

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:

John Arnold, President  
Ellis Erb, Vice President  
Galen Stoll, Member

Also Present:

Ben Sommers	Jack Coontz
Mary Ann Kannam	Joy Dingman
James Sullivan	Sam Miller
Melissa Link	Don Wise

John Arnold called the meeting to order at 6:30 p.m.

- 10-068 A resolution was made by John Arnold approving the minutes of January 25, 2010, as submitted. Seconded by Ellis Erb. Roll call votes were:
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|-------------|-----|
| John Arnold | yes |
| Ellis Erb   | yes |
| Galen Stoll | yes |
- 10-069 A resolution was made by John Arnold authorizing payment of payroll for February 19, 2010, in the amount of \$71,791.54. Seconded by Galen Stoll. Roll call votes were:
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|-------------|-----|
| John Arnold | yes |
| Ellis Erb   | yes |
| Galen Stoll | yes |
- 10-070 A resolution was made by John Arnold accepting/approving the Financial Report as of February 8, 2010, as submitted by the Lake Township Fiscal Officer. Seconded by Ellis Erb. Roll call votes were:
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|-------------|-----|
| John Arnold | yes |
| Ellis Erb   | yes |
| Galen Stoll | yes |
- 10-071 A resolution was made by John Arnold authorizing payment of bills as of February 8, 2010 in the amount of \$161,723.43. Seconded by Galen Stoll. Roll call votes were:
- |             |     |
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| John Arnold | yes |
| Ellis Erb   | yes |
| Galen Stoll | yes |
- The Board noted that this amount included \$102,000.00 for the final distribution to the Fire Departments for 2009.

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**CORRESPONDENCE**

1. Perry Township – information on Governmental Law Seminar
  2. Stark County Township Association—survey
  3. Ohio Township Association – 2010 Winter Conference information for administrators
  4. Ohio Department of Administrative Services – cooperative purchasing amendment update
  5. Ohio Township Association – 2010 Winter Conference information
  6. Ohio Township Association – 2010 Winter Conference CLOUT information
  7. Ohio Township Association – requests for information
  8. Department of the Army – notice of February 4, 2010 public hearing for the proposed wetland mitigation bank south of Wales Drive
  9. Dominion East Ohio – information about the AMR Cost Recovery Charge
  10. Ohio BWC – notice of acceptance into Group-Retrospective-Rating Program
  11. Larry Link – proposal for maintenance of Woods Cemetery and Greenlawn Cemetery
  12. Stark County Engineer – information on annual meeting with Township Trustees, Clerks and Road Superintendents
  13. EfficientGov Now – request for proposal in the second round of EfficientGov Now program
  14. URS Corporation – Market Avenue and Lake Center Street project
  15. *Grassroots Clippings* newsletter
  16. Cobalt Community Research – information about their program/organization
  17. Stark Soil & Water Conservation – January 2010 newsletter
  18. SERB – health insurance survey
  19. Northeast Lubricants – price increase notification
  20. Stark Council of Governments – emergency dispatching operations
  21. Stark County Health Department – district advisory council meeting notice
  22. Stark Development Board, Inc. – notice of public hearing on Local Government Reform
  23. Stark County Regional Planning Commission – February 9, 2010 Agenda
  24. Sheakley – Information about their services
  25. John Czupkowski – inquiry about trash haulers
- In reference to Correspondence No. 8 - Ellis Erb attended this meeting where he voiced his concerns regarding this project. They are going to do some additional research and possibly schedule another meeting.

**DEPARTMENT REPORTS**

**Police Department**

- The Board acknowledged receipt of the Uniontown Police Statistical Report for January 2010.

10-072 Mr. Arnold made the following resolution

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WHEREAS, the Lake Township Board of Trustees and Uniontown Police Dept. currently own a *Mobile Vision Video Unit*, and;

WHEREAS, the *Mobile Vision Video Unit* is of no longer any use to the Uniontown Police Department, and;

WHEREAS, the *Mobile Vision Video Unit* has little or no monetary value, and certainly below the \$2,500.00 minimum requirement for sale; and

WHEREAS, the Waynesburg Police Department has expressed interest in the *Mobile Vision Video Unit*,

THEREFORE, be it resolved that the Lake Township Board of Trustees would like to donate this Unit to the Waynesburg Police Dept. on behalf of the Uniontown Police Dept.

Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

### **Road Department**

- The Board commended the Road Department on the excellent job they did during this last snow storm. They Township has over 130 miles of road, when it is continually snowing, they hit the main roads hard, stay on top of them, get into the allotments to clear the main allotment roads and then they go back and clear the 270 cul-de-sacs in the township. There were trucks on the road for 36 straight hours.

### **Zoning Department**

- The Board acknowledged receipt of the Zoning Statistical Report for January 2010.

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

10-073 A resolution was made by John Arnold authorizing the Board of Lake Township Trustees to enter into and to execute the 2010 Fire and Ambulance Protection Agreements with Greentown Volunteer Fire Department, Uniontown Volunteer Fire Department and Hartville Volunteer Fire Department. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

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- The Board acknowledged receipt of the 2009 Annual Report for Uniontown Fire Department.

**OLD BUSINESS:**

10-074 A resolution was made by John Arnold to accept the offer of \$75.00 from Harold Edwards to purchase the four computers as described in and pursuant to Resolution No. 10-062. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

**NEW BUSINESS:**

10-075 A resolution was made by John Arnold appointing Brian Freeh to fill the expired term of Jonathan Fleming on the Zoning Commission, which term will commence February 8, 2010 and continue through February 7, 2015. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-076 A resolution was made by John Arnold establishing uniform pricing at Lake Township's three cemeteries, Woods, Uniontown Greenlawn and Mt. Peace as follows:

Single Burial Site	\$650.00
Deed Transfer	\$ 15.00
Foundations (4" border)	\$ .45 per sq/inch + \$35.00 adm. fee

**OPEN/CLOSE**

Full Burial	\$600.00
Cremation	\$400.00
Infant	\$300.00
Additional fees	
After 3 pm, or Saturday	\$100.00
Sundays or Holidays	\$200.00

Fees for open/close cremation burial applies to each container

Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

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10-077 Mr. Arnold moved the adoption of the following resolution:

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation ("Am. Sub. S.B. No. 3") which authorizes the legislative authorities of local governmental subdivisions to aggregate the retail electrical loads located within its jurisdiction and to enter into service contracts to facilitate for those loads the purchase and sale of electricity; and,

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers, collectively, to participate in the potential benefits of electricity deregulation through lower electric rates which they may not otherwise be able to have individually; and,

WHEREAS, the Board of Trustees for Lake Township, Stark County, desires to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, of the Revised Code ("Aggregation Program"), for the residents, businesses and other electric consumers within Lake Township and in conjunction, jointly with any other political subdivision of the State of Ohio, as permitted by law; 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, Stark County, Ohio, at the Primary election to be held May 4, 2010, the question of authority for electricity aggregation through an opt-out program by the Lake Township Board of Trustees.

**NOW, THEREFORE, BE IT RESOLVED** that:

**SECTION 1:** The Lake Township Board of Trustees, Stark County, Ohio, finds and determines that it is in the best interest of Lake Township, its residents, businesses and other electric consumers located within Lake Township, Stark County, to establish an Aggregation Program. Provided that this Resolution and the Aggregation Program is approved by the electors of Lake Township, Stark County, pursuant to Section 2, of this Resolution, the Lake Township Board of Trustees is hereby authorized to aggregate in accord with R.C. 4928.20, the retail electrical loads located within Lake Township, and for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Lake Township Board of Trustees may exercise such authority jointly with any other political subdivision of the State of Ohio using Independent Energy Consultants, Inc., an energy broker and aggregator certified by the Public Utilities Commission of Ohio, to the full extent permitted by law, and for such purposes, the Board President and Fiscal Officer are hereby authorized to execute and deliver a brokerage agreement with Independent Energy Consultants, Inc., and the aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

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**BE IT FURTHER RESOLVED:**

SECTION 2. There shall be submitted to the electors of Lake Township, Stark County, Ohio, at the Primary election on May 4, 2010, the question of a electricity aggregation as an opt-out program and that the form of ballot cast at such election shall be:

**PROPOSED ISSUE FOR ELECTRICITY AGGREGATION  
LAKE TOWNSHIP**

A majority Affirmative Vote is Necessary for Passage.

Shall the Board of Trustees for Lake Township, Stark County, have the authority to aggregate the retail electric loads located in the Township, and for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out, all in accordance with Section 4928.20 of the Ohio Revised Code and the Resolution adopted by the Lake Township Board of Trustees on February 8, 2010.

<u><b>FOR THE ISSUE</b></u>	
<u><b>AGAINST THE ISSUE</b></u>	

**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 Chapter 5705 of the Revised Code and other related statutes and to proceed with all things necessary to be done in order to accomplish the purpose of this Resolution. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to Section 2 of this Resolution and RC 4928.20.

**BE IT FURTHER RESOLVED:**

SECTION 3: Upon the approval of a majority of the electors voting at the Primary election provided for in Section 2 of this Resolution, that the Lake Township Board of Trustees, through Independent Energy Consultants, Inc., shall develop a plan of operation and governance for an Electric Aggregation Program. Before adopting a plan, the Lake Township Board of Trustees shall hold at least two public hearings on the proposed plan. Before the first hearing, notice of the hearings shall be published one time per week, for two consecutive weeks in a newspaper of general circulation within the township. The notice shall summarize the plan and state the date, time and location of each hearing. No plan adopted by the Lake Township Board of Trustees shall aggregate the electrical load of any electric load center within Lake Township unless it, in advance, clearly discloses to the person owning, occupying, controlling, or using the load center that the persons will be enrolled automatically in the Aggregation Program and will remain enrolled unless the person affirmatively elects by a state procedure to

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not be so enrolled (to opt-out). The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two years, without paying a switching fee. Any such person that opts-out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under RC 4928.14(a) or RC 4928.35(d) until the person chooses an alternative supplier.

**BE IT FURTHER RESOLVED** that the Board President and Fiscal Officer are hereby authorized and directed to enter into an agreement with Independent Energy Consultants, Inc., for consulting services and any other required services related to electric utility deregulation for Lake Township, Stark County and to ratify any such services heretofore performed.

**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 Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-078 A resolution was made by John Arnold executing the following Road Open Permits:

D-10-04: Dominion East Ohio Gas (8588 Sweeney Avenue) gas tie-in

D-10-03: Dominion East Ohio Gas (2534 Serravalle Street NW) gas tie-in

Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-079 A resolution was made by John Arnold authorizing an expenditure for the Elected Officials and staff to attend the Stark County Regional Planning Commission Annual Dinner Meeting at Skyland Pines Rustic Lodge on March 24, 2010. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

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10-080 A resolution was made by John Arnold executing the following cemetery deed:

- Uniontown Greenlawn Cemetery, Section P, Lot 77, Graves 2 & 3

Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-081 A resolution was made by John Arnold authorizing an expenditure of \$25.00 for a Board of Zoning Appeals member, Rick Dye, to attend the Stark County Governmental Law Seminar on February 20, 2010. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-082 A resolution was made by John Arnold authorizing an expenditure for a metes and bounds survey for Mt. Peace Cemetery. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

### **MEETING REPORTS/MISCELLANEOUS**

- None

### **FISCAL OFFICER'S REPORT**

10-083 A resolution was made by John Arnold authorizing the Board and Fiscal Officer to sign all Purchase Orders, Vouchers and Vendor's Certificates. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

### **PUBLIC SPEAKS**

- None

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10-084 A resolution was made by John Arnold to enter into executive session at 7:03 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, Fiscal Officer and Police Chief. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

10-085 A resolution was made by John Arnold to return from executive session at 8:37 p.m. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

10-086 A resolution was made by John Arnold adjourning the meeting at 8:38 p.m. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

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Ben Sommers, Fiscal Officer

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John Arnold, President

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Ellis Erb, Vice President

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Galen Stoll, Member