

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
Michael Wilt
Joy Dingman

Galen Stoll called the regular meeting to order.

14-297 A resolution was made by Galen Stoll approving the minutes of August 25, 2014 as submitted. Seconded by John Arnold. Roll call votes were:

Galen Stoll yes
John Arnold yes
Ellis Erb yes

14-298 A resolution was made by Galen Stoll authorizing payment of payroll for September 12, 2014 in the amount of \$89,383.44. Seconded Ellis Erb. Roll call votes were:

Galen Stoll yes
John Arnold yes
Ellis Erb yes

14-299 A resolution was made by Galen Stoll accepting/approving the Financial Report as of September 8, 2014 as submitted by the Lake Township Fiscal Officer. Seconded by John Arnold. Roll call votes were:

Galen Stoll yes
John Arnold yes
Ellis Erb yes

14-300 A resolution was made by Galen Stoll authorizing payment of bills as of September 8, 2014 in the amount of \$32,738.25. Seconded by John Arnold. Roll call votes were

Galen Stoll yes
John Arnold yes
Ellis Erb yes

CORRESPONDENCE

1. Perry Township -- notice of Perry Township Bicentennial/Community Parade and Oktoberfest
2. Ohio Township Association -- legislative alert and information
3. U. S. Army Corp of Engineer -- Section 729 Nimishillen Creek Watershed Final Watershed Assessment and Watershed Management Plan

4. Ohio Public Employees Retirement System -- August 2014 Employer *Notice* Newsletter
 5. Ohio Township Association -- September 2014 *Grassroots Clippings*
 6. First Energy Solutions -- sample opt-out mailers being mailed to newly eligible residents and small commercial customers
 7. Stark Soil & Water Conservation District -- Site Inspection Reports (St. James Place No. 10; Heritage glen No. 3; Shepherds Gate No. 7; Hartville Hardware Home Center; Comfort Suites OH596; The Highlands 2)
 8. Stark Council of Governments -- notice of September 2, 2014 General Membership Meeting and copy of June 3, 2014 Minutes
 9. Tom Roberts -- thanking Trustees for his recognition of participation in the planning and construction of the All Veterans Memorial at Uniontown Park
 10. SA-SO -- information about their products
 11. Anne Wood -- concerns about target shooting in the Township
 12. Notice of Class Action and Proposed Settlement in San Allen Inc. v. Ohio Bureau of Workers' Compensation
 13. Stark County Regional Planning Commission -- copy of correspondence sent to Michael Benya in regards to Altercare of Hartville/addition
 14. Stark County Engineer -- notice of Midway Street being closed for four (4) days commencing September 2, 2014 for a culvert replacement
 15. Stark County Township Association -- notice of September 18, 2014 meeting
 16. Stark County Board of Elections -- notice of final ballot proofing window available for the 2014 General Election
 17. Stark County Regional Planning Commission -- August 5, 2014 Minutes and September 9, 2014 Agenda
 18. Todd Cooper -- inquiring as to where to purchase street signs
- In reference to the following Correspondence No. 11 – It is legal to discharge firearms in Lake Township, but that right comes with responsibilities.

DEPARTMENT REPORTS

Police Department

14-301 A resolution was made by Galen Stoll hiring Brian Duman, Jeff Igleheart, and Christopher Witcher as reserve officers of the Uniontown Police Department subject to the provisions of the Lake Township Board of Trustees and Lake Township Employee Handbook. The Board further acknowledges that all have completed the background process and have successfully passed their psychological, polygraph and drug testing as required. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

14-302 A resolution was made by Galen Stoll hiring Joseph Jason Bukoffsky as a reserve officer of the Uniontown Police Department subject to the provisions of the Lake Township Board of Trustees and Lake Township Employee Handbook. The Board further acknowledges that he has completed the background process and has successfully passed his psychological and polygraph testing. Hiring is contingent upon successful completion of the drug testing as required. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

14-303 A resolution was made by Galen Stoll In accordance with the Lake Township Employee Handbook Article VII - BENEFITS "Note: the Police Chief shall be entitled to all benefits as outlined in the respective Collective Bargaining Agreements which are greater than those allowed in the Employee Handbook" and in accordance with Article 28 - EDUCATION ALLOWANCE of the Uniontown Police Department Collective Bargaining Agreement, the Board of Lake Township Trustees authorizes tuition reimbursement of class dues in the total amount of \$1,705.20 (\$852.60/class) to Harold Britt for the following classes at Kent State University:

1. Criminology -- taught by Dr. Chopko
2. Ethics of Criminal Justice (Honors) -- taught by Dr. Warren and Dr. Garchar

Reimbursement will be made in accordance with Article 28 of the current Uniontown Police Department Collective Bargaining Agreement. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

14-304 A resolution was made by Galen Stoll in accordance with the Lake Township Employee Handbook Article VII - BENEFITS "Note: the Police Chief shall be entitled to all benefits as outlined in the respective Collective Bargaining Agreements which are greater than those allowed in the Employee Handbook" and in accordance with Article 13 - OVERTIME PAY of the Uniontown Police Department Collective Bargaining Agreement, the Board of Lake Township Trustees accepts the August 2014 request of Harold Britt to cash in 105.00 hours of compensatory time. The Board understands that this request is outside of the normal request periods. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

- The Board acknowledged receipt of the August 2014 Uniontown Police Department Statistical Report.

Road Department

- None

Zoning Department

- The Board acknowledged receipt of the August 2014 Zoning Report

Fire Departments/Fire Prevention Office

- None

OLD BUSINESS:

- None

NEW BUSINESS:

- 14-305 Resolution in conformance with the decision of the Stark County Commissioners to designate a uniform, county-wide trick-or-treat observance, declaring door-to-door trick-or-treat activities in Lake Township to be held between 3:00 p.m. and 5:00 p.m. as follows:

On the afternoon of the same day if October 31 is on a Saturday or Sunday. On the afternoon of the preceding Sunday if October 31 falls on a weekday (Monday-Friday)

Halloween and Trick-or-Treat observance will therefore be held on Sunday, October 26, 2014 from 3:00 p.m. to 5:00 p.m. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

- 14-306 A resolution was made by Galen Stoll accepting the following part-time officer pay scale effective immediately:

<u>Class</u>	<u>Hourly Rate</u>
less than 1 yr	\$15.00
after 1 year of qualified service	\$16.00
after 2 years of qualified service	\$17.00
after 3 years of qualified service	\$18.00
after 4 years of qualified service	\$19.00
after 5 years of qualified service	\$20.00

*Qualified service = the officer works at least 24 hours a calendar month, each calendar month from anniversary date to anniversary date. Each officer will be reviewed on his/her anniversary date to see if they qualify to move to the next level. If an officer fails to meet the 24 hours each calendar month, then they will not be moved to the next step. They will only move to the next step (without skipping any steps) when they next meet the 24 hours a month for each calendar month from anniversary date to anniversary date

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

- 14-307 A resolution was made by Galen Stoll authorizing the Board to execute the following Road Open Permits:

D-14-34: Dominion EOG -- 11832 Meadowlane Avenue NW (new service line)
D-14-35: Dominion EOG -- 1786 Mt. Pleasant Street NW (new service line)

Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

- 14-308 A resolution was made by Galen Stoll authorizing the Board to execute the following Road Open Permits:

O-14-09: A.J. Diana Sons -- Highland Park (placement of fiber optic cable)
NOTE: The Board stipulated that the only means to cross business driveways and Ackan is by boring, pursuant to AT&T's requirement of contractors to bore

Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

- 14-309 Trustee Stoll moved the adoption of the following resolution:

The board of township trustees of Lake Township, in said county, hereby makes report and certified that on the 15th day of July, 20 14, it was informed in writing that a junk vehicle, vegetation, garbage, refuse, and other debris on the lands of Edward T. Kiss in said township and were determined to be a junk vehicle and nuisance; said lands being described as follows: Parcel No. 2201353, Section 7 NW, Lake Township and there

upon said board of township trustees caused said junk vehicle, vegetation, garbage, refuse, and other debris be removed by one Trash Daddy Junk Removal 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>1,320.00</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>
TOTALS	\$ <u>1,395.00</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 Edward T. Kiss 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
John Arnold	yes
Ellis Erb	yes

14-310 Trustee Stoll moved the adoption of the following resolution:

WHEREAS, The Board of Lake Township Trustees, having been informed in writing that Queen Annes Lace are growing on the lands in charge of Greentown Athletic Club Inc. in this township, described as follows: Parcel 2003214 Map Routing # 20 030NE 03-2200.

THEREFORE, BE IT RESOLVED that said Greentown Athletic Club Inc. whose address is P.O. Box 159, Greentown, OH 44630 be notified by serving on him/her/them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is not need for doing so under Section 5579.05 of the Ohio Revised Code.

Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

14-311 A resolution was made by Galen Stoll accepting the resignation of Ben Sommers as Fiscal Officer of Lake Township, effective November 30, 2014. A copy of Ben Sommers's letter explaining the reason for his resignation has been attached and made a part of these minutes. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

14-312 A resolution was made by Galen Stoll reappointing Ben Sommers in the same position/capacity as Fiscal Officer of Lake Township, effective December 1, 2014. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

14-313 A resolution was made by Galen Stoll acknowledging the attendance of Steve Lacey at the free "Local, State and Federal Resources to Redevelop Blighted Properties" workshop on October 2, 2014 at the Pro Football Hall of Fame. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

14-314 A resolution was made by Galen Stoll accepting the resignation of Brian Freeh from the Lake Township Zoning Commission effective immediately. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

14-315 A resolution was made by Galen Stoll authorizing the Board to execute the Option & Land Lease Agreement with SBA Tower V., LLC; Memorandum of Lease with SBA Towers V, LLC and the Memorandum of Option and Land Lease with SBA Towers V, LLC for the Midway cellular tower. The Board acknowledges that the documents have been reviewed and approved as to both form and legal sufficiency by legal counsel. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

14-316 A resolution was made by Galen Stoll authorizing the Board to execute the Fidelity National Title Insurance Company "Owner's Affidavit and Agreement" and the "Affidavit of Non-Production" document upon final approval from legal counsel. These documents are part of the paperwork submitted to the Board in reference to the cellular tower proposed for our Midway Street property. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

14-317 A resolution was made by Galen Stoll pursuant to the information that has been obtained in reference to an unnamed undedicated roadway in Section 07 NE, Lake Township, the Board accepts the September 8, 2014 opinion from Charles Hall, III which reads in part as follows:

..... "Ohio case law provides that if there is an intent of the owner of land underneath a road to dedicate it for public use and the public subdivision has accepted the land for the public's use by maintenance and usage the a formal dedication is not required. *Railroad Company v. Roseville* (1907) 76 Ohio St. 108. There is also precedent that even without an intended dedication, common usage, by the general public for a period of 21 years dedicates the road by adverse prescription. *United States Construction Company v. Danbury Township*, (2002) 2002-Ohio-3428.

Based upon the facts as I understand them the Lake Township Board of Trustees has authority and jurisdiction to maintain the unnamed alley. However, the type and level of maintenance is within the sound discretion of the Board of Trustees and its Road Superintendent. Whether or not to pave, chip and seal, or gravel remains within your sole discretion. So long as the alley is reasonably passable and clear of any obstructions the Board and Road Department are immune from other claims."

Pursuant to this, the Board of Lake Township Trustees will continue to maintain said roadway in accordance with said recommendation. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

14-318 Trustee Stoll moved the adoption of the following resolution:

WHEREAS, the Village of Hartville and the Hartville Police Department have requested a mutual aid police protection contract from the Board as the legislative authority for the Uniontown Police District Police Department; and

WHEREAS, the Chief of the Uniontown Police Department also has requested a mutual aid police protection contract with the Hartville Police Department and the Village of Hartville, and

WHEREAS, both the Hartville Police Department and the Uniontown Police Department propose to enter into a contract with the Lake Local School District, Board of Education, to provide additional police protection to that Ohio political subdivision; and

WHEREAS, Ohio Revised Code Section 737.04 specifically provides for mutual aid contracts between one or more political subdivisions; and

WHEREAS, Ohio Revised Code Section 737.041 specifically provides for police protection, without a contract between any township and village upon the approval, by resolution, of the legislative authority over the police department and upon approval by an Officer or employee of the police department providing the police protection who is designated by title of office or position, pursuant to the resolution to give the authorization;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees for Lake Township upon the recommendation of the Chief of the Uniontown Police District and as specifically authorized by R.C. 737.04 does hereby approve a mutual aid police protection contract to be entered into between the Village of Hartville and the Lake Township Board of Trustees as approved and recommended by the Lake Township Additional Legal Counsel; and

BE IT FURTHER RESOLVED, that the Board of Trustees for Lake Township upon the recommendation of the Chief of the Uniontown Police District and as specifically authorized by R.C. 737.04 does hereby approve a mutual aid police protection contract to be entered into between the Village of Hartville, the Lake Local School District Board of Education and the Lake Township Board of Trustees as approved and recommended by the Lake Township Additional Legal Counsel; and

BE IT FURTHER RESOLVED, that the Board of Trustees for Lake Township upon the recommendation of the Chief of the Uniontown Police District and as specifically authorized by R.C. 737.041 does hereby approve the provision of police protection to any adjacent Ohio political subdivision police department upon request of that governmental entity and upon authorization by the Chief of the Uniontown Police Department.

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 a legal requirements, including Section 121.22 of the Ohio Revised Code.

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

MEETING REPORTS/MISCELLANEOUS

- John Arnold attended the SCOG meeting last month, where dispatch systems were discussed. We currently use CenCom.

FISCAL OFFICER'S REPORT

14-319 A resolution was made by Galen Stoll authorizing the Board and Fiscal Officer to sign all Purchase Orders and Vouchers. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

PUBLIC SPEAKS

- None

14-320 A resolution was made by Galen Stoll adjourning the meeting at 7:12 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

