.

Mr. Burris stated that Mr. Lilly and Chief Dawson have worked tirelessly on this investigation. They are the two in charge of getting to the bottom of this.

Mr. Bowshier insured with Chief Dawson that the breach that occurred here, the process that occurred here has been prevented and that it cannot happen again.

Chief Dawson stated he cannot promise it will not happen again. We do have access to the website with that information; however, it is now limited to supervisors only with their own passwords. Anybody who is now gets on that website, we know exactly who they are, and where, what, when, and why. We have limited the exposure as best we can. We have individual passwords now, rather than one password.

Mr. Bowshier stated, speaking on behalf of the public, they can feel safe and confident this is not going to happen to them.

Chief Dawson stated that this is the first this has happened, and we have taken corrective action.

Ms. Hawk stated for the public's sake that this is an isolated incident, and it was obviously not meant toward her (Mrs. Sheets), but it was to retaliate against Mrs. Sheets' husband. That is why this breach was made. So it is not something that is typical.

Mr. Burris reiterated that it has never happened before. The Board truthfully believes it was done with the intention to get at Chief Sheets. No taxpayer, nobody's information should ever be out in the public.

Chief Dawson stated that we put the conduct of our employees at the highest level. We expect confidentiality. We have had that up until now. We will take this seriously. We will find an answer, and we will get back with her. As far as contacting a prosecutor, we do not have that answer because we have never been in this position; but we will find out what the next steps are. It is a learning process for the Township as well.

Mr. Burris told Mrs. Sheets she can go to Mr. Lilly as to how he notified the federal government.

Mr. Lilly directed Mrs. Sheets to the link given to her in the letter that describes how he made the proper notification.

Chief Dawson assured Mrs. Sheets that we would work through this together.

Chief Sheets stated he did some research today and will give the Board a copy of a court case. This one case is probably one that would mirror what happened. It is intentional, and when done in a malicious way, the woman could be fined up to \$250,000 for taking the information of the patient and using it in a malicious way. The government has started to take this very seriously.

Mr. Burris apologized again and promised to get all the answers.

ANNOUNCEMENTS

Mr. Burris announced the following upcoming meetings:

The Township Board of Trustees will attend the Grove City Chamber of Commerce meeting on March 18, 2010 at Drury Inn. No business will be conducted.

The Township Board of Trustees will convene a public information meeting about the proposed Orders Road leisure trail on Monday, March 22, 2010 at 7:00 p.m. at the Township Administration Building.

The next regular meeting of the Jackson Township Board of Trustees will be Tuesday, April 13, 2010, at 1:30 p.m., with caucus to begin at 12:45 p.m.

RESOLUTION 2009-40

Mr. Burris moved to go into executive session for the purpose of a disciplinary investigation involving Jackson Township Fire Department personnel. Ms. Hawk seconded the motion. VOTE: all yes.

Present for Executive Session were Trustees David Burris, Stephen Bowshier, and Daphne Hawk; Fiscal Officer Bill Forrester; Administrator Michael Lilly; Fire Chief Lloyd Sheets and Deputy Fire Chief Rick Dawson.

RESOLUTION 2009-41

Mr. Burris moved to return to regular session. Ms Hawk seconded the motion. VOTE: all yes.

RESOLUTION 2009-42

Mr. Burris moved to adjourn the meeting. Mr. Bowshier seconded the motion. VOTE: all yes.

Meeting was adjourned at 8:30 p.m.

ATTEST:

William Forrester, Fiscal Officer

David Burris, Chairman