

RECORD OF PROCEEDINGS

Minutes of Austinburg Township

Meeting

Held August 20,

2007

The regular meeting of Austinburg Township held August 20, 2007 was called to order at 7:30pm with the Pledge of Allegiance. Present were Trustees Burke, Frank, Spade. Audience members present are listed on attached sheet.

The minutes of the previous meeting were read by the fiscal officer at the request of Trustee Frank.

Res. 750-07 Jerry moved to approve the minutes as read. Janie seconded. The roll call vote; Frank, aye. Spade, aye. Burke, aye.

Res. 751-07 Janie moved to pay the bills as the lawful obligation to the township. She held check number 021169 out until her report, as she wanted to address this bill. It is a check in the amount of \$750.00 for the indigent burial of Donald Young, payable to Fleming, Billman Funeral Home. Jerry seconded. The roll; Spade, aye. Burke, aye. Frank, aye.

The fiscal officer reported receipts were \$4,820.07 plus \$300.00 from zoning. Bills totaled \$20,329.82.

Barb reported Tom Fleming contacted her concerning Mr. Young's burial and stated he will provide a full burial since there was some concern by a family member about cremation. He will still accept the set indigent burial fee.

Barb stated the township travel policy made no provision for zoning personnel attending OTA conferences. A bill for registration fee had been turned in by a Zoning Commission member. The fee was \$60.00.

Res. 752-07 Janie made a motion to reimburse the registration fee to the Zoning Commission member. Lynn seconded. The roll call vote; Burke, no. Frank, aye. Spade, aye.

In correspondence a letter was received from Catherine Colgan responding to the letter sent by the township, addressing sexually oriented businesses, and the Attorney General's resolution allowing townships to license these businesses.

A request from the APL for donations was received. These are to be used for an animal surgical unit.

Kindèr Morgan is raising the fuel surcharge on net tons of aggregate material by 5 cents.

A letter from ACDES regarding sewer easements and land acquisition was received.

The final levy language for the township Road and Bridge levy was received from the Board of Elections.

Information on the US Dept. of Commerce 2010 Local Update of Census Addresses was received.

Copies are available in the township office files.

Minutes of the Zoning Commission meeting were read.

Res. 753-07 Lynn moved to receive the letter from Catherine Colgan and address this issue at next meeting. Janie seconded. The roll; Spade, aye. Frank, aye. Burke, aye.

Res. 754-07 Jerry moved to table discussion on the address census until next meeting. Janie seconded. The roll; Burke, aye. Spade, aye. Frank, aye.

John Beninato gave a zoning report. He stated Mike Schaab had come in to speak about signs addressing the sewer project. John said they are political in nature and require no sign permit fee. Jerry agreed that these would need no permit. Nick Dearing inquired about a permit that had been applied for by Pilot Oil. They are increasing the number of pump stations from eight to sixteen.

Janie reported the NAD meeting will be Sept.5, 2007 at 6:00pm.

Janie asked about going for bids for our Sept clean up day. This was bid at the same time as the spring clean up. Janie said she will contact Russ Nank from PennOhio

Janie addressed the idea of placing defibrillators in the town hall and garage. She feels these would be worthwhile.

Res. 755-07 Janie moved to purchase two defibrillators, up to \$3,500.00 total, one for the town hall, one for the road garage. Mike Schaab stated if left out in the open, the unit in the town hall could be stolen. He also asked why place one in the garage. The road men are out of the garage 90% of the time. Janie said when she has attended safety meetings, it is advised that a unit be placed there. Mr. Schaab said that is probably being assumed that someone is always in the building. Jerry stated that in the garage, and even in the town hall, no one is present. Mandy Ensman asked about training for the use of these units. Janie said they have instructions on the unit. Lynn inquired about service for the defibrillators. Janie said she will

RECORD OF PROCEEDINGS

Minutes of

Austinburg Twp.

Meeting

Held August 20,

2007

check on that. Lynn said she could go along with one, but is not sure about placing one in the garage. Lynn suggested this issue be brought to the table at the next meeting.

Janie spoke about the indigent burial of Donald Young.

Res. 756-07 Janie moved we pay the \$750.00 for the burial, and the check be sent to Fleming-Billman Funeral Home for the fee. Lynn seconded. Jerry asked why she needed a separate resolution to pay this particular bill. He said the trustees don't do this for any other bills. Janie stated a separate resolution was needed for Tom Fleming. Jerry voted aye. Lynn and Janie also voted aye.

Jerry stated Pete Haas was going to start the town hall steps repair, but the rain stopped the project. He gave a description of the project. The top of the steps will be made bigger to accommodate a handicap ramp in the future.

Jerry said the weather also halted the Mill Creek Rd. project.

Regarding the Zoning minutes read that dealt with the Bed and Breakfast issue, Jerry said nothing has changed. Ted Seifert reviewed the discussion the Commission had, regarding the 1,000 feet requirement between B&B's. He said the Commission felt the 1,000 feet was appropriate for R-1 districts. If the Cox's case is unique, or they were given incorrect advice, the ZBA should now consider this issue. Ted stated safety issues should be left up to the individual and the establishment.

Lynn said a request was received from Denver Franklin concerning the concrete barriers at Woodside. He does not like them and wants the sandstone put back. Lynn checked with the County Engineer, and he told her either the concrete barriers or a guardrail is necessary. Pete will paint and patch the barriers to make them look better.

Lynn got a call from Kim Vincent regarding flooding on Orchard Grove. Pete checked on this. Debris was covering the outlets and Pete suspected this was causing the flooding.

Lynn reported she met with Pete, Mark Jones and Orville Seeley from First Energy, about the tree on Lampson Rd. It is leaning on the guide poles and slipping down the hill. She was told First Energy is not responsible for the tree. It will be brought to the attention of a forestry manager, but removal and clean up is not the responsibility of First Energy, and the property owner should address it.

Lynn read a statement she wrote concerning the sewer issue. A copy is available in the township file for review. It addressed the Sunshine Law prohibiting all trustees from attend non-township meetings. She stated she was not notified of the meeting, but the trustees are striving for the same goals as the affected residents. The statement contained the following resolution;

Res. 757-07 Lynn said the trustees support the efforts of the residents in trying to lower the costs of the sewer project. Janie seconded. The roll; Frank, aye. Spade, aye. Burke, aye.

In audience participation, Lynn asked those residents who were not in attendance for the sewer matter to speak first.

Jim Cox said the comments in the Zoning Commission's meeting minutes do not answer his problem at all. Discussion was held on the 1,000 feet requirement, how it was decided and justified. Connie Coons stated the Commission had researched the footage on the internet and looked at what other townships were doing. They were all different. She said the Zoning Commission did what they thought best for the community. There was discussion about the Board of Trustees asking for a change in the 1,000 feet between B&B's. Ted Seifert stated the three ways a zoning change can be done. Mr. Cox requested the board address the Zoning Commission and recommend a change. Janie said she respects the Zoning Commission and what they have presented.

Res. 758-07 Jerry moved that the Zoning Commission revisit and change the 1,000 feet to between 500 and 725 feet between B&B's. Lynn seconded. Ted Seifert explained how the clock has started on this, and the next steps in the process. The roll call vote' Burke, aye. Frank, aye. Spade, aye.

John Kusar recommended the blades of the boom mower be sharpened. Some locations are in bad shape where it was used. Jerry said he will follow up with Pete on this.

Marcie Hejduk inquired about the Sunshine Law that Lynn referred to in her statement she read. Lynn explained the Sunshine Law.

At this time, Larry Meaney of ACDES gave information on the sewer project. He said he is

RECORD OF PROCEEDINGS

Minutes of Austinburg Township

Meeting

Held August 20,

2007

here to answer questions and present information. Larry gave a history of the sewer plant expansion and the plan for the sewer lines in town. He spoke about the grant and loan that has been applied for.

Mike Schaab asked if Larry had been invited to tonight's meeting. Larry stated he had been asked by a couple trustees to come as a county representative. Mike asked if only the one grant had been looked into before July 31, 2007. Larry said that had been secured in 2006, and spoke about CDBG grants and how to qualify. The cost saved for one resident who is low to moderate income can become a burden to other residents.

Mandy Ensmen inquired about other grants available. Larry stated they are very tight. He addressed income levels for the township.

Nelson Hejduk discussed the commercial establishments at the freeway, and how they benefited from the Austinburg sewer plant.

Dave Long stated the sewer should have been done long ago, but some residents balked at it.

Byron Dutton stated sewers were talked about when Pilot Oil came in. Residents on Rt. 45 were approached.

John Kusar spoke about the money contributed by Austinburg and Saybrook Twps.

Jerry asked if we could tie in at the rail lines. Larry said one dedicated line to the plant for this area is necessary to eliminate surging.

Nelson addressed why CT Consultants were chosen as the design firm. He also asked about the houses owned by Grand River Academy. They do not pay real estate taxes on these properties. Nelson asked if the trustees could inquire about the residents affected by the sewer project could have tax abatements on their property. Janie stated the sewer project is not a township project. Nelson said the trustees should help the residents with possible abatements. John Kusar stated GRA owns 16 parcels. Jerry said he would speak to Bob Harvey on this.

Norrel Dearing stated the people here do not have the money for this project.

Nick Dearing inquired about the formula used to calculate in acreage and frontage on certain parcels. CT Consultants has the formula.

Norrel said the project should have to be bid three times. Larry said an ad will run three weeks.

Ted Seifert inquired about possible future additions to the sewer line.

Gene Mongenel asked about sewer bills. Larry said the bills are based on water consumption. Mr. Mongenel asked about replacing a septic system. Larry said this is not conducive unless the house is more than 200 feet away from the line.

Diane Mongenel asked about Pilot Oil doubling their number of pumps. Larry said he will check on their original permit.

Nelson Hejduk stated the sewer meeting held at the town hall was beneficial for residents and he feels there should not be a charge for the town hall as was asked. Janie said she did not state there had to be a charge, she was just checking with the town hall agent to make sure the renting of the hall was consistent. Nelson stated residents have a right to use their own town hall.

John Kusar asked if there was a policy in place for residents using the hall. He said one should be set up and future meetings like this should be free. Lynn said she does not have a problem with not charging for the hall.

Mike Schaab said a donation has been made for the use of the town hall as was asked for, but two other offers have been made, Jewel's and the Grange have offered their facilities for free. The town hall will no longer be needed. Janie said she had no problem with the meeting.

Res.759-07 Janie moved that for sewer or other meetings of residents held at the town hall, the use of the hall be free. Lynn seconded and said the policy should be reviewed. The roll; Burke, aye. Spade, aye. Frank, aye.

Mandy Ensmen asked if the trustees had arranged to get on the Commissioners' meeting agenda yet, as stated in the minutes of the previous meeting. Lynn said she was still compiling questions.

Larry Meaney discussed grants and confidential income surveys.

Discussion was held on the meeting held Sunday, August 19. Mike Schaab said the County Commissioners were not invited because it was basically a fact finding meeting for the

RECORD OF PROCEEDINGS

Minutes of

Austinburg Twp.

Meeting

Held

August 20,

2007

residents. It was an open meeting in a public building.

John Kusar asked if the project was going to be looked at by any other engineering firms. Larry Meaney stated county people will be doing inspections.

Connie Coons stated she thinks the defibrillators in the garage and town hall are a good idea. The town hall is rented out, so a defibrillator could be needed.

Nick Dearing said he is disappointed in the trustees. He also addressed the asking of payment for the town hall for the residents' meeting.

Ted Seifert asked if the trustees have figured out what the sewer project will cost the township for the park. Jerry estimated the park has approximately 500 feet of frontage.

Res. 760-07 Lynn moved to adjourn the meeting. Janie seconded. The meeting adjourned at 10:25pm.

Barbara Schaub

Jerry Burke