

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	Sam Miller
M. J. Boldt	James Miller
Marty Miller	Karen Austin
Charles Austin	Vito Spano
Joy Dingman	Jon Nicholson
Chuck Myers	Mary Ann Kannam
Don Myers	Sam Ferracane Jr.
Tracy Valentine	T. Davis
M. Link	Jim Miller
Earl McClung	Daniel R. Kameron
Tom Kameron	Joe Gingerich
Don Tuck	Carolyn Tuck
James Shaffer	Cindy Shaffer
John Romanoski	David Barnes
Darren Anderson	Illegible
Beth Dixon	Maria Spano
Ann Spano	Ken Kurtz
Catherine Ball	Rob Marinelli
Clarence M. Chandler	Larry Palek
Judy Palek	VitoSpano
Bob Kisha	Chelsey Myers
Lloyd King	LeAnn Ramirez

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

- 11-376 A resolution was made by John Arnold approving the minutes of October 24, 2011 as submitted. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

- 11-377 A resolution was made by John Arnold authorizing payment of payroll for November 25, 2011 in the amount of \$_____. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

11-378 A resolution was made by John Arnold accepting/approving the Financial Report as of November 14, 2011, as submitted by the Lake Township Fiscal Officer. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

11-379 A resolution was made by John Arnold authorizing payment of bills as of November 14, 2011 in the amount of \$185,786.13. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

- The Board noted that this amount included approximately \$90,500.00 for the purchase of an excavator.

CORRESPONDENCE

1. Stark County Township Association - November 17th meeting notice
2. Stark County Regional Planning Commission - November 8th Agenda and October 4th minutes
3. Stark Soil & Water Conservation Districts - Site Inspection Reports
4. GBC Design, Inc. - copy of correspondence to Stark Soil & Water Conservation District
5. The Public Utilities Commission of Ohio - information regarding Case No.08-1344-GA-EXM and 11-5384-AU-UNC
6. Ohio Department of Transportation - confirmation of registration of LID Storm-water Educational Workshop on December 1st
7. FirstEnergy Solutions - notice of increased discount for AEP customer accounts
8. Ohio Township Association - legislative alerts
9. Stark County Engineer - notice of Market Avenue road closing starting November 3, 2011 for three (3) days
10. Stark County Prosecutor's Office - October 2011 *Family Fax* newsletter
11. Stark Soil & Water Conservation District - copy of correspondence sent to GBC Design
12. The Center for Community Solutions - notice of November 16, 2011 Regional Forum
13. Dave Yost/Auditor of State of Ohio - State Bulletin 2011-007 regarding Ohio Revised Code Section 505-24, 507-09
14. Citizens' Advisory Council - November 9th Agenda
15. Companion Life - survey request
16. Dave Yost/Auditor of State of Ohio - notice of GASB 54 Training
17. Ohio Township Association - November 2011 *Grassroots Clippings* newsletter
18. IGS Energy - notice of their gas rates offer
19. Stark County Building Department - correspondence regarding 13300 Tippecanoe Ave. NW
20. Ohio Public Employees Retirement System - Third Quarter 2011 report/newsletter
21. C & T Energy of East Canton - notice of plans to drill Bradford Unit #2 well on

- Bradford Family Limited Partnership property. Access drive on Mogadore Avenue
22. NEFCO Agenda - November 16, 2011
 23. Eastern Ohio Utilities Council - Annual Luncheon / Meeting - 12/8/11 9:30 A.M.
 24. Stark County Regional Planning Commission - Notice of Subdivision Action - Conditional Approval
 25. Stark Soil & Water Conservation Districts - Site Inspection Reports and Annual Banquet Meeting Notice
 26. Ohio Dept. of Natural Resources - notice of plans to drill Bradford Unit #2 well on Bradford Family Limited Partnership property. Access drive on Mogadore Avenue
- In reference to correspondence No. 19 – The Board noted that the Stark County Building Department looked at the property and recommended that improvements be made, also some of the cars have been removed.

DEPARTMENT REPORTS

Police Department

- Acknowledged receipt of the October 2011 Statistical Report for Uniontown Police Department.
- The Board acknowledged that the Uniontown Police Department would once again be participating in the “Shop with a Cop” program.
- Township Legal Counsel, Charlie Hall, spoke regarding Lake Township Police Levy. He addressed some of questions that he and the Trustees had received.
 - Why did the entire Township vote on this levy? The statute is very specific; O.R.C. 505.482 states that the issue must be placed on the ballot for the electors of the entire unincorporated area of the township.
 - When does this become effective? The Uniontown Police Department will become the Lake Township Police Department at 12:01 a.m. on January 1, 2012.
 - There was a typographical error on the ballot; it read \$0.45 per \$1,000 of tax valuation when it should have read \$4.50 per \$1,000 of tax valuation. The Ohio Supreme Court has written that election laws are to be liberally construed so as to preserve if at all possible and to not defeat the choice of the people as expressed at an election. In addition the Firth District Court of Appeals stated that the emphasis has to be on the millage and not on the mathematical calculation. The legislative intent of the Lake Township Board of Trustees was to ask the voters for a 4.5 mill levy. The language on the ballot was for a 4.5 mill levy. The published materials from the pro-levy committee, the Board of Election, the independent voters groups, and the Stark County Auditor’s website has been consistent and had not only the correct millage, but the correct dollar amount as well.

Road Department

- None

Zoning Department

- Acknowledged receipt of the October 2011 Zoning Report.

Fire Departments/Fire Prevention Office

11-380 A resolution was made by John Arnold acknowledging the request from Uniontown Fire Department with respect to their funding process for the proposed renovation/addition and authorize correspondence be forwarded to the proper authorities. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

OLD BUSINESS:

- None

NEW BUSINESS:

11-381 A resolution was made by John Arnold authorizing the Board to execute the following Cemetery Deeds:

Mt. Peace Cemetery - Section 3, Lot 55, Graves 3 and 4
Mt. Peace Cemetery - Section 3, Lot 55, Grave 2
Mt. Peace Cemetery - Section 2A, Lot 29, Graves 4 and 5

Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

11-382 A resolution was made by John Arnold re-appointing Ronald Weisel II to the Board of Zoning Appeals for a 5-year term beginning November 14, 2011. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

11-383 A resolution was made by John Arnold accepting the correspondence from Harold Thompson announcing his retirement as operator/laborer from the Road Department effective December 31, 2011. Seconded by Galen Stoll. Roll call votes were:

John Arnold yes
Ellis Erb yes
Galen Stoll yes

11-384 A resolution was made by John Arnold establishing infant burial pricing for the Lake Township's cemeteries. An infant shall be any child under the age of one year and the price for a grave and opening and closing shall be one half of the cost of an adult grave and an adult opening and closing. 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

11-385 A resolution was made by John Arnold authorizing the Board and Fiscal Officer to sign all Purchase Orders and Vouchers. Seconded by Galen Stoll. Roll call votes were:

John Arnold yes
Ellis Erb yes
Galen Stoll yes

- The Board acknowledged the following *Transfers Within a Fund* made in accordance with Res. #11-025:

<u>DATE</u>	<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
10/24/11	\$10,000.00	9-A-12 (Insurance)	9-A-8 (Supplies)
10/24/11	\$20,000.00	9-A-12 (Insurance)	9-A-14 (Other Expenses)
10/31/11	\$44,500.00	1-A-25 (Contingency Acct)	1-K-4 (Tools & Equipment)

Purpose: 1. To provide funds for fuel and other supplies for the Police Department
2. To provide funds to set up a P.O. for excavator

11-386 A resolution was made by John Arnold authorizing the Fiscal Officer of Lake Township to request an Amended Certificate from the Stark County Budget Commission, which would allow the Lake Township Board of Trustees to make the following budgetary adjustment(s) in the 2011 Permanent Appropriations and Receipts Budgets:

2011 Budgetary Adjustment(s)

<u>Fund</u>	<u>Amount</u>	<u>Reason</u>
FUND #1 General	(\$11,400.00)	Local Govt. Funds reductions
FUND #4 Road Fund	25,800.00	From Sale of Equipment
FUND #7A Uniontown Lighting Dist.	(214.00)	Less assessments collected
FUND #7B Greentown Lighting Dist.	68.00	More assessments collected
FUND #7C Mt. Pleasant Lighting Dist.	(19.00)	Less assessments collected
FUND #7D Willowhurst Lighting Dist.	(6.00)	Less assessments collected
FUND #10 Fire Dept. Levy	(60,100.00)	Less Property Tax collected
FUND #11 Road Dept. Levy	(36,800.00)	Less Property Tax collected
FUND #20 EMS Levy	(18,500.00)	Less Property Tax collected
FUND #22 Drug Law Enforcement Fund	211.00	More Revenue collected
FUND #23 Permissive MVL Fund	10,000.00	More Revenue collected
FUND #32 Drug Law Enforcement Trust	2,600.00	More Revenue collected
FUND #33 Drug Law Enforcement Ed. Fund	<u>400.00</u>	More Revenue collected
Total budgetary adjustment:	<u>(\$87,960.00)</u>	

Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

PUBLIC SPEAKS

Vito Spano, 10820 Wolf Ave., Hartville; Mr. Spano asked the Board why he needs Uniontown Police in his neighborhood? He stated that there was not a need in his neighborhood and the money would be better spent on the school district. He stated that the typographical error may have misled some voters.

James Miller, 10383 Sudbury Cir., North Canton; Mr. Miller lived within the Uniontown Police District for 25 years, in that time he called 911 three times and the response was under 6 minutes. Two years ago he moved outside the police district, he supported the expansion for the betterment of the township.

Norma Boldt, 3636 Timberlake St., Uniontown; Ms Boldt had questions regarding the fracking and drilling under the township roads. The Board responded that they do don't have the expertise to answer her questions regarding the well but referred her question regarding the township roads to Legal Counsel. Mr. Hall stated as a general rule, township roads are right of ways to run roads over private land, the mineral rights under the roads belong to the private owner.

Ken Kurtz, 10461 Middlebranch Ave., Hartville; Mr. Kurtz addressed the Board regarding the expansion of the Police Department, for those on fixed incomes when does taxation stop?

Karen Austin, 9706 Milan Ave., Greentown; Ms. Austin has never seen a Uniontown Police Department vehicle in her neighborhood in 31 years, but in the last three weeks she has seen them nine times. She is concerned about retribution since she had a "Vote No" sign in her yard. Chief Britt assured her that is not an issue and perhaps she has seen the cars lately due to presentations being made at the Lake Historical Society on Milan or responding to an emergency as Township Constables.

LeAnn Ramirez, 10755 Market Ave, Uniontown; Ms Ramirez stated that the voters decided the police issue and not the Board of Trustees. She said it is shameful what has been done with the landfill and what is happening now with the fracking.

Judith Shaffer Palek, 13417 Tippecanoe Ave., Uniontown; Ms. Palek thanked the Board for their efforts to have the property located at 13300 Tippecanoe Ave. cleaned up.

Dan Robinson, 3498 State St. NW, North Canton; Mr. Robinson stated that if the \$0.45 typographical error on the police expansion levy is not correct then the results should be void. Legal Counsel restated what he said earlier in the meeting and that the results are lawful.

Jim Miller, 2260 State St., North Canton; Mr. Miller spoke regarding his displeasure with the expansion of the Uniontown Police Department and asked that the Board of Trustees to notify the Board of Elections to have this ballot nullified and declared invalid by 12:00 Wednesday November 16, 2011. If this is not done he will be filing a ballot challenge with the Stark County Board of Elections.

Don Myers, 2314 State St. NE, North Canton; Mr. Myers spoke regarding the need for a Lake Township Police Department.

Bob Kisha, 10633 Wright Rd., Uniontown; Mr. Kisha asked the Board what percentage of the electors were located in the existing Uniontown Police District and were any other agency contacted to see if they wanted to offer this kind of coverage? The Board did not know the percentage of electors located in the Uniontown Police District, Hartville was not contacted regarding coverage and the Stark County Sheriff's submitted a proposal 30 days after everything had been filed.

Richard Kameron, 3068 Swamp St., Hartville; Hartville Fire Chief Kameron thanked the Board of Trustees for placing the police levy on the ballot. Many types of emergency calls place the lives and safety of firefighters and emergency medical personnel at risk, police protection with immediate response will help protect our firefighters, emergency medical personnel and citizens.

Sam Miller, 412 Jerome Ave, Hartville; Mr. Miller voiced his support of the police levy and thanked the Board for doing what the people wanted by placing the policy levy on the ballot.

Donald Tuck, 13184 Lake Ave., Hartville; Mr. Tuck addressed the Board regarding the policy levy. He is disabled and can't afford the additional tax.

Carolyn Tuck, 13184 Lake Ave., Hartville; Mrs. Tuck stated that even with police protection you are still not safe, if they can't keep criminals in jail. Chief Britt stated that a good investigation leads to a good punishment and they will give them the best service available.

Earl McClung, 11876 Geib Ave., Hartville; Mr. McClung stated that if he has someone shooting in his house he didn't think that the Police Department would respond right away for their own safety. He also doesn't like people badmouthing the Sheriff's department. Chief Britt responded that he too does not like negative comments and that they only put the facts out there, he also assured Mr. McClung that they will respond, the Uniontown Police Department has a SRT unit and is trained for those situations.

Elizabeth Dixon, 3380 Edison St., Uniontown; Ms. Dixon addressed the Board regarding the fracking near the I.E.L. She asked them if they could file an injunction to stop the drilling. Legal Counsel responded that it is his opinion that the O.D.N.R. has preempted local Township Boards of Trustees from taking action, they do not have home rule powers and they cannot take action. Legal Counsel will discuss it with Ms. Dixon and get the Board a memorandum on whether they can or cannot take any action.

John Romanoski, 2596 Kim St., Hartville; Mr. Romanoski congratulated the Board on letting the citizens decide the issue of the expansion of the Uniontown Police Department.

Tim Davis, 11025 Abigail Cir., North Canton; Mr. Davis stated that the Lake Township Police Department is something that is needed.

Mary Kameron, 3068 Swamp St, Hartville; Mrs. Kameron, who is the wife, mother, aunt and friend to many firefighters thanked the Board and everyone who voted yes on issue 6 for the passage of the this issue to help keep the firefighters safe.

11-387 A resolution was made by John Arnold closing public speaks portion of the meeting at 8:11 p.m. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

11-388 A resolution was made by John Arnold adjourning the meeting at 8:15 p.m. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

Ben Sommers, Fiscal Officer

John Arnold, President

Ellis Erb, Vice President

Galen Stoll, Member

