

The Board of Lake Township Trustees met in regular session at 6:30 p.m. at 12360 Market Avenue North, Hartville, Ohio with the following members present:

Galen Stoll, President  
Ellis Erb, Member

Also Present:

Ben Sommers	Don Hensley
Kent Oliver	Joy Dingman
Mary Ann Kannam	Keith Nidy
Herbert Whitacre	Chris Bicket
Chrissy Robinson	

Mr. Stoll called the meeting to order at 6:30 p.m.

08-343 A resolution was made by Galen Stoll approving the minutes of September 8, 2008, as submitted. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

08-344 A resolution was made by Galen Stoll authorizing payment of payroll for September 30, 2008, in the amount of \$10,725.09. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

08-345 A resolution was made by Galen Stoll authorizing payment of payroll for October 3, 2008, in the amount of \$36,748.99. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

08-346 A resolution was made by Galen Stoll accepting/approving the Financial Report as of September 22, 2008, as submitted by the Lake Township Fiscal Officer. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

08-347 A resolution was made by Galen Stoll authorizing payment of bills as of September 22, 2008 in the amount of \$84,331.70. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

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**CORRESPONDENCE**

1. OTA – new line or partition fence procedures
2. Ohio Department of Job & Family Services – disaster relief
3. George Ayers Insurance – information about their services
4. AGCO Corp. – survey request
5. Ohio Department of Public Safety – Tax Distribution reports
6. Stark County RPC – Clean Ohio Conservation Program Notification
7. Stark Soil & Water Conservation District – site inspection report
8. Guardian Support Services, Inc. – information on their services
9. OTA – Hilliar Township inquiry
10. Ron Kintz – questions about ditch in front yard
11. SCOG – notice of October 2, 2008 meeting
12. Stark County Auditor – copy of Popular Annual Financial Report
13. Stark County Board of Elections – notice that they have certified request for Issue #35
14. Time Warner Cable – notification of possible program changes
15. Stark County RPC – notification of Governmental Law Seminar for BZA members
16. Time Warner Cable – free account policy changes
17. Mr. Berringer & Petitioners – petition regarding 13075 Cleveland Avenue
18. Portage County – Ohio County Information Technology Association meeting
19. Stark County RPC – notice of subdivision review

In reference to following correspondences:

No. 10 - Rick Criss, Road Superintendent will respond

No. 11 - John Arnold will attend

**DEPARTMENT REPORTS**

**Police Department**

08-348 A resolution was made be Galen Stoll hiring Russell J. Diehl and Michael Props effectively immediately, as Reserve Police Officers for the Uniontown Police Department, subject to the provisions of the Lake Township Employee Handbook. The Board further acknowledges that both have successfully passed their psychological and drug testing. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

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08-349 A resolution was made by Galen Stoll authorizing the purchase of two vehicles plus safety equipment, decals and installation of the same for use by the Uniontown Police Department as follows:

- 2009 Chevrolet Tahoe from Schoner Chevrolet, 720 W. Maple Street, Hartville, Ohio 44632 for an amount not to exceed \$32,045.97
- 2009 Ford Crown Victoria from Montrose Ford, 3960 West Medina Road, Akron, Ohio 44333 for an amount not to exceed \$22,287.26
- Safety equipment, decals and cost of installation of the same for both vehicles for an amount not to exceed \$21,200.00

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

08-350 A resolution was made by Galen Stoll determining that certain equipment is no longer needed by the township, specifically the Uniontown Police Department, and further determining pursuant to information derived from Hall Public Safety, that the fair market value of the equipment is less than \$2,500.00. Therefore, the following equipment will be donated to the Uniontown Fire Department or disposed of if not accepted by them:

- 6 - light bars
- 5 - siren switch controls
- 3 - speakers

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

### **Road Department**

- None

### **Zoning Department**

- None

### **Fire Departments/Fire Prevention Office**

- None

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**OLD BUSINESS:**

08-351 Mr. Stoll made the following resolution:

The board of township trustees of Lake Township, in said county, hereby makes report and certified that on the 28th day of July, 20 08, it was informed in writing that noxious weeds were growing on the lands of Bayside Investments Properties LTD. in said township and were about to spread and mature seeds; said lands being described as follows: Parcel No. 2015650, 3084 Wright Rd., Uniontown - Quarter Section 19SE, Lake Township and there upon said board of township trustees caused said noxious weeds to be cut or destroyed by one W.E. Love Landscaping whom the board employed for that purpose.

The following is a statement of the charges of:

The amount paid for the performing of such labor	\$ <u>250.00</u>
The amount paid for materials	\$ <u>n/a</u>
The amount paid for equipment	\$ <u>n/a</u>
The amount paid for assessment fees	\$ <u>75.00</u>
<b>TOTALS</b>	\$ <u>325.00</u>

You are hereby requested to cause such amounts, when allowed, to be entered upon the tax duplicate and to be a lien upon such lands of the said Bayside Investments Properties LTD. above described, from and after the date of the entry, and to be collected as other taxes and returned to the township to be placed in the township general fund.

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

08-352 Mr. Stoll made the following resolution:

The board of township trustees of Lake Township, in said county, hereby makes report and certified that on the 23rd day of June, 20 08, it was informed in writing that noxious weeds were growing on the lands of David and Martha Miller in said township and were about to spread and mature seeds; said lands being described as follows: Parcel No. 224182, Jamestown Ave. NW, Uniontown - northern portion of parcel - Quarter Section 8NE, Lake Township and there upon said board of township trustees caused said noxious weeds to be cut or destroyed by one Vaughn's Refuse whom the board employed for that purpose.

The following is a statement of the charges of:

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The amount paid for the performing of such labor	\$ <u>200.00</u>
The amount paid for materials	\$ <u>n/a</u>
The amount paid for equipment	\$ <u>n/a</u>
The amount paid for assessment fees	\$ <u>75.00</u>
<b>TOTALS</b>	<b>\$ <u>275.00</u></b>

You are hereby requested to cause such amounts, when allowed, to be entered upon the tax duplicate and to be a lien upon such lands of the said David and Martha Miller above described, from and after the date of the entry, and to be collected as other taxes and returned to the township to be placed in the township general fund.

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

08-353 Mr. Stoll moved the adoption of the following resolution:

WHEREAS, the Stark County Board of Elections has indicated that an Amended Resolution may be required to correct the Ballot Language to reflect the Lake Township Road District as set forth hereinafter; and,

WHEREAS, upon due investigation and consideration, the board has determined that the amount of taxes which may be raised within the ten (10) mill limitation in and for Lake Township Road District, Stark County, Ohio, for the next five (5) years will be insufficient to provide an adequate amount for the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in Lake Township Road District, Stark County, Ohio; and

WHEREAS, by reason thereof, this board has determined that it will be necessary to levy a replacement of a tax levy of one and one quarter (1.25) mills, which is in excess of the limitation, for a period of five (5) years for the for the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in Lake Township Road District, Stark County, Ohio; and

WHEREAS, by reason of the facts above set forth, this board has determined that it should, and hereby does, declare itself to submit to the electors of Lake Township Road District, Stark County, Ohio, at the general election to be held November 4, 2008, the question of levying a replacement of a tax outside the ten (10) mill limitation for the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in Lake Township Road District, Stark County, Ohio, for a period of five (5) years, being tax years 2009, 2010, 2011, 2012 and 2013.

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NOW, THEREFORE, BE IT RESOLVED that there shall be submitted to the electors of Lake Township Road District, Stark County, Ohio, at the general election on November 4, 2008, the question of the replacement of a tax levy outside the ten (10) mill limitation in and for Lake Township Road District, Stark County, Ohio, in the amount of one and one quarter (1.25) mills for the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in Lake Township Road District, Stark County, Ohio, and that said replacement tax of one and one-quarter (1.25) mills shall be levied for a period of five (5) years, being tax years 2009, 2010, 2011, 2012 and 2013.

BE IT FURTHER RESOLVED that the submission of said proposal, the notice of election, the form of ballot, the certification of the levy as voted outside the ten (10) mill limitation, and the levying of such millage shall be in accordance with the provisions of Sections 5705.19 (G), 5705.191, 5705.192 and 5705.25 and other related Sections of the Revised Code of Ohio and in accordance with the statutes in such cases made and provided; and

BE IT FURTHER RESOLVED that the form of ballot cast at such election shall be:

**PROPOSED TAX LEVY – (REPLACEMENT TAX)  
LAKE TOWNSHIP ROAD DISTRICT**

A majority Affirmative Vote is Necessary for Passage.

A replacement of a tax for the benefit of Lake Township Road District, Stark County, Ohio, for the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges at a rate not exceeding one and one-quarter (1.25) mills for each one dollar of valuation, which amounts to twelve and one-half cents (\$.125) for each one hundred dollars of valuation, for five (5) years, commencing in 2009, first due in calendar year 2010.

<b><u>FOR THE TAX LEVY</u></b>	
<b><u>AGAINST THE TAX LEVY</u></b>	

BE IT FURTHER RESOLVED that pursuant to Revised Code Section 5705.03(B) that this Resolution be certified to the Stark County Auditor for the Stark County Auditor to tabulate the monies generated by the current levy, the monies to be generated by the proposed additional levy, and the monies to be generated by the additional levy after rescission of the current levy.

BE IT FURTHER RESOLVED that the Fiscal Officer and Clerk of this Board be, and he hereby is, directed and authorized to proceed forthwith the certification hereof to the Board of Elections of Stark County, Ohio, pursuant to the provisions of Sections 5705.19(G), 5705.191, 5705.192, and 5705.25 and other related statutes and to

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proceed with all things necessary to be done in order to accomplish the purpose of this Resolution.

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

**NEW BUSINESS:**

08-354 A resolution was made by Galen Stoll executing a cemetery deed for Greenlawn Cemetery, Section M, Lot 84, Graves 1, 2, 3 & 4 and Lot 85, Grave 1. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

08-355 A resolution was made by Galen Stoll amending the Lake Township Employee Handbook as follows:

**Page 15:**

**COMPENSATORY TIME:**

This section currently reads (as of September 8, 2008):

**“COMPENSATORY TIME** - A full-time, non-bargaining employee may elect to take compensatory time, at one and one half (1 ½) times the hours worked, in lieu of compensation for overtime worked. Compensatory time may be cumulative up to a total of 120 hours annually at which time any unused compensatory time will be paid at one and one-half (1 ½) times for each hour of overtime worked. (For Police Department compensatory leave see the Collective Bargaining Agreement). (02-252) (08-337)”

**Revise to read:**

**COMPENSATORY TIME** – A full-time, non-bargaining employee may elect to ~~take~~ **receive** compensatory time, at one and one half (1 ½) times the hours worked, in lieu of compensation for overtime worked. Compensatory time may be cumulative up to a total of 120 hours annually. ~~at which time any unused compensatory time will be paid at one and one-half (1 ½) times for each hour of overtime worked.~~ **The balance of any unused compensatory time, as of December 1 of each year, will be paid no later than the 2nd pay date in December. Said sum will be less only the required and applicable**

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**withholdings.** (For Police Department compensatory leave see the Collective Bargaining Agreement). (02-252) (08-337)

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

08-356 A resolution was made by Galen Stoll authorizing an expenditure for an amount not to exceed \$4,544.00 to DTM Computer Consulting, Inc., 1642 Cleveland Avenue NW, Canton, Ohio 44703, for the purchase of the following computer equipment for use at the township administrative offices:

- 1. Computer: Intel Core 2Duo E7200 Raid 2GB Memory, 2-80GB hard drives, desktop unit
- 2. Computer (x2): Intel Core 2 Duo E7200 Raid 2GB Memory, 80GB hard drive, desktop unit with 19" monitor, wireless keyboard/mouse and speakers.
- 3. External Hard Drives: 5-160GB USB external hard drives for server backup.
- 4. AC adapter: 1-Asus 65 Watt AC adapter
- 5. Docking Station: 1-Kensington Notebook expansion Dock

Price includes operating software, setup, networking and data transfer. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

08-357 A resolution was made by Galen Stoll authorizing Time Warner Cable to prepare an agreement for Expanded Basic Service at the township hall and road service garage at a rate of \$22.98 per month per location for a period of one year, effective October 15, 2008 and further authorizing the Board to execute said contract upon approval of township legal counsel. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

08-358 A resolution was made by Galen Stoll to hold the regularly scheduled Trustee meeting on Columbus Day, October 13, 2008 at 6:30 p.m. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

**MEETING REPORTS:**

- The Stark County Regional Planning meeting will be October 7, 2008

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**FISCAL OFFICER’S REPORT**

08-359 A resolution was made by Galen Stoll authorizing the Board and Fiscal Officer to sign all Purchase Orders, Vouchers and Vendor’s Certificates. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
Ellis Erb	yes

- The Board acknowledged transfers made pursuant to Resolution No. 08-036:

9/05/08	\$3,150.00 from 1-A-25 (Contingency Acct) to 1-A-16 (General Health District)
9/05/08	\$1,000.00 from 10-A-01 (Salaries) to 10-A-15 (Other Expenses)
9/19/08	\$30,000.00 from 9-A-12 (Insurance) to 9-A-7 (tools/equipment)

**PUBLIC SPEAKS**

Kent Oliver, 2985 Millridge Cir. NW, Canton: Mr. Oliver is the executive Director of the Stark County District Library. He addressed the Board regarding the one mill replacement levy. He stated that in a recent national ranking of public libraries in the United States the Stark County District Library was rated number six in its population class and in the top 100 libraries in the country. He said this is due in part to the funding and asked the public for their continued support.

Christy Robinson, 1152 Canyon St. NE, Uniontown: Ms. Robinson addressed the Board regarding a home in the neighborhood that seems to be operating an automobile repair shop. The Board updated her about the situation at 1077 Canyon, all the cars that are there according to their information are properly licensed and operable therefore they are allowed, however the property owner has informed the Zoning Administrator that the remainder of the cars should be gone within the week. The Zoning Administrator will inspect the property to see that this has been done.

Keith Nidy, 1170 Canyon St. NE, Uniontown: Mr. Nidy also addressed the Board regarding 1077 Canyon St. feels that they are operating a used car lot from that address. He also said that the property is cleaned up on the day it is going to be inspected, and then the next day everything is back. He suggested that the inspections should be a surprise visit.

Herbert Whitacre, 1095 Canyon St, NE, Uniontown: Mr. Whitacre also addressed the Board regarding 1077 Canyon St. He stated that he personally witnessed the cars being moved around by hand because they did not run.

Chris Bicket, 1115 Canyon St., NE Uniontown: Mr. Bicket also addressed the Board regarding 1077 Canyon St. He wanted the Board to be aware of his willingness to address the problem with the Prosecutor if the Prosecutor will not allow the township to pursue the issue.

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Andrew Utlak, 12716 Islandview Ave., Uniontown: Mr. Utlak addressed the Board regarding the ditch in front of his house. A 40' section of the ditch has been dug out to a depth that is too deep. Mr. Erb stated that he was familiar with the area and the ditch was taken deeper than it needed to be. He will have the Road Superintendent fill it in some resulting in a shallower ditch.

08-360 A resolution was made by Galen Stoll for the Board to enter into Executive Session at 7:10 p.m. pursuant to ORC 121.22 (G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee and to include the Trustees and Fiscal Officer. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll        yes  
Ellis Erb            yes

08-361 A resolution was made by Galen Stoll for the Board to return from Executive Session at 8:05 p.m. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll        yes  
Ellis Erb            yes

08-362 A resolution was made by Galen Stoll adjourning the meeting at 8:06 p.m. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll        yes  
Ellis Erb            yes

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Ben Sommers, Fiscal Officer

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Galen Stoll, President

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John Arnold, Vice President

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Ellis Erb, Member

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