

Minutes  
LAFAYETTE TOWNSHIP BOARD OF TRUSTEES  
Regular Meeting  
Monday, April 18, 2011

**Meeting called to order:** 7:00 p.m. followed by the Pledge of Allegiance.

**Members Present:** Trustee Lynda Bowers, Trustee Nanci Shanley, Trustee Bryon Macron, Fiscal Officer Shirley Bailey.

**Ambulance Bid Opening** – Ms. Shanley related that two bids were received with the following documentation:

1. PennCare Incorporated, 1317 North Road, Niles, OH
  - a. Cover letter with quotation
  - b. Certificate of Liability Insurance
  - c. Surety Bond
  - d. Drawings
  - e. Contracts required
  - f. Specifications as published
  - g. Bid Affidavit
  - h. Non-Collusion Affidavit
  - i. Performance Bond
  - j. Bid amount - \$212,765.00 with the Performance Bond as an option of \$1,996.00, Trade in of a 1997 47 Horton for \$22,000.00 – Total delivered price of \$192,761.00. Vehicle completion of 120 – 150 days.
2. American Emergency Vehicles submitted by Roland Specialty Vehicles and Products, P.O. Box 6888, Toledo, OH 43612
  - a. Bid Letter and Quote Support
  - b. Bid Specifications
  - c. CAD drawings
  - d. AEB response specifications
  - e. Form of Bond
  - f. Bidders Statement
  - g. Non-collusion Affidavit
  - h. Terrorist Form Affidavit
  - i. Affidavit of Bid Compliance
  - j. Summary – Total bid amount is \$206,516.00

Ms. Bowers would like to have an opportunity to evaluate these bids. Ms. Shanley agrees.

**Trustee Special Meeting** – The Board agreed to hold a Special Trustee Meeting on April 27, 2011 at 4:30 p.m. in the Township Hall. Ms. Bowers reported that since the financial forecasting began there have been changes at the state level. Based on the change in the public utilities reallocation that will occur, the tangible personal property tax that is in its final year of phase out, the levies will be affected. The fire and rescue levy will probably decrease by about \$32,000 next year and the police levy will decrease around \$19,000. The inside millage will also change a little bit. The local government funds that are phasing out, even though the biennium budget shows a 25% cut, for 2011 the Township will only see 5% of that. The biennium budget doesn't go into

effect until August 1<sup>st</sup> and the income for the first seven months of this year has been up. Even though Lafayette doesn't budget with these funds, they are used to build up the carryover amounts. Next year there will be about a 31% difference in the Local Government Funds and in 2013 it will probably phase out completely. Ms. Bowers suggests the Board go back and look at the proposed five year budget with this knowledge. This will be addressed at the Special Meeting. The Fire Chiefs would like to attend this meeting as well. There is a county-wide Oil & Gas Meeting at 7:00 p.m. on April 27<sup>th</sup> so the Special Meeting needs to be completed in time to attend this meeting. Ms. Turpin will publish this meeting for financial planning and evaluation of ambulance bids, with the choices to reward or reject bids. The bids will be available in the Fiscal Officer's Office for review.

**Minutes Pending Approval – February 16, 2011 Regular Meeting as corrected, March 9, 2011 Special Meeting, and March 21, 2011 Regular Meeting minutes were moved for approval by Ms. Shanley and seconded by Mr. Macron. All voting in favor.**

Ms. Shanley asked about pending items-

- From the February 16<sup>th</sup> minutes - Receiving insurance from ball leagues – Ms. Turpin reported it has been received.
- From the March 9<sup>th</sup> minutes – Citations for road closed violations – Mr. Macron will address in parking on the agenda. Ms. Bowers reported that violators cannot be charged for more than the minor misdemeanor traffic offense. Arizona has a Stupid Law for those that blatantly disregard a known hazard that allows for recouping of costs. There are Ohio Legislators who are looking into this type of law for Ohio.
- From the February 16<sup>th</sup> minutes – Have we received word from Hal Gerspacher regarding the HOA assessments? – Ms. Bowers reported that no information has been received. Ms. Shanley reported that Mr. Gerspacher is doing a review and will send a letter to the County Auditor to roll back collection if there are no projects.

**Correspondence** – Ms. Shanley noted that the reappraisal process has begun and this information should be included on the website for the public. This is the state mandated 2013 reappraisal. Ms. Bowers reported that she had received a letter asking if the Township wished to challenge the census. The Board does not see any need for a challenge.

**Financial Report** - Ms. Bailey reported the following balances:

Checking - \$ 770,724.13

Investments - \$2,125,318.12

There is no longer a separate secondary (HRA) balance.

Two invoices were received that reference contracts. The invoice from KGC was not appropriated for. \$390.00 had been appropriated for computer support in the Fire Department for Fire Companies. **Ms. Shanley moved to add \$4,500.00 to the line item for Computer Support under Fire and to appropriate the funds for KGC. Ms. Bowers seconded the motion. All voting in favor.** Ms. Shanley reported that she had acquired an invoice from KGC with the correct billing information. **Ms. Shanley moved to accept the contract with KGC Computers for the amount of \$4,500.00. Mr. Macron seconded the motion.** Chief Hall states that this service is absolutely needed. **All voting in favor.** Ms. Shanley will sign the contract.

The second invoice is for Wellington Implement to continue the zero turn mowers for a cost of \$3,600.00. Mr. Macron explained that this is a yearly contract. **Mr. Macron motioned to sign the contract with Wellington Implement. Ms. Bowers seconded the motion. All voting in favor.** Mr. Macron will sign the contract.

**Requisitions** – Ms. Bailey reported the following totals for requisitions:

Service -	\$1,675.00
Administration -	\$ 901.06
Fire & Rescue -	<u>\$8,551.79</u>
TOTAL-	\$11,127.85

Mr. Macron reported that the garage doors of the Administration Building need to be repaired due to failure to lock, deterioration repair, and install a key entrance. Ms. Bowers asked if the Fire Safety Services items were still on a grant reimbursement. Chief Hall replied this was for three sets of turn-out gear. The Township was turned down by the State Fire Marshall grant which had been strictly for turn-out gear. We are still in the running for the Assistance in Fire Fighter's Grants for turn-out gear and air packs. Chief Hall stated that the department is replacing three sets of turn-out gear a year as opposed to the five sets that had been done in the past. Ms. Bowers asked if the services of Vera Gatchell had been used. Chief Hall replied she had assisted with the Assistance in Fire Fighter's Grant which may take until August to find out if we have been successful. Ms. Shanley reminded the Board that if we are turned down for something that Vera Gatchell wrote she will rewrite the grant without an additional fee. **Mr. Macron motioned to approve the requisitions of April 18<sup>th</sup>. Ms. Bowers seconded the motion. All voting in favor. Ms. Shanley noted that she is not agreeing with the tree requisition at this point.**

**Format of Minutes** – Ms. Bailey reported that a long discussion was held at State Conference regarding minutes. A class she attended had 150-200 people from various Townships and Villages. The instructor stated that minutes should always be approved by the next meeting and never carried over. If the Board carries the minutes over the Fiscal Officer is to simply put the minutes in the book and consider them done. It is a Trustee's job to read the minutes. Ms. Shanley asked if this was statutory. Ms. Bailey replied it is not but it is what is recommended from the Auditor's office. Ms. Bailey had mentioned in the class that our Township does verbatim and the class gasped. No other Township does verbatim from that class. The instructor felt that was irresponsible due to the time, the amount of paperwork and the amount spent having them done. She felt verbatim was unnecessary and difficult to read. Ms. Bailey stated that she has received calls from residents complaining about the verbatim minutes. Ms. Bailey feels the Township should go back to summarizing the minutes as other Townships do. Ms. Shanley stated that she is the one who brought the resolution to the table that Assistant Prosecutor Bill Thorne had prepared asking for verbatim minutes. This was done for the sake of transparency. There was also a history of minutes piling up due to discrepancies and questions. How would the Board reconcile the need to immediately approve minutes if there are discrepancies? The Board does statutorily have the ability to state their preference for minutes and to ask for corrections for clarity or accuracy. Ms. Bailey stated that the instructor suggested that if a correction is needed the Fiscal Officer is to be called and told of the error. This should not be done in a meeting. Ms. Bowers stated that Mr. Thorne prepared the resolution because he had been requested to do so. She also grew weary of spending an hour to approve minutes. However, if one goes back and looks, over and over when an objection was raised for accuracy, after checking, there would never be a correction because the minutes were actually accurate. She believes there was only one time where a couple of words were changed. Ms. Bowers has also received numerous complaints from

people not being able to find things in the minutes. The Township is here for customer service and if the customer's are having a hard time finding things, we need to make it easy for them. Ms. Bowers stated that she had agreed to try the verbatim minutes stating that if the medicine became worse than the illness we might need to take it back to summary. With the complexion of the Board having changed and the meetings running a little more smoothly it might be an appropriate time to try to go back to the summary method. If a Trustee has a legitimate concern about something being incorrect, they should go see Joy or Shirley in plenty of time before the next meeting to work that out. If there is disagreement a second Trustee can be called in and majority would rule. Ms. Shanley stated that for the sake of customer service she likes transparency. She feels that verbatim is the most transparent method. Ms. Bowers disagrees if people are not able to understand them. Mr. Macron reminded the Board that every Trustee meeting is recorded. He believes in having the transparency yet feels our current minutes are a joke. Ms. Shanley asked if there is a timeline for having the minutes to the Trustees. Ms. Bowers stated that the majority of the time the minutes are available weeks before the meeting and that this Board would be reasonable in determining if enough time had been available for review. Trustee Rick Monroe from York Township had been in the same meeting as Ms. Bailey and told Ms. Bowers that he had been ashamed to tell people that he knew which Township it was. Mr. Macron suggests that if there is something the Trustees don't agree with in the minutes, that would be the time to not approve them and that should automatically be in the next minutes. The Board agrees that these issues should be worked out ahead of time. Ms. Shanley stated that she has attended meetings for five years and she knows that the minutes in that time have not always been accurate. She is leery of returning to that situation. She has no problem with the verbatim minutes. If the Board is going to be reasonable about the time constraints that changes things a little but she does still feel strongly about verbatim. Ms. Bowers suggests trying it as a summary for awhile. **Consensus of the Board is to try summary minutes.** (Trustee Shanley was not in agreement for returning to summary minutes while Trustees Bowers and Macron were.)

### **Department Reports:**

**Service** – Mr. Macron was notified by the Service Department of a tree at 7362 Gilbert Street that is in the right-of-way. The homeowners have been invited to attend this meeting. The cost to remove the tree is \$700.00. The tree has posed problems for the Service Department during snow plowing season. There are also other trees that need attention. This homeowner met with Dave Figgers and was boisterous about this tree. Mr. Robert Klever of 7362 Gilbert Street stated that their issues with not having the tree cut down are that this is a beautiful tree with no storm damage. They have not been notified by anyone of it posing any problems as far as snow plowing. Two neighbors that border the property, one across the street and one at the end of the road asked them about two years ago if they would like to have the tree cut down. The Klever's replied no. The neighbor across the street has recently voiced a concern about the possibility of the tree falling on their property during a storm and damaging their home. According to the Klever's measurements the tree would be about five feet short of hitting their home. Mr. Macron stated that his observation of the situation is that if the tree falls, the house across the street would be gone. Mr. Klever reported that even in high winds such as we experienced two years ago the tree has sustained no damage. Ms. Bowers stated that she is a tree hugger herself but in this case there have been a number of complaints, the Service Department has had issues, and the Fire Department has also had to maneuver around the tree. The tree is right on the roadway. In speaking with the Prosecutor she asked if there was any way to let the homeowner assume the liability and he replied absolutely not. The liability is with the Township. The Township has a policy of reacting to complaints rather than going out and looking for the problem. Now that the

situation has been put on the table, the Township has the liability and it is even worse because the Township has been told about it and has not done anything about it. The Trustees are to protect the tax dollars, including from lawsuits. Ms. Shanley stated that she first heard about this situation when she was copied on an email from Mr. Macron in a request for a legal opinion and had not heard about any previous safety hazards with the tree and asked what they were. Ms. Bowers noted that this subject has been talked about twice, in early 2009 and three or four months ago. She remembers asking Chief Hall about an instance where he had to maneuver around that tree. Ms. Shanley asked what equipment was plowing the road. Mr. Figgers replied that it depends on how heavy the snow is and who is available. It could be the pickup or one of the Peterbilts. Generally the mid-sized vehicle is used. Ms. Shanley recalls that the pickup was purchased for the express reason of using it on those narrow streets in Chippewa. Ms. Bowers noted that it is a problem even with the 1-ton. Ms. Shanley reported that she had spoken with Jeff Bumbulis who states it is a walnut tree which grows straight up and it is perfectly healthy. Ms. Shanley took some photos and notes that there are actually other trees on that road that are closer to the actual edge of the road. She has difficulty in taking down a perfectly healthy tree with no storm damage. Mr. Klever stated that there is about a foot between the tree and the pavement. Mr. Macron stated that there is an issue with the Service Department and this tree and that is why he brought it to the attention of the Board. A discussion was held regarding the timing of the street being plowed. Mr. Klever states that as a former class CDL driver he feels the problem is more one of driver's that do not know how to drive and maneuver vehicles, such as the Fire Department recently brought a vehicle that was too large down and got stuck at a neighboring property. Chief Hall stated that the vehicle was filling up at that time. Ms. Shanley showed a photo with a tree that was actually at the edge of the pavement. Ms. Bowers noted that was an arborvitae bush that may also need to come out. Discussion was held regarding swinging around the tree. Part of the problem is the width of the road. Mr. Klever stated they would have no problem removing the tree if it was to better and widen the road. Ms. Bowers again stated that she does not like taking trees down but there is the liability issue and there are complaints on the record. Ms. Shanley asked if most trees in tree lawns weren't in the right-of-way. Mr. Macron replied that this tree is beyond what would be considered tree lawn. Ms. Shanley pointed out that in Chippewa this is not an unusual situation and asks what exactly the Township's liability is. Ms. Bowers replied that the liability is that if someone is injured and the Board did not act responsibly in removing the obstruction from the right-of-way, it is our responsibility. The Township has been put on notice that there is a problem and that there was a near miss. Mr. Macron stated that the Township is in the right on being able to cut the tree according to the Prosecutor and to the Zoning Inspector as there is no doubt the tree belongs to the Township. He brought the issue to the Board because it is a pretty tree. Usually this would not be an issue; the tree would just be cut. Mr. Klever asked what the complaint was for the tree. Ms. Bowers replied she has received information that it is so close to the roadway it is dangerous; cars coming in and out have had near misses. Mr. Klever asked about the liability of a driver going into the ditch if the tree were not there. Ms. Bowers replied that it would need to be leveled out. The situation is similar to one where a storm may take out stop signs in the middle of the night and an accident occurs. If the situation is known and no action occurs, there is liability. Our Service Department rides our roads every morning and checks all the stop signs. Mr. Klever again asked which of the five different reasons was why the tree is coming down. Is it the neighbor worried that the tree may fall on the house, is it that a driver might hit the tree when intoxicated... Ms. Bowers replied it is all of those. Ms. Jessica Klever stated that she and her husband had witnessed the accident with the intoxicated driver. If the tree that was hit had not been there, someone in the yard would be dead. That tree saved someone's life. She asks how cutting down a tree going to save anyone who is innocent? Ms. Bowers again stated that once the

Board has been put on notice that the tree is a hazard with good reason, it is the responsibility of the Board to address the hazard. She is not willing to assume the responsibility on behalf of the residents of Lafayette Township and hope that nothing happens. Ms. Shanley asked if the Board would be willing to table this item to gather more information. She has spoken with the Fire Department and states they didn't feel it was a big problem. She hasn't spoken with anyone who has stated this is a problem. Ms. Bowers stated she would give the names and phone numbers to Ms. Shanley. **The Board consensus was to table the issue until the next meeting.**

**Spring Help** – Mr. Macron reported that the Service Department will be hiring spring help. An ad was placed in the paper two weeks ago and the candidates have been narrowed down to two. This will be seasonal help only.

**Recreation** – Mr. Macron reported that the divider in the garage was installed this past Saturday for the ball league. Mr. Macron reported that the ball league expresses their thanks for having the ability to have a secure place for their equipment and the ability to work on their fields.

Mr. Macron presented **RESOLUTION 7-2011 – RESOLUTION DETERMINING TO DISPOSE OF CERTAIN TOWNSHIP PERSONAL PROPERTY DEEMED TO HAVE NO VALUE AND NO LONGER NEEDED FOR ANY PUBLIC PURPOSE PURSUANT TO THE OHIO REVISED CODE 505.10(A)(7)**. The wooden tables have been requested by a church in Chatham and the majority of the other items would end up being scrapped. A Sheriff's Deputy did come and look over the items to determine what had worth. The Fire Department will also look at the items one last time. Ms. Bowers read the items included in the resolution. **Ms. Shanley motioned to approved Resolution 7-2011 with Mr. Macron seconding. All voting in favor to approve.**

**Memorial Committee Update** - Ms. Bowers passed out minutes from the Committee Meeting. Ms. Turpin updated the Board with information that the committee had met on April 8<sup>th</sup>. Ms. Pam Miller from the Post had been in attendance and will publish a story. The memorial stone has been ordered and should be placed by Memorial Day. The footer for the stone has also been ordered and as soon as the weather and ground allows it will be placed. The vendor offered a discount on that service. The April 8<sup>th</sup> meeting was a very positive meeting and the committee members felt that the project could be accomplished by Memorial Day. Since then, another meeting has occurred with the Service Department and Mike Biskup to determine details on work. At that time, it was determined that with the land conditions and the fact that we will be hosting a parade on Memorial Day the project has been scaled back as to what can be accomplished by Memorial Day. The stone, footer and electrical are anticipated to be done. Ms. Bowers had shared with the committee that a flag had been designed through a contest in the school system that will be manufactured. It depicts an established date for the Township of 1825, which is an accurate date that was researched; this is different than the signs on the outskirts of the Township. The committee wants to give the community an opportunity to be a part of this project. This project will mark Lafayette Township. The design will be available for any that would like to view it. The gazebo will be tied into the memorial and the entire property will come alive. A new "Lafayette Township" sign will be erected. This will be a point of reference within Lafayette Township. Ms. Bowers added that Senator Portman has donated a flag that has flown over the White House. She is excited that the Township is able to do a war memorial. She doesn't think most people realize how many veterans the Township has until they have heard the names from one of the war dead readings. Mr. Grondin is one of the living veterans we have and he has

authored a book on his experience in the service. This is turning into a great community project. Mr. Eli Beachy has spoken to Ms. Bowers about some of the local history and she thinks that this may be able to dovetail into this as well. There is a lot of talent and history in this Township and she is excited that this is all coming together and appreciates the people who are involved in working it out. Ms. Turpin reported that the Community Work Days are set for April 30<sup>th</sup>, May 7<sup>th</sup>, May 14<sup>th</sup>, and May 21<sup>st</sup>. May 7<sup>th</sup> is Clean-Up Day but it was felt people can participate in both projects. The work days will start at 10:00 a.m. Mike Biskup will be the project coordinator and a project list will be available. Ms. Turpin invited all to come participate in this prideful moment for the Township. Ms. Bowers reported that Mr. Bill Richardson has volunteered to loan planted pots from his nursery to help decorate for Memorial Day.

**Fire Department** – Chief Hall reported the March calls: Fire Calls to the Township – 11, EMS – 30, Total of 41 calls. Year to date – 127 runs. Ms. Shanley reported that the last several meetings with the City of Medina regarding collaboration have been cancelled. At the next meeting everyone will be asked to commit to whether or not they want to be included in the feasibility study. Ms. Shanley would like the Board to determine what level of participation the Township would like to have from here on in. She attempted to call Mayor Hanwell to determine an idea of the cost to each entity but he was unavailable. Ms. Bowers stated it is difficult to make that decision without knowing an amount. Ms. Shanley anticipates the amount will be in the thousands. Mr. Macron agrees. The Board consensus is to table this until more information can be gathered by the Special Meeting on April 27<sup>th</sup>.

**Fire Works** – Ms. Bowers reported that Medina Mayor Hanwell had recently inquired of her if the Township had considered the fireworks request. The Township has never participated in the past. There recently was an unpleasant letter to the editor talking about how Townships ride on the backs of the city. Mayor Hanwell reported that neither he nor his council feel that way and know that the residents of the townships support the city in other ways, i.e. shopping, recreation center. Lake Road and Smith Road are being resurfaced this year when they were originally scheduled for 2014 – 2015 with bond issue money. These projects were moved up by the city to 2011. At an Economic Development meeting Ms. Bowers had commented that the Technology Park is a difficult sell when people have to drive down Lake Road. Many of the buildings are for sale and are being incubated and the road is a mess. Tom Kruger and Mayor Hanwell agreed. This project was moved up at the request of Lafayette Township. In the spirit of cooperation Ms. Bowers asked the Board if they would consider a donation towards the fireworks. Montville and Medina Townships have each made donations. **Ms. Shanley feels that \$500 would be a proportionate response** in relationship to what Montville is giving. Ms. Bailey has confirmed that the funds are available and would come from the general fund. **The Board does have consensus on the fireworks.** Mayor Hanwell intends to address the letter to the editor.

**Police** – Mr. Macron reported that in cleaning out the garage two cases of gun locks for Project Child Safe were found. These will be advertised on the website for free. Some have been given to the Fire Department to take to the Chippewa Station. The police report will be distributed to the Trustee mailboxes.

**Parking Complaints** – Mr. Macron reported that he has received five complaints in three different subdivisions regarding parking on the streets late at night. There is a parking regulation that states no parking on streets from 2:00 – 6:00 a.m. He has asked the deputies to issue warnings. The Township does have the right to ticket through the Sheriff's Office. Cars are

currently receiving warnings but if they find it is the same cars they will eventually receive tickets. Mr. Macron suggests placing signs at the entrance to each subdivision stating no parking from 2:00 – 6:00 a.m. Discussion was held as to how many signs should be ordered. Ms. Bowers gave a sample post card to Mr. Macron if he would like to utilize them. There is a resolution where the Board has already adopted the formal parking regulations. Chief Hall asked for clarification on the current regulations. Ms. Bowers stated no parking where signs prohibit and on the side of the road where fire hydrants are installed. Discussion was held regarding the no parking on hydrant side of street signs. Those signs are in all five subdivisions. **Mr. Macron motioned to put signs at the entrance of the subdivisions for no parking between the hours of 2:00 – 6:00 a.m. Ms. Shanley seconded the motion. All voting in favor.** After discussion it was determined to allow Mr. Macron discretion in determining which subdivisions need to be signed.

**Resolution 8-2011 – Ms. Shanley moved to adopt RESOLUTION 8-2011 DETERMINING TO DISPOSE OF CERTAIN TOWNSHIP PERSONAL PROPERTY VALUED AT LESS THAN \$2,500.00 AND NO LONGER NEEDED FOR ANY PUBLIC PURPOSE PURSUANT TO OHIO REVISED CODE 505.10(A)(2) AND 505.101. Ms. Bowers seconded the motion.** Ms. Bowers reported that these items are the police light bars and police cages. These items can be disposed of for whatever amount can be acquired. **All voting in favor.**

**Zoning** – Ms. Bowers reported that members of the Zoning Board will be attending the OPC Zoning Conference and **requests consensus of the Board to reimburse the \$60.00 per member. The Board agrees.**

**Cemetery** – Ms. Bowers reported that the deed form currently being used is the UAN deed form. This form does not have statutory language for reversion. The Board had previously approved reversion language which requires the deed owner to notify the Township every so many years of who is in possession of the lots and a good mailing address and also states that the deeds are only good for forty years. After forty years a letter can be sent to the last contact and then the Township can take those lots back. This keeps cemeteries from having a lot of family plots that are not used. In order to put the onus on the purchaser of the lot the language has to be in the deed. Ms. Bowers would like for our prosecutor to approve the language before implementing. Once she receives the approval from the Prosecutor she will send the language to the other Trustees for review with anticipated approval at the next meeting.

**Rail Road Evaluations** – Ms. Bowers reported that she attended the rail road evaluations for Chippewa Road at Lake for gates and lights as well as the crossing at State Route 42 close to Deerview. The township should know within three to four months whether that will be approved. With ODOT, PUCO, CSX and the County all being together she took the opportunity to point out the hole in the track on Chippewa Road. She was assured that when it is determined who is responsible it will be fixed. John Crawford, in the audience, pointed out that the crossing on Deerview is also in need of repair. Ms. Bowers will follow up.

#### **Old Business:**

**Clean-Up Day** – Ms. Shanley noted that flyers were available and a press release has been issued. Mr. Macron pointed out that the Service Department has also been receiving calls. Ms. Shanley passed out maps for the day. Traffic control will be needed at the entrance (southern driveway) by a deputy. Signage is being worked on. Two to three people will be needed at point A (Trustees) for tallying and to check addresses. The dumpsters are at area B with a Central Processing

Facility employee for monitoring. People will be needed by the dumpsters. It is permissible to bring equipment such as the front end loader however the dumpsters are slightly smaller than previous years. One or two people will be needed at point C, recycling. This is the electronics and battery area. Discussion was held about having prisoners help. Ms. Shanley stressed that a deputy will be needed at the entrance as this was part of the agreement. There is no soccer tournament scheduled on that day. Deputy Jim Sanford will follow up on prisoners. Ms. Bowers pointed out that the Trustees usually provide the food for the day for the prisoners (breakfast snack and lunch). Ms. Bowers will provide sloppy joes and potato salad, Ms. Shanley will provide donuts and chips, Mr. Macron will bring sausage, Ms. Turpin will make arrangements for coffee and drinks. Ms. Shanley requested that all spread the word regarding Clean-Up Day.

**Emergency Snow Plowing** – Mr. Macron reported that the decision had come in from Mr. Bill Thorne that states the Township cannot offer the plowing on a contract basis. The only way would be as an emergency. He has notified the HOAs in question.

**Comprehensive Plan** – Ms. Shanley questioned the statement that the current funding level for the Fire Service is not adequate. She thinks the Board is working through whether there is enough money and this statement is very definite. She asks for the statement to be removed since she doesn't feel the Board can say that at this point. Ms. Bowers stated that is what she recalls the Board agreeing to but is open to suggestions. Ms. Shanley stated that it had previously read adequate. Ms. Bowers feels it is not adequate since they are spending twice what is being brought in. Ms. Karen Schoonover was involved in the steering committee and remembers that general discussions were held about all Township services. She doesn't believe that specifics were discussed within that group. She suggests striking the sentence. Ms. Bowers and Ms. Shanley agree with that solution. Ms. Bowers will correct that page. She affirms that the newest census information has still not been received. **Ms. Bowers motioned to approve the comprehensive plan subject to the changes that the Board has identified and subject to the tables being revised to incorporate the current statistical data from the census once it arrives. Ms. Shanley seconded the motion along with Mr. Macron.** Ms. Bowers will provide the document to the Recorder's Office. This will also be included on future Organizational Agendas. **All voting in favor.** A copy of the Comprehensive Plan will be with the Recorder's Office by the end of the week and the changes will be made on the website. The Board thanked all for their hard work.

**Balanced Growth Initiative** – Ms. Shanley reported that she had met with Jeff Van Loon and Gary Norcia and reviewed each and every program that people could potentially tap into for grants. She states that they are supportive of the concern but ask that the area just west of the railroad tracks along the south side of 162 not be included since it is the County Complex and is already there. The resolution has been corrected to add the priority agricultural areas (PAAs). Ms. Shanley proposes that the Board adopt the local preference area. She shared that Guilford and Medina Township have done similar adoptions.

Mr. Macron pointed out that he was made aware of the Rocky River map by Mr. Van Loon. Ms. Shanley states that at that time the Township did not have a Comprehensive Plan such as was adopted this evening. She wants to have parity between the mapping and the Comprehensive Plan. Ms. Bowers pointed out that the zoning was in place. Ms. Shanley stated that the zoning rarely stands when somebody wants to develop; a zoning change is requested. Ms. Bowers disagrees that the zoning is not strong. Ms. Shanley pointed out that Medina Country Club,

Hunter's Run, and Chippewa Landing were zoning changes. Ms. Bowers stated that those were approved. Ms. Shanley stated that the standing zoning gets changed when a project comes in. The Comprehensive Plan becomes the guide.

Ms. Bowers' concern is to not disenfranchise any of the property owners and remove them from the ability to get priority positioning on applications for grants as stated at the prior meeting. Ms. Shanley had stated at that meeting that she would talk to Mr. Van Loon and get something in writing from him that that would not happen. Ms. Bowers has spoken with Mr. Van Loon who states he cannot put that in writing because that is what would happen. Ms. Shanley reported that in her meeting with the gentlemen they went through each program to determine which ones would apply. Of the eight pages of potential programs there are eight that could be applied for. Ms. Bowers stated that we are still governed by the Rocky River Upper West Branch and this is the map that is being proposed to change. She feels that this is disrespectful to the people who did all the work when we were asked to participate. While she did attend many of the meetings she did not attend the mapping meetings but does understand the rationale behind them which has nothing to do with our zoning. Her concerns are the consistency with the other map and if a move is made to correlate with our zoning then we are making the argument for them. The latest zoning changes have occurred when the Rocky River map was in place and the mapping was not raised as a reason to change the zoning. Our Zoning Commission is flawless in determining if something fits or not and she would not want to take away from that.

Mr. Macron asked Ms. Shanley why she is so adamant about the local preference area. Ms. Shanley responded that she thinks it needs to reflect what we have in our Comprehensive Plan. She is concerned about the areas that are marked Priority Development Areas. While this doesn't necessarily mean commercial development, it can. Mr. Macron asked if the Zoning Department was asking for this change or why it was being asked for. Ms. Shanley thinks that the Zoning Commission has spoken about this and while the differences were minor, they were differences. Mr. Macron understands that Zoning has the final say. Ms. Bowers pointed out that this is not a zoning issue. Ms. Karen Schoonover asked if the preference areas are put in and still support the Chippewa Water Shed, what is lost. Ms. Bowers responded that the property owners, if they apply for grants, do not receive priority treatment unless they are designated a Priority Development Area or a Priority Conservation Area. Being labeled Priority Preference strips the ability to get prioritized on granting. Ms. Schoonover reiterated that there are not a lot of grants available and it is not known if the program will continue under Kasich. Ms. Bowers stated that she represents the people in this township and those property owners may have an opportunity that she does not want to arbitrarily take away from them for no good reason. Ms. Schoonover clarified that Ms. Bowers is one of the property owners in this particular area. Ms. Bowers replied that she has told Mr. Van Loon to take her property out because she knows that they will not apply for anything. She has checked and this is not a conflict since it is not unique to their property. Mr. Macron is concerned about remapping something because we can. Ms. Shanley stated that she has watched a very effective attorney work angles where when he encounters resistance take something like this map where it indicates development, when in the Comprehensive Plan it is not wanted. In talking about protecting individuals in this Township, this is the same mindset. In looking at all the available programs with Mr. Van Loon, there are four or five that could actually be used in that location. The likelihood of them being used is next to nil. Mr. Macron reported that Mr. Van Loon had shared with him that there are some programs however that could be utilized. The Township could also ask for that area to be a Priority Agricultural Area. Ms. Shanley stated that the Local Preference Area is a solution that had been utilized elsewhere and

one that the Committee had been able to agree to. She states that if it is labeled as an Agricultural Area the committee would have to agree to it and Mr. Van Loon is not sure they would agree to it.

Ms. Bowers stated that in the beginning of this issue Westfield was held as the example but they have since taken another look at this and decided it is not in the best interest of their residents and have reversed their decision to go back to the original mapping. Ms. Shanley thinks that she has only referenced Guilford. She does feel strongly that there is language in the originally proposed resolution that puts the Township in a position that states we completely go with this map and if somebody wants to come and challenge us, she feels that would be problematic. That language has since been removed. Ms. Bowers asked to have that language pointed out to her. Ms. Bowers read the resolution as received from Medina County Soil and Water on March 19, 2011. Ms. Shanley feels that the Comprehensive Plan is very different from this map along 162 and she does not agree with it. Ms. Bowers believes it is only different if you consider development to only be commercial in nature. Development could also mean a golf course, a horse farm, an equestrian facility, etc.

**Mr. Macron motioned to approve RESOLUTION 9-2011 IN SUPPORT OF THE UPPER CHIPPEWA CREEK WATERSHED BALANCED GROWTH INITIATIVE WITH THE MAPPING. Ms. Bowers seconded the motion. Mr. Macron and Ms. Bowers voting in favor, Ms. Shanley voting against. Motion carries.**

**Finance Committee** – The Board has determined that a work session will be necessary to consider the numbers that are affected by the state budget (H.B.153). This meeting is scheduled for Wednesday, April 27, 2011 at 4:30 p.m. Ms. Bowers asked the Board to be prepared to discuss a mission statement for the Finance Committee. Ms. Shanley shared a beginning document for a mission statement with the Board members. Ms. Bowers requests that the Board members submit their information for the five-year forecast to Joy to prepare a document for all.

#### **New Business:**

**Gas & Oil Well Meeting** – Ms. Bowers reported that residents have received copies of leases as well as other Townships. A Countywide meeting has been scheduled with Dale Arnold, the oil and gas well expert for the Ohio Farm Bureau, next Wednesday, April 27, 2011 at 7:00 p.m. in the County Administration Building's auditorium. This will be placed on the Township's website. Mr. Arnold has reported that the lease agreements range from \$2,000 to \$250 an acre depending upon the companies. Smaller property owners can also take advantage of this offer and language can be inserted that restricts physical work being done on a person's property.

#### **Public Participation:**

**Sue Heiszek** – Read Ms. Bowers guest editorial and found an interesting statement: Seems it is much easier for the government to take your money than it is to give it back. This jogged her memory of a resolution that was made in August 2007 having to do with the police levy. The resolution states – if the collection is in excess of \$289,800 that the residents of the Township will be reimbursed. In 2010 the levy collected \$292,206, in 2009 it collected \$294,269. Ms. Bowers stated that part of that money was not levy collection. The difference is tangible personal property tax and also public utilities kilowatt distributions. Ms. Heiszek states she stopped by the Auditor's Office and was told the levy collects that amount. Ms. Bowers responded not real estate taxes. Ms. Heiszek states that is not what the resolution says. Ms. Bowers states that the Prosecutor reviewed the documents and the discussion was as to what the property owners pay. Mr. Thorne

at that time told them that there was no way to give that money back. She agrees with her statement in the editorial. Ms. Heiszek states that Ms. Bowers has stated she would reimburse and never stated that the Prosecutor never said it was impossible. Ms. Bowers reminded Ms. Heiszek that she was at the meeting where it was discussed at the Board of Revision meeting. Ms. Heiszek would like to know how the reimbursement will happen. Ms. Bowers appreciates Ms. Heiszek's comments and this will be a difference of opinion. Ms. Heiszek stated that she believes the minutes should be verbatim just so situations like this cannot occur when the truth is not told and she will await her reimbursement.

**Dave Hollish** – Suggests that the Board look at the trees on Carlton Road. Mr. Macron stated it would be addressed as well as a couple of other roads. Ms. Shanley commented that when she spoke with Mr. Bumbulis from Tree Masters he had mentioned the dead ash trees, which she related to Mr. Macron. Mr. Macron responded that the Service Department is already aware of these trees.

Meeting adjourned at 9:12 p.m.

Approved: \_\_\_\_\_

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Lynda Bowers, Trustee

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Nanci Shanley, Trustee

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Bryon Macron, Trustee

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Shirley Bailey, Fiscal Officer