



18, 2025, at a regularly scheduled public meeting, the Board of Supervisors accepted Otterbein's resignation.

Under section 407(c)(1) of the Second-Class Township Code, the Board of Supervisors had 30 days from the date of the acceptance of Otterbein's resignation to fill the resulting vacancy. On December 18, 2025, the Board of Supervisors solicited applications from interested Township residents to fill the vacancy. The Board, at its regularly scheduled meeting on January 15, 2025, considered and deliberated upon numerous applications. At the meeting, the Board of Supervisors were unable to appoint a replacement supervisor or appoint a vacancy board chairman due to a voting deadlock.

Under section 407 (c)(1), when the Board of Supervisors is unable to fill a vacancy within 30 days of its effective date in accordance with the statute, the vacancy board then has an additional 15 days to fill the vacancy. In the instant matter, the Board is unable to select a replacement supervisor or select a vacancy board chairperson due to a persistent and enduring impasse.

On January 21, 2026, the solicitor for Hellam Township, at the request of the Board, filed a petition requesting the Court fill the vacancy pursuant to Section 407(d). Upon receipt of the Board's petition to fill vacancy, we issued an Order dated February 4, 2026, scheduling a hearing for April 21, 2026. We further ordered that all interested candidates for appointment submit a letter of interest and current resume to the Court. A copy of the Court's order was posted at the Hellam Township building, published in a newspaper of general circulation and also posted on the Township's official website.

Prior to the hearing on the petition, the Court received cover letters and resumes from the following 3 individuals:

- M. Scott Hursh
- Michael Rhoades
- J. Richard Cooper

At the hearing on the petition, we received testimony from Michael Shillott, current Vice Chairman of the Board of Supervisors. Mr. Shillott testified regarding the above facts leading to the vacancy and the current board's inability to fill the position without court intervention.

We also received testimony from the above three applicants. Each of the applicants testified regarding their professional achievements, prior community involvement, and why they are pursuing this role in government service. We found each of the applicant's testimony to be credible and compelling. All applicants had impressive work resumes and each had been involved in nonprofit or other voluntary community service for decades. Additionally, all of the applicants testified they had some experience working with the Township as a member of its zoning hearing board, planning commission, etc.

In reviewing the submissions of the parties and listening to their testimony we couldn't help but think of the following famous quotation by sociologist Robert Bellah:

**Two of the most basic components of a good life are success in one's work and the joy that comes from serving one's community. And... the two are so closely intertwined that a person cannot usually have one without having the other."**

From our perspective, all of the applicants have led a "good life" pursuant to this definition, and appear driven to serve their community for altruistic reasons.

Finally, to their credit, no applicant testified to, or provided information to the Court in their written submissions, which identified the applicant's political party affiliation. In this day and age, it seemed rare, but refreshing to have three individuals seeking an appointment on a political body who exclusively relied upon their life experience, community involvement, family life and desire to help their fellow neighbors as the sole evidence of their fitness for the position. We make our decision today, comfortably, without knowledge of any applicant's affiliation or specific ideology.

The appellate courts have provided very little direction on how Common Pleas Judges should go about filling these vacancies under the Second-Class Township Code. There is no statutory checklist nor specific guidance other than determining an applicant's mandatory legal eligibility. We are satisfied, based upon the testimony, that each applicant is a resident of the Township, of legal age, and not disqualified due to criminal conviction. The rest of our task seems to be, for better or worse, a matter of self-imposed sound discretion.

To that end, we have concluded that all three applicants possess the skill, intellect and disposition to be a productive asset to the Hellam Township Board of Supervisors. Our concern is not picking the wrong person for the job, but rather not being able to select all three for the role. We find this predicament to be a good problem for the Court and even better one for Hellam Township

In seeking a distinguishing factor between the evenly qualified applicants, we have carefully considered their respective testimony regarding the desire to run for reelection at the conclusion of the appointed term. For the reasons more fully discussed below, we find this issue to be compelling and determinative.

Mr. Hursh has stated that he is undecided with respect to whether he will run for reelection. Mr. Cooper has stated definitively that he will seek reelection at the conclusion of the appointed term. Only Mr. Rhoades testified that he had no desire to run for reelection and would only serve the Township for the duration of the term made vacant by the resignation. Mr. Rhoades, also stated in his cover letter to the Court, "I have no political agenda and do not plan on seeking the elected office when the term expires."

We are mindful, in a democracy, that a judge should not ordinarily choose our representatives or community leaders. That task, almost exclusively, should belong to the voters. As eloquently stated by President Franklin D. Roosevelt – "The ultimate rulers of our democracies are not a President and Senators and Congressmen or government officials, but the voters of this country."

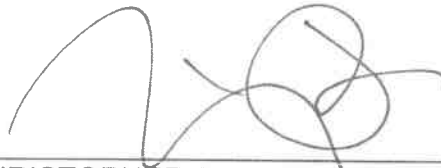
Appointing a supervisor who has committed to only serving the remaining unexpired term, and no more, is the highest expression of what we believe should be our rare and limited role in this process. By doing so, the voters of Hellam Township will have the ultimate say on who fills this role moving forward in the next municipal election in 2027. We encourage both unsuccessful applicants in this process to run. Each should put their very impressive qualifications and desire for the position to the voters. However, no candidate in that upcoming election, by our ruling today, will run with the inherent advantage of being an incumbent sitting supervisor.

For these reasons, we appoint Michael Rhoades to fill the vacancy on the Hellam Township Board of Supervisors created by the resignation of Nedette Otterbein. Per statute, Mr. Rhoades will assume office immediately and serve until the first Monday in

January after the next municipal election in November 2027. We believe the decision made today to appoint Mr. Rhoades to the now vacant supervisor position provides Hellam Township with an exceptionally qualified supervisor to fill a vacancy but does so in a way that leaves the future of this Board in the hands of its rightful owners, the citizens of Hellam Township.

A copy of this Order shall be provided to counsel for the Petitioner. Counsel shall provide a copy to the Board and any other notice prescribed by law.

BY THE COURT,

A handwritten signature in black ink, appearing to read 'C. Ferro', written over a horizontal line.

CHRISTOPHER A. FERRO, JUDGE

Dated: April 23, 2026