

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
John Arnold, Vice President
Ellis Erb, Member

Also Present:

| | |
|--------------|-------------------|
| Ben Sommers | Earl McClung |
| Michael Wilt | Lynn Wilt |
| Joy Dingman | Mary Ann Kannam |
| Aaron Floom | Daniel R. Kameron |
| Sam Miller | Melissa Link |

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

13-054 A resolution was made by Galen Stoll approving the minutes of January 14, 2013 as submitted. Seconded by John Arnold. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-055 A resolution was made by Galen Stoll authorizing payment of payroll for January 31, 2013 in the amount of \$11,485.11. Seconded Ellis Erb. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-056 A resolution was made by Galen Stoll authorizing payment of payroll for February 1, 2013 in the amount of \$45,592.67. Seconded John Arnold. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-057 A resolution was made by Galen Stoll accepting/approving the Financial Report as of January 28, 2013, as submitted by the Lake Township Fiscal Officer. Seconded by Ellis Erb. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-058 A resolution was made by Galen Stoll authorizing payment of bills as of January 28, 2013 in the amount of \$68,635.05. Seconded by John Arnold. Roll call votes were

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

CORRESPONDENCE

1. Ohio Township Association -- legislative Alert & News
2. Frank Gates Avizent -- *Advisor* newsletter Winter 2013
3. Ohio Public Employees Retirement System -- OPERS *Employer Notice* newsletter
4. Chris Matinides -- questions about a dog barking ordinance
5. Stark Soil & Water Conservation District -- Site Inspection Report (Chestnut Ridge)
6. Summit County Fiscal Office -- notice of estate tax collected
7. Ohio Department of Public Safety -- *Tax Distribution* Reports
8. Chesapeake Energy -- weekly activity report for January 14 & 21, 2013
9. Stark County Township Association -- notice of Stark County Engineer's Annual meeting with the road superintendents and the trustees
10. Stark County Prosecutor's Office -- copy of correspondence mailed to McKinley Development Co. regarding St. James Place No. 10 Sidewalk Performance Bond
11. Ohio Bureau of Workers' Compensation -- notice that we have been accepted into the Group-Retrospective-Rating Program for policy year beginning January 1, 2013
12. Ohio Township Association -- reminder regarding CLOUT Legislative Breakfast
13. Stark County GIS Department -- notice of Stark Area GIS technical user group meeting on February 20, 2013
14. Stark County Regional Planning Commission -- notice of Tax Incentive Review Council 2013 Appointments (NOTE: addressed later on Agenda)
15. Stark County Regional Planning Commission -- notice that the property at 9747 Cleveland Avenue qualifies for the Stark County Neighborhood Stabilization Program (NOTE: addressed later on Agenda)
16. Turn-Key Environmental Consultants, Inc. -- environmental report for Bishopgate Properties at 12777 Mogadore Avenue NW
17. Ohio Department of Natural Resources -- notice of application received from C & T Energy of East Canton, Inc. for Bradford well number 3D on Edison St.
18. Whitaker Myers Insurance Group -- schedules of property, equipment, vehicles and drivers for renewal
19. Federal Communications Commission -- notice of application
20. Mike Eberle c/o Ohio EPA -- information regarding a 2013 Recycling Grant
21. Ohio Department of Transportation -- notice of eligibility to apply for Township-wide Systematic Signage Upgrade Grant

DEPARTMENT REPORTS

Police Department

13-059 A resolution was made by Galen Stoll approving the request of Chief Britt as presented in his January 14, 2013 letter, to attend the FBI National Academy in Quantico, Virginia from July 14, 2013 to September 20, 2013. Seconded by John Arnold. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-060 Trustee Stoll made the following resolution.

WHEREAS, The Township created and operates the Uniontown Police District (the "Uniontown PD"), a township police district comprising a portion of the unincorporated territory within the Township, in accordance with Section 505.48, Ohio Revised Code; and,

WHEREAS, ORC 505.431 specifically authorizes police department mutual aid police protection to any county, municipal, township, township police district, joint police district, park district, port authority, multijurisdictional drug, gang or career criminal task force without a contract upon the approval by resolution of the legislative authority; and,

WHEREAS, providing and receiving police protection by mutual aid, in the case of an emergency, is in the best interests of the health, safety and welfare of the residents of Lake Township, and Stark County; and,

WHEREAS, the Chief of the Uniontown Police District Department, in conjunction with the Stark County Police Chiefs Association, recommends such police department mutual aid police protection without need of a specific mutual aid contract; and,

NOW, THEREFORE, BE IT RESOLVED, by the Lake Township Board of Trustees, as the legislative authority for the Uniontown Police District Department, does hereby authorize the Uniontown Police District Department, to extend and to receive mutual aid pursuant to the specific provisions of ORC 505.431 and the following provisions:

- 1.) In the event of an emergency, and upon the request of any county, municipal, township, township police district, joint police district, park district, port authority, multijurisdictional drug, gang or career criminal task force, by its highest ranking officer on duty at the time of the emergency, the Uniontown Police Department may furnish police manpower and equipment within the jurisdiction of the county, municipal, township, township police district, joint police district, park district, port authority, multijurisdictional drug, gang or

career criminal task force, if the Uniontown Police Department's highest ranking on-duty officer is of the opinion that the police manpower and equipment is available. The police manpower and equipment being furnished upon any county, municipal, township, township police district, joint police district, park district, port authority, multijurisdictional drug, gang or career criminal task force, may be recalled at the sole discretion of the Uniontown Police Department's highest ranking on-duty officer.

2.) When responding to any assistance request of any county, municipal, township, township police district, joint police district, park district, port authority, multijurisdictional drug, gang or career criminal task force, the Uniontown Police Department is not responsible or liable in damages to the county, municipal, township, township police district, joint police district, park district, port authority, multijurisdictional drug, gang or career criminal task force, or any of its inhabitants or contractual obliges for any of the following: (a) any failure to respond to any request for assistance; (b) lack of speed; (c) any inadequacy of equipment; (d) any operation of equipment; or (e) any other cause whatsoever arising from Uniontown Police Department Services required or rendered under this Resolution.

3.) When, in the event of an emergency, the Uniontown Police Department, by its highest ranking officer on-duty at the time of the emergency, calls for assistance from any county, municipal, township, township police district, joint police district, park district, port authority, multijurisdictional drug, gang or career criminal task force, that Uniontown Police Department officer must state the specific emergency and an estimate of the personnel and equipment needed, along with directions as to the location where the assistance is needed. The Uniontown Police Department officer making the assistance request must, where possible, dispatch a Uniontown Police Department officer to a specific meeting place to escort the responding department to the appropriate destination.

4.) No reimbursement will be made to any county, municipal, township, township police district, joint police district, park district, port authority, multijurisdictional drug, gang or career criminal task force for their officer's pension, any indemnity fund award, any premium contribution or any reimbursement charge assessed against their entity for workers' compensation benefits arising by reason of injury or death of its officers or members occurring while engaged in extending mutual aid to Lake Township or the Uniontown Police Department.

5.) Lake township or the Uniontown Police Department will not seek reimbursement of any county, municipal, township, township police district, joint police district, park district, port authority, multijurisdictional drug, gang or career criminal task force for our officer's pension, any indemnity fund

award, any premium contribution or any reimbursement charge assessed against their entity for workers' compensation benefits arising by reason of injury or death of our officers or members occurring while engaged in extending mutual aid to said entities

Seconded by Ellis Erb. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

Road Department

- None

Zoning Department

- None

Fire Departments/Fire Prevention Office

- None

OLD BUSINESS:

- None

NEW BUSINESS:

13-061 A resolution was made by Galen Stoll scheduling a Public Hearing for February 25, 2013 at 6:30 p.m. at the Lake Township Hall located at 12360 Market Avenue North, Hartville, Ohio to determine whether the dwelling (house), accessory building, and debris at 9474 Cleveland Ave. NW Uniontown, OH 44585 known to HSBC as 9747 Cleveland Ave. NW Greentown, OH 44630 constitutes a nuisance under the Ohio Revised Code S505.86 and 505.87. Seconded by John Arnold. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-062 A resolution was made by Galen Stoll reappointing Ellis Erb and Charles Hall III as representatives to the Tax Incentive Review Council for 2013. Seconded by John Arnold. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-063 Trustee Stoll moved the adoption of the following resolution:

WHEREAS, the Ohio Revised Code provides that a board of township trustees may establish a capital project fund for the purpose of collecting funds for the purchase of equipment or construction of public buildings; and,

WHEREAS, the Board of Trustees have established a fund #14D Capital Project Fund - Twp. Adm. Building for that purpose; and,

WHEREAS, the Board of Trustees would choose to transfer portion of estate taxes and cable franchise fees accumulated during the fiscal year 2011 & 2012 into this Fund,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Lake Township Stark County, Ohio, does hereby approve the transfer of \$500,000.00 from the General Fund to the #14D Capital Project Fund - Township Administration Building, and to authorize the Fiscal Officer to post this transfer for the fiscal year 2013.

Seconded by Ellis Erb. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-064 Trustee Stoll motioned to authorize 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 2013 Permanent Appropriations and Receipts Budgets:

2013 Budgetary Adjustment(s)

| <u>Fund</u> | <u>Amount</u> | <u>Reason</u> |
|---------------------|---------------|--|
| FUND #1 General | \$ (252.00) | Based on Stark County Auditor's Jan. 7, 2013 Property Tax Estimates less than original projections |
| FUND #4 Road Fund | (1,884.00) | Based on Stark County Auditor's Jan. 7, 2013 Property Tax Estimates less than original projections |
| FUND #9 Police Fund | 18,677.00 | Based on Stark County Auditor's Jan. 7, 2013 Property Tax Estimates more than original projections |

| | | |
|--|---------------------|---|
| FUND #10 Fire Levy Fund | 13,698.00 | Based on Stark County Auditor's Jan. 7, 2013 Property Tax Estimates more than original projections |
| FUND #11 Road Dept. Levy | 3,951.00 | Based on Stark County Auditor's Jan. 7, 2013 Property Tax Estimates more than original projections |
| FUND #20 EMS Fund | (1,308.00) | Based on Stark County Auditor's Jan. 7, 2013 Property Tax Estimates less than original projections |
| FUND #14D Cap. Proj. - Twp. Adm. Bldg | 500,000.00 | 2013 Transfer of Funds from General Fund - Revenue from Cable Franchise Fees and Estate Taxes from last 2 years |
| Total budgetary adjustment: | <u>\$532,882.00</u> | |

Seconded by Ellis Erb. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-065 A resolution was made by Galen Stoll accepting 2013 Lake Township Annual Permanent Appropriations for a total amount of \$14,046,683.58. A copy of which as been made a part of these minutes. Seconded by Ellis Erb. Roll call votes were:

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|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-066 A resolution was made by Galen Stoll authorizing the following individuals be removed from the Road Department Auxiliary list

Robert Cassetty
Michael Caldwell
Kenneth Johnson, Jr.
Matthew Leidel
Mark Lynch
William Sheppard

Seconded by John Arnold. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-067 A resolution was made by Galen Stoll to reappoint Darrin Noble to a five-year term on the Lake Township Zoning Commission commencing January 28, 2013. Seconded by Ellis Erb. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-068 A resolution was made by Galen Stoll authorizing the Board to execute the following Road Open Permits:

D-13-04: Dominion East Ohio -- Rolling Hills (install gas main)

Seconded by John Arnold. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-069 Trustee Stoll, moved for the adoption of the following resolution:

WHEREAS, on January 1, 2011, the Board passed Resolution 11-030, and readopted said Resolution at the 2012 and 2013 Reorganization meetings under Resolution Nos. 12-029 and 13-029, providing for an officer or full-time employee of Lake Township to opt out of major medical, hospitalization and related insurance and to be reimbursed those costs pursuant to Ohio Revised Code 505.60(D), and

WHEREAS, the Board's policy provides the opt out provision to include the officer or full-time employee and their immediate dependents, and

WHEREAS, the Ohio Attorney General, by opinion 2012-027, opined that the wording of RC 505.60 (D) only provided the opt out payment reimbursement for a township officer or full-time employee and not their immediate dependents, and

WHEREAS, in response to the opinion of the Ohio Attorney General the Ohio legislature amended RC 505.60 (D), effective March 22, 2013, to permit reimbursement for officers, full-time employees, and their immediate dependents, and

WHEREAS, on December 31, 2012, the Ohio Auditor of State issued a memorandum indicating that the Ohio Auditor will not issue findings for recovery or noncompliance relative to reimbursements for coverage to immediate dependents by townships for audits covering 2012 and through the effective date of RC 505.60 (D), as amended, and

WHEREAS, Ohio Revised Code 505.60 (A), provides that the Lake Township Board of Trustees may procure and pay all or any part of the cost of insurance policies that may provide benefits for hospitalization, surgical care, major medical care, dental care, eye care, medical care, disability, hearing aids, prescription drugs, or sickness and accident insurance or a combination of any of them for township officers, full-time township employees and their immediate dependents, and

WHEREAS, pursuant to ORC 505.60 (B) if the Lake Township Board of Trustees procures any insurance policies as authorized in that statute the policies must provide uniform coverage for township officers and full-time township employees and their immediate dependents. The premium costs must be paid from the funds or budgets from which the officers and employees are compensated. Any township officer or employee may refuse to accept the insurance coverage, and;

WHEREAS, pursuant to ORC 505.602 (B) (2) the Lake Township Board of Trustees may change the choice made under ORC 505.60 (B) at any time at any time that is determined by the Board to be in the best interest of the township; and, if the total cost to the township of the revised plan for any trustee's coverage does not exceed that cost under the plan in effect in the prior policy year, the revision of the plan does not cause an increase in that trustee's compensation; and,

WHEREAS, pursuant to ORC 505.60 (C) if any township officer or employee is denied coverage or elects not to participate in the township's health care plan, the township may reimburse the officer or employee for each out of pocket premium that the officer or employee incurs for insurance policies as described and permitted by ORC 505.60 (A), that the officer or employee otherwise obtains, but the reimbursement shall not exceed an amount equal to the average premium paid by the township for its officers and employees under policies that it procures under ORC 505.60 (B); and

WHEREAS, pursuant to ORC 505.603 in addition to providing benefits to township officers and employees under ORC sections 505.60, 505.601, or 505.602 the Lake Township Board of Trustees after first adopting a policy authorizing an officer or employee to receive a cash payment in lieu of a benefit otherwise offered to township officers or employees under any of those sections, but only if the cash payment does not exceed twenty-five per cent of the cost of premiums or payments that otherwise would be paid by the Lake Township Board of Trustees for benefits for the officer or employee under an offered policy, contract, or plan. No cash payment lieu of a benefit shall be made pursuant to this section unless the officer or employee signs a statement affirming that the officer or employee is covered under another health insurance or health care policy, contract, or plan in the case of a health benefit, or a life insurance policy in the case of a life insurance benefit, and setting forth the name of the employer, if any, that sponsors the coverage, the name of the carrier that provides the coverage, and an identifying number of the applicable policy, contract, or plan; and,

NOW THEREFORE, BE IT RESOLVED, that effective, January 1, 2013, the Lake Township Board of Trustees does hereby reaffirm its policy authorizing an officer, full-time employee and their immediate dependents, to receive a cash payment in lieu of a benefit otherwise offered to township officers or employees under any of the policies that may provide benefits for hospitalization, surgical care, major medical care, dental care, eye care, medical care, disability, hearing aids, prescription drugs, or sickness and accident insurance or a combination of any of them, but only if the cash payment does not exceed twenty-five per cent of the cost of premiums or payments that otherwise would be paid by the Lake Township Board of Trustees for benefits for the officer or employee under an offered policy, contract, or plan; and,

BE IT FURTHER RESOLVED, that no cash payment in lieu of a benefit shall be made pursuant to this section unless the officer or employee first signs a statement affirming that the officer or employee is covered under another health insurance or health care policy, contract, or plan in the case of a health benefit, or a life insurance policy in the case of a life insurance benefit, and setting forth the name of the employer, if any, that sponsors the coverage, the name of the carrier that provides the coverage, and an identifying number of the applicable policy, contract, or plan, and

BE IT FURTHER RESOLVED, that the Lake Township Fiscal Officer is hereby authorized and directed to do all things reasonable and necessary to accomplish the intent of this resolution.

Seconded by John Arnold. Roll call votes were:

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|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

MEETING REPORTS/MISCELLANEOUS

- None

FISCAL OFFICER'S REPORT

13-070 A resolution was made by Galen Stoll authorizing the Board and Fiscal Officer to sign all Purchase Orders and Vouchers. Seconded by Ellis Erb. Roll call votes were:

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|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

PUBLIC SPEAKS

- None

13-071 A resolution was made by Galen Stoll authorizing the Lake Township Board of Trustees to convene an executive session at 6:44 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 Road Superintendent. Seconded by John Arnold. Roll call votes were:

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|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-072 A resolution was made by Galen Stoll to return from executive session at 7:11 p.m. Seconded by John Arnold. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-073 A resolution was made by Galen Stoll authorizing the hiring Christopher McNally to a full-time position as Assistant Road Superintendent, subject to the provision of the Lake Township Employee Handbook, commencing February 16, 2013, at a pay rate of \$24.50 per hour with a review upon completion of 6 month probationary period. The board further resolves that hiring is contingent upon successful completion of a drug test. Seconded by Ellis Erb. Roll call votes were:

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|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

13-074 A resolution was made by Galen Stoll adjourning the meeting at 7:13 p.m. Seconded by John Arnold. Roll call votes were:

| | |
|-------------|-----|
| Galen Stoll | yes |
| John Arnold | yes |
| Ellis Erb | yes |

Ben Sommers, Fiscal Officer

Galen Stoll, President

John Arnold, Vice President

Ellis Erb, Member

